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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, yesterday was the eighty-first anniversary of the passage of the nineteenth amendment establishing women's suffrage. Thank You for the heroines of our heritage as we celebrate progress in the rights of women in our society. We thank You for the impact of women on American history. We praise You for our founding Pilgrim foremothers and the role they served in establishing our Nation, for the strategic role of women in the battle for independence, for the incredible courage of women who helped push back the frontier, for the suffragettes who fought for the right to vote and the place of women in our society, for the dynamic women who have given crucial leadership in each period of our history.

Today, Gracious God, we give You thanks for the women who serve here in the Senate: for the outstanding women Senators, for the women who serve as officers and in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You by their loyalty and excellence.

In Your holy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will be in a period of morning business, as the Chair has mentioned, until 12:30 p.m., with Senator DURBIN and Senator THOMAS in control of 1 hour each.

Following morning business, the Senate will recess for the weekly party conferences. As a reminder, the official Senate picture will be taken at 2:15 p.m. today. I encourage my colleagues to be prompt in an attempt to complete the photo in a timely manner.

When the Senate reconvenes, it is hoped the Senate can begin consideration of the Department of Defense authorization bill. Senators who intend to offer amendments to this important legislation are encouraged to keep their amendments germane in an effort to complete action on the bill prior to the end of the week.

I thank my colleagues.

The PRESIDING OFFICER. The assistant minority leader is recognized.

ITEMS TO ACCOMPLISH BEFORE THE JULY 4 RECESS

Mr. REID. Mr. President, I look forward to this period of time prior to the July 4 recess, as does the entire minority. We are hopeful we can make progress on the appropriations bills, which certainly need to be accomplished. Also, I hope there will be an opportunity to do something about the Patients' Bill of Rights, prescription drugs; that we can complete work on the minimum wage, and the juvenile justice bill.

A number of these matters have been languishing, waiting for the conference committees to act. We have all had our time at home, and we are ready to go. We hope we can move forward, I repeat, with the appropriations bills and these matters I have outlined.

BUILDING A BIPARTISAN COMPROMISE

Mr. CRAIG. Mr. President, I certainly concur with my colleague that I hope we can move forward on these critical issues. We are now working hard at accomplishing some of those efforts. As he mentioned, the conference on the Patients' Bill of Rights is at work. We hope we can build a bipartisan compromise as necessary to produce that kind of program and law and protection for the American consumers of health care.

There is a great deal of work to be done. I hope we can come together in a united and bipartisan way to resolve some of these issues, to move the appropriations bills forward, to make sure we complete our business in a timely manner.

Of course, I understand, as I think my colleague from Nevada understands, that is going to take cooperation from both sides. Tragically, and sadly, we got into a bit of a nonproductive period prior to the Memorial Day recess. I hope the recess has cleared the air and we can come back in a productive way.

MEASURES PLACED ON THE CALENDAR—S. 2645 AND H.R. 3244

Mr. CRAIG. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2645) to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

A bill (H.R. 3244) to combat trafficking of persons, especially into sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against the traffickers, and through protection and assistance to victims of trafficking.

Mr. CRAIG. Mr. President, I object to further proceeding on these bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND and Mr. DURBIN pertaining to the introduction of S.J. Res. 46 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolution.'')

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. is under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that at 12 o'clock I be allowed to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time between 12:15 and 12:30 be reserved for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from Illinois.

THE NEED FOR A MORATORIUM ON EXECUTIONS

Mr. FEINGOLD. Mr. President, the Federal Government has not executed a person in the name of people of the United States of America since 1963. For 37 years, we as a people have not taken that fateful, irreversible step. I rise today because all that is apparently about to change.

Since January, I have come to the Senate floor several times to urge my colleagues to support a moratorium on executions and a review of the administration of capital punishment. Mr. President, the need for that moratorium has now become more urgent.

During the Senate recess just ended, a Federal judge in Texas set a date for the execution of Juan Raul Garza. In only two months, on August 5, he could become the first prisoner that the Federal Government has put to death since 1963.

In the early hours of a Saturday morning, when most Americans will be sleeping, Federal authorities will strap Mr. Garza to a gurney at a new Federal facility in Terre Haute, Indiana. They will put the needle in his vein. And they will deliver an injection that will kill him.

Mr. President, I rise today to invite my colleagues to consider the wisdom of this action.

More and more Americans, including prosecutors, police, and those fighting on the front lines of the battle against crime, are rethinking the fairness, the efficacy, and the freedom from error of the death penalty. Senator LEAHY, a former federal prosecutor, has introduced the Innocence Protection Act, of which I am proud to be a cosponsor. Congressman DELAHUNT and Congressman LAHOOD have introduced the same bill in the House. Congressman DELAHUNT, also a former prosecutor, is concerned that our current system of administering the death penalty is far from just. He has said: ''If you spent 20 years in the criminal justice system, you would be very concerned about what goes on.''

In my own home state of Wisconsin, at least eleven active and former state and Federal prosecutors have said that executions do not deter crime and could result in executing the innocent. Michael McCann, the well-respected District Attorney of Milwaukee County, has said that prosecution is a human enterprise bound to have mistakes.

Mr. President, police—the people on the front lines of the battle against crime—are coming out against the death penalty. They are finding that it is bad for law enforcement. Recently, when police chiefs were asked about the death penalty, they said that it was counterproductive. Capital cases are incredibly resource-intensive. They do not yield a reduction in crime proportional to other, more moderate law-enforcement activities.

A former police chief of Madison, Wisconsin, for example, has said that he fears that the death penalty would make police officers' jobs more dangerous, not less so. He expressed concern that a suspect's incentive to surrender peacefully is diminished when the government has plans to execute.

Ours is a system of justice founded on fairness and due process. The Framers of our democracy had a healthy distrust for the power of the state when arrayed against the individual. Many of the lawyers in the early United States of America had on their shelf a copy of William Blackstone's Commentaries on the Laws of England, where it is written: ''For the law holds, that it is better that ten guilty persons escape, than that one innocent suffer.'' And Benjamin Franklin wrote, ''That it is better 100 guilty Persons should escape than that one innocent Person should suffer. . . .''

Our Constitution and Bill of Rights reflect this concern for the protection of the individual against the might of the state. The fourth amendment protects: ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . .'' The fifth amendment protects against being ''deprived of life, liberty, or property, without due process of law. . . .'' The sixth amendment guarantees that ''the accused shall enjoy the right . . . to have the assistance of counsel for his defense.'' And the eighth amendment prohibits ''cruel and unusual punishments.''

Our system of government is deeply grounded in the defense of the individual against the power of the government. Our Nation has a proud tradition of safeguarding the rights of its citizens.

But more and more, we are finding that when a person's very life is at stake, our system of justice is failing to live up to the standards that the American people demand and expect. More and more, Americans are finding reason to believe that we have a justice system that can, and does, make mistakes.

Americans' sense of justice demands that if new evidence becomes available that could shed light on the guilt or innocence of a defendant, then the defendant should be given the opportunity to present it. Unfortunately, apparently, the people of New York and Illinois are the only ones who understand this. They have enacted laws allowing convicted offenders access to the biological evidence used at trial and modern DNA testing.

If you are on death row in a state other than Illinois or New York, you might be able to show a court evidence of your guilt or innocence based on new DNA tests. But your ability to do so rests on whether you're lucky enough to get a prosecutor to agree to the test or convince a court that it should be done. Or, as we have seen very recently, your ability to show your innocence may rest with the decision of the governor. And that raises the risk of a political decision, not necessarily one that is based solely on fairness or justice.

Mr. President, I am not surprised that both Texas Governor George Bush and Virginia Governor James Gilmore are no longer confident that every prisoner on death row in their states is guilty and has had full access to the courts. Allowing death row inmates the benefit of a modern DNA test is the fair and just thing to do. But scores of other death row inmates, in Texas, in Virginia, and around the country, may also have evidence exonerating them. They may have DNA evidence. Or they may have other exonerating evidence. We must ensure that all inmates with meritorious claims of innocence have their day in court. But, among problems in our criminal justice system, the lack of full access to DNA testing is, unfortunately, just the tip of the iceberg.

Americans' sense of justice demands fair representation and adequate counsel. In the landmark 1963 case of Gideon v. Wainwright, the Supreme Court held that ''in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.'' The Court in Gideon wrote:

From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

And, in cases since then, for example the 1988 case of McCoy v. Court of Appeals, the Supreme Court has ruled that: ''It is . . . settled law that an indigent defendant has the same right to effective representation by an active advocate as a defendant who can afford to retain counsel of his or her choice.''

But, Mr. President, more and more, we are finding counsel that fail the standard of adequacy. Drunk lawyers. Sleeping lawyers. Lawyers who never cross-examined. Lawyers whose first trial is a trial where the client's life is on the line. Lawyers who have been subsequently disbarred.

We would never allow a podiatrist to perform heart surgery. And we would never allow a surgeon to perform surgery while drunk, or to fall asleep during surgery. But courts, over and over again, have upheld convictions where the defendants' lawyers were not qualified to represent them, slept through trial, or were drunk in court.

Take the case of the lawyer Joe Cannon. In 1979, one Mr. Carl Johnson was convicted of murder and sent to death row by a Texas state court. During trial, his lead counsel, Joe Cannon, was often asleep. Cannon's co-counsel, Philip Scardino, was two years out of law school and recalls the whole experience as ''frightening.'' He said, ''All I could do was nudge him sometimes and try to wake him up.'' Johnson's appellate attorney, David Dow, said the trial transcript gives the impression that there was no one in the courtroom defending Johnson. It ''goes on for pages and pages, and there is not a whisper from anyone representing him.'' Mr. Johnson was executed in 1995, the 12th execution under Governor Bush's watch.

Now as ''frightening'' as this sounds, the same attorney continued to work capital cases.

Like the majority of inmates on Texas' death row, Calvin Burdine could not afford an attorney, so the court paid a lawyer to represent him, and that lawyer again was Joe Cannon. Five years after Johnson's trial, and this time without co-counsel, Cannon represented Burdine, and again slept through crucial moments of the trial. The clerk for the trial judge said Cannon ''was asleep for long periods of time during the questioning of witnesses.'' Three jurors noted he did most of his nodding off in the afternoon, following lunch. Burdine's appellate attorneys contend that highly incriminating hearsay testimony was introduced and reached the jury because the attorney was sleeping. In 1995, the Texas Court of Criminal Appeals rejected his claim of ineffective assistance. Burdine's case is now before the U.S. Court of Appeals for the Fifth Circuit.

As Texas State Senator Rodney Ellis said of the Burdine case on ABC's This Week this past Sunday, ''That is a national embarrassment.'' Incredulously, Senator Ellis lamented: ''[T]he Texas Court of Criminal Appeals ruled apparently that you can be Rip Van Winkle and still be a pretty good attorney.''

Two years after his death, lawyer Joe Cannon remains a courthouse legend. In a span of about 10 years, twelve of his indigent clients went to death row.

Americans' sense of justice demands that the poor, as well as the rich, should get their day in court. Even death penalty supporters like Reverend Pat Robertson recognize that this ultimate punishment appears reserved for the poor.

The machinery of death is badly broken. Since the 1970s, 87 people sitting on death row were later proven innocent. That means that for every seven executions, we've found one person innocent. But remember, this is after they were on death row. Eight of the 87 people later proven innocent relied on modern DNA testing to prove their innocence. But access to DNA testing plainly tells only a small part of the story of the mistakes in our criminal justice system. The remaining 79 innocent people gained their release based on other kinds of evidence—evidence like recanted witness testimony.

Sometimes, it is evidence that an ineffective attorney fails to introduce at trial. Take the case of Gregory Wilhoit. In 1987, an Oklahoma court sentenced Wilhoit to die for the murder of his estranged wife. The key evidence for the prosecution was expert testimony that a bite mark on the victim matched Wilhoit's. The defense never called an expert to challenge the prosecution's dental expert. The court of appeals granted a new trial, recognizing that Wilhoit had ineffective legal representation. The appellate court noted that his counsel was ''suffering from alcohol dependence and abuse, and brain damage during his representation.'' Wilhoit describes his former attorney as ''a drunk'' and recalls several occasions when the attorney threw up in the judge's chambers. After spending six years on death row, Wilhoit was exonerated after 11 experts—11 experts—testified that the teeth marks did not match.

Mr. President, I hate to say it, but this is the worst of government gone amok. People understand that the government can make mistakes in other areas. They can only expect as much here. Columnist George Will recently wrote that conservatives, especially, should be concerned. George Will wrote: ''Capital punishment, like the rest of the criminal justice system, is a government program, so skepticism is in order.''

When we do not exercise that skepticism, when we rush to execute with ever growing speed, we contribute to, rather than detract from, a culture of violence. It deprives us of the greatness that is America. We are better than this.

And so, Mr. President, the time has come to pause. That is why today, in the light of the scheduling of the first Federal execution in almost 40 years, and in light of the growing awareness that there are fundamental flaws in our system of justice, I urge my Colleagues to join me in the National Death Penalty Moratorium Act, which I introduced along with Senators LEVIN and WELLSTONE.

This bill is a common sense, modest proposal. It merely calls a temporary halt to executions while a national, blue ribbon commission thoroughly examines the administration of capital punishment. The bill simply calls for a pause and a study. That is not too much to ask, when the lives of innocent people hang in the balance.

When an airplane careens off a runway, the Federal government steps in to review what went wrong. This Nation's system of capital punishment has veered seriously off-course. It is now clear that it is replete with errors.

The time has come to pause and study what is wrong. The time has come to pause and ensure that our system is fair and just.

Our American tradition of fairness and due process demands it. Reverence for our democracy's protection of the individual against the state compels as much. The American people's love of justice deserves no less.

Mr. DURBIN. Mr. President, I commend my colleague from the State of Wisconsin. He is a person of principle. He comes to the floor of the Senate and reminds Members, whether in support of or in opposition to the death penalty, it is fundamental to the American system of justice that we insist on fairness.

In my State of Illinois, some 13 people who were on death row preparing to be executed by the State of Illinois were found by scientific testing to be innocent and were released. Because of that, the Governor of our State, a Republican, George Ryan, made what I consider to be an important and courageous decision. He suspended the death penalty in my home State of Illinois.

The Senator from Wisconsin, Mr. FEINGOLD, reminds Members that the experience in Illinois is not unique. In State after State, we have found people who have been called to justice and have received virtually no representation before the court of law. In the most serious possible cases under our system of justice, these men have been sentenced to death. In many cases,

that sentence was carried out with inadequate defense and representation.

For example, I think the decision by Governor Bush of Texas to at least suspend the execution of an individual for 30 days while DNA testing is underway is a thoughtful decision. I commend him for that. The State of Texas, I believe, leads the Nation in the number of executions, and the State of Texas has no public defender system. So in the State of Texas, if you are a criminal defendant facing a capital crime which could result in execution, it is literally a gamble, a crapshoot as to the person who will represent you to defend your life.

In cases that have been cited by Senator FEINGOLD, some of the most incompetent attorneys in America have been assigned this responsibility. In our State of Illinois, we found these attorneys to be not well versed in law; we found them to be lazy; we found them to be derelict in their duty, and in some cases, a person's life was at stake.

Again, I commend my colleague from the State of Wisconsin for his statement. It is a reminder to all, whether we support the death penalty—as I do—or we oppose it, that we in this country believe in a system that is based on fairness and justice.

I have introduced legislation to give to all Federal prisoners who were subjected to capital punishment the same right for DNA testing that exists in my State of Illinois. There are similar bills introduced by my colleagues. I hope that all, conservative and liberals alike, Democrats and Republicans, will at least adhere to the basic standard of justice when it comes to cases of this seriousness and this magnitude.

Mr. FEINGOLD. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. FEINGOLD. I thank the Senator and take my hat off to him and to our neighbor to the south, the State of Illinois. Without the leadership of Illinois, which had the courage to admit that it had a problem, this entire issue would not be receiving the kind of examination occurring across the country. That is to the Senator's credit, to that of the Governor, and to all the people of your State.

The bill I have introduced is modeled exactly after the pattern followed in Illinois; that is, the calling of a moratorium by a Governor who is, or at least has been, a death penalty supporter, and then the appointing of a very distinguished blue-ribbon commission, including our former wonderful colleague, Paul Simon, and including both pro- and anti-death penalty people.

Under Illinois' leadership, there will be this kind of pause and examination that is open to people of any view on the death penalty, to simply make sure that system is fixed.

As the Senator pointed out, Illinois could not possibly be the only State that has this problem. In fact, I predict it will not turn out to be the one with the worst problem in this area.

The other States need to join it on this, the Federal Government needs to join, and I compliment your State, as I did in my earlier remarks, as being one of the only two States to recognize the right to have guaranteed DNA testing.

LEGISLATIVE AGENDA

Mr. DURBIN. Mr. President, in the time that remains in morning business, which I will share with my colleague from California, we will address several of the issues which still remain before this session of Congress. Many of us are just returning from a Memorial Day break which we spent with our families back in our States, trying to acquaint ourselves with the concerns of people and the concerns about issues we face here in Washington.

One of the concerns in the State of Illinois and in the city of Chicago continues to be gun violence. This is still a phenomenon which is almost uniquely American and which is tragic in its proportion. To think we lose 12 or 13 children every day to gun violence, that is a sad reminder of what happened at Columbine High School in Littleton, CO, a little over a year ago, when some 13 students were killed at that school. It is merely one instance of a situation which repeats itself every single day.

It has been more than a year since that tragedy, but still this Congress refuses to act on sensible gun safety legislation. I remind those who are following this debate, the proposal for this gun safety legislation is hardly radical. If people are going to buy a gun from a gun dealer in America, they are subjected to a background check. We want to know if they are criminals. We want to know if they have a history of violent crime or violent mental illness or if they are too young to buy a gun—basic questions. I understand that, as of last year, over 250,000 would-be purchasers of guns were denied that opportunity as a result of a simple background check.

Did they turn around and buy a gun on the street? It is possible. But we should not make it easy for them. It should not be automatic. In fact, I hope in many instances, having been denied at a gun dealer, they could not find a gun nor should they have been able to. We believe applying the same standard of gun safety legislation to gun shows just makes common sense.

So that is part of the gun safety legislation we passed in the Senate by a vote of 49–49, and a tie-breaking vote was cast by Vice President AL GORE. That bill left the Senate over 8 months ago, went over to the House of Representatives where it was emasculated by the gun lobby, where the National Rifle Association would not accept the basic idea that we should check on the backgrounds of people who buy guns at gun shows.

The National Rifle Association believes those who go into gun shows should be able to buy a gun with no questions asked. That is just fundamentally unfair and ignorant. That position prevailed in the House of Representatives. The matter went to a conference committee where it has languished ever since.

Since Columbine High School, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will, each day, read the names of some, just some, who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session.

In the names of those who died, we will continue this fight, and in the names of their families who still grieve their losses, we will continue to remember these victims of gun violence.

Following are the names of some of the people who were killed by gunfire 1 year ago today, on June 6, 1999, at a time after the Senate passed gun safety legislation:

Earnest Barnes, 38, Atlanta, GA; Quentin A. Brown, 29, Chicago, IL; Dexter J. Caruthers, 46, Gary, IN; George Cook, 19, Minneapolis, MN; Don Ferguson, 80, Oakland, CA; Juan J. Gonzales, 28, Oklahoma City, OK; Mark S. Hansher, 33, Madison, WI; Joseph Jainski, 34, Philadelphia, PA; Maurice Lewis, 29, Philadelphia, PA; Donald Norrod, 67, Akron, OH; Allen Ringgold, 23, Baltimore, MD; Lawanza Robertson, 18, Detroit, MI; Agapito Rodriquez, 32, Dallas, TX; Jonathan Shields, 31, Washington, DC; Clarence Veasley, 44, St. Louis, MO; Kirk Watkins, Detroit, MI.

In addition, since the Senate was not in session this year from May 26 to June 5, I ask unanimous consent the names be printed in the RECORD of some of those who were killed by gunfire last year on the days from May 26 through June 5:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 26, 1999

Demarcus Clark, 22, Atlanta, GA.
Delmar Guyton, 23, Detroit, MI.
Shawn Timothy Hamilton, 35, Washington, DC.
James Johnson, 24, Denver, CO.
William Partlow, 26, Charlotte, NC.
Shayne Worcester, San Francisco, CA.

MAY 27, 1999

Steve T. Fleming, 27, New Orleans, LA.
Bruce Harvard, 19, Pittsburgh, PA.
Kewan McKinnie, 19, Detroit, MI.
Victorria Moore, 41, San Antonio, TX.
Bobby Piggle, 39, Kansas City, MO.
Ramona Richins, 47, Salt Lake City, UT.
Kevin Sellers, 25, Baltimore, MD.
Termell Wollen, 31, Detroit, MI.
Unidentified male, 24, Norfolk, VA.
Unidentified male, 25, Norfolk, VA.

MAY 28, 1999

Raymond Adams, 30, Philadelphia, PA.
Carrillo Ambbrocio, 32, Houston, TX.
Luz Balbona, 59, Miami-Dade County, FL.
Jimmy Cottingham, 30, Washington, DC.
Armando Garcia, 16, San Bernardino, CA.
Ignacio Gonzalez, Sr., 42, Chicago, IL.
Terrell Hatfield, 21, Seattle, WA.
Donnell Holmes, 25, Miami-Dade County, FL.

Jose Reyes, 18, Hempstead, NY.
Angela Yglesias, 18, Detroit, MI.

MAY 29, 1999

David D. Adams, 36, New Orleans, LA.
Michael Cal Andretti, 29, St. Paul, MN.
William Berry, 56, Philadelphia, PA.
Vincent Domingeuez, 42, Louisville, KY.
Alayito Finney, 30, Detroit, MI.
Bruce Goldberg, 39, Philadelphia, PA.
Joseph Jenkins, 22, Charleston, SC.
Dil Kahn, 57, Houston, TX.
Roberto Lauret, 30, Miami-Dade County, FL.
Craig Nelson, 34, Philadelphia, PA.
Gregory Ramseth, 33, Seattle, WA.
James Thurston, III, 19, Miami-Dade County, FL.
Roger Vincent, 44, Mesquite, TX.
Unidentified male, 35, Long Beach, CA.

MAY 30, 1999

Lawrence Albeniaic, 45, New Orleans, LA.
Ryan Bailey, 19, Baltimore, MD.
Maxine Bedell, 82, Rochester, NY.
Melco Botache, 33, Miami-Dade County, FL.
Henry Carter, 48, Detroit, MI.
Savatore Damico, 33, Baltimore, MD.
Lovell Daniely, 27, Philadelphia, PA.
David Davidson, 38, St. Louis, MO.
Frank Evans, 18, Chicago, IL.
Rico Montgomery, 24, Detroit, MI.
Antonio Munoz, 17, Providence, RI.
Phyllis Robinson, 38, Chicago, IL.
Brandy Smith, 18, Houston, TX.

MAY 31, 1999

Elizabeth K. Burlan, 55, New Orleans, LA.
Anthony Clay, 40, Atlanta, GA.
Gregory Clay, 40, Atlanta, GA.
Edward Meno, 26, Oakland, CA.
Daron D. Mitchell, 18, Akron, OH.
Miriam Moses, 78, Miami-Dade County, FL.
Shane Newton, 26, Detroit, MI.
Curtis Smith, 26, Cincinnati, OH.
Anthony Wilson, 40, Philadelphia, PA.
Unidentified male, 18, Newark, NJ.

JUNE 1, 1999

Jouvito Bravo, 19, Houston, TX.
Allen R. Darrington, 17, Kansas City, MO.
Martha Enrichez, 21, Dallas, TX.
Antoine Fowler, 21, Charlotte, NC.
Bruce Green, 36, Baltimore, MD.
Jewel Harvey, 49, Dallas, TX.
Johnny Howard, 26, Atlanta, GA.
Stephen Karawan, 53, Miami-Dade County, FL.
Michael Kitchins, 36, Dallas, TX.
Eric Lewis, 21, Detroit, MI.
Jamont Simmons, 22, Rochester, NY.
Jerona Stewart, 15, Washington, DC.
D'Andre Tizeno, San Francisco, CA.
Irene Zaragoza, 47, Houston, TX.
Unidentified male, 39, Honolulu, HI.
Unidentified male, 26, Nashville, TN.

JUNE 2, 1999

Corey Ball, 28, San Antonio, TX.
Clarence A. Bellinger, 30, Chicago, IL.
Barbara Clark, 35, Chicago, IL.
Carlton Copeland, 23, Atlanta, GA.
Felipe Cruz, 26, Dallas, TX.
William Floyd, 18, Washington, DC.
Raymond Gonzales, 33, San Bernardino, CA.
Fairway Huntington, 41, Memphis, TN.
Craig Kallevig, 41, Minneapolis, MN.
Seven Lomax, 30, Philadelphia, PA.
Brian Meridith, 36, Mesquite, TX.
James Nelson, 23, Baltimore, MD.
Cecilia Pagaduan, 44, Daly City, CA.
Edwin Pagaduan, 44, Daly City, CA.
Mario Anthony Phillips, 26, St. Paul, MN.
Ricky Salizar, 12, Roswell, NM.
Kahlil J. Smith, 19, Memphis, TN.

JUNE 3, 1999

Alberto Acosta, 36, Miami-Dade County, FL.
Scott Hughes, 24, Dallas, TX.
Samuel C. Johnson, 51, Seattle, WA.
Chang Dae Kim, Detroit, MI.
Rodney Nelson, 17, Detroit, MI.
Sammy Tate, 35, Chicago, IL.
Mario Wright, 19, Philadelphia, PA.

JUNE 4, 1999

Recardo Aguilar, 23, Pittsburgh, PA.
Donald Carver, 43, Toledo, OH.
Carlos Casaway, 23, Detroit, MI.
Christopher Earl, 26, Knoxville, TN.
Fitzroy Farguharson, 35, Miami-Dade County, FL.
Al Jenkins, 28, Oakland, CA.
Derek D. Miller, 24, Memphis, TN.
Cesar Quevedo, 24, Pittsubrgh, PA.
Juan D. Rodriguez, 48, Houston, TX.
Earl Roos, 25, Oakland, CA.
Jose J. Santoyo, 20, Chicago, IL.
Abimbola Whitlock, 20, Oakland, CA.

JUNE 5, 1999

Nancy Linda Akers, 45, Washington, DC.
Jeffrey Blash, 24, Miami-Dade County, FL.
Mary Kathleen Brady, 35, Cincinnati, OH.
Franco D. Davis, 22, Chicago, IL.
Patrick Dewar, 35, Philadelphia, PA.
Anthony Fletcher, 45, Macon, GA.
Walter Hill, 38, Detroit, MI.
Alice Hough, 54, Miami-Dade County, FL.
Maurice Jiles, 18, Gary, IN.
Fernando Perez, 29, Houston, TX.
Joseph Swinnie, 18, Washington, DC.
Victor Temores-Martinez, 30, Chicago, IL.
Shaun Tilghman, 24, Boston, MA.

Mr. DURBIN. Mr. President, at the National Rifle Association convention, when it was brought up as an issue that so many young people are killed every single day by gunfire in America, in addition to those who are not so young, the people at the National Rifle Association dismissed it and said these are teenage gang bangers and drug criminals and you just have to expect, in the culture in which they live, they are going to kill one another.

As I read this list of people ranging in age from 80 years to 18, it is clear that the victims of gun violence are not just those who were involved in crime in the inner city. Frankly, it involved Americans across the board; Americans—black, white, and brown—of virtually every age group. To dismiss this, as the National Rifle Association did, as something we should not care about I think is evidence of their insensitivity to this issue of gun violence.

Mrs. BOXER. Will the Senator yield for a couple questions?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator from Illinois for reading these names into the RECORD, for putting a human face on what is a national tragedy. He experienced this at home, and I did as well in California.

People are wondering just exactly what we are doing. Since Columbine, we agreed to five sensible gun amendments, one of them to close the gun show loophole, which would make it very difficult, if not impossible, for criminals and children and people who are mentally unbalanced to buy guns at gun shows; also, for example, to make sure that all handguns are sold with safety locks, so if kids get hold of a gun, there is no discharge of a bullet.

I want to engage my friend in a little colloquy. While we were gone last week, there were two horrific stories, just two that made the national news. God knows there were more.

One of them involved a student who was acting out on the last day of school. He was throwing water balloons. And the teacher said: Listen, you are just going to have to leave school. You don't belong here. We don't have tolerance for this kind of behavior.

The child left school, went home; he told someone he was going to get a gun. The child who was told this didn't believe it. Sure enough, he went to his grandfather's stash of guns and got one. It had no safety lock on it. He returned, and he killed a very wonderful, kind family man, a teacher at the prime of his life, in his thirties.

Then we had the incident in Queens where a disgruntled employee essentially executed people who worked at a Wendy's.

What do we do here? Nothing. We do nothing. I am listening for the majority leader. We already passed these amendments in the Senate, and the amendments are languishing in the committee. I say to my friend, what are the American people to think about this inaction? I would like him to comment on that. Then I have another question about the NRA convention.

If my friend could comment, because he feels so strongly about this, what are the American people thinking about the Senate and Congress, controlled by Republicans, who do nothing about the issue of the killing of our people at a far greater rate than our soldiers died in Vietnam? We have a war in our streets. What do you think they should do about it?

Mr. DURBIN. I can say to the Senator from California, as people across the Nation refuse to vote in elections and lose respect for those who are elected to public office, it is a clear indication, as far as I am concerned, that they do not believe we are responsive. They do not believe we are listening. They do not believe the problems that families face across America are problems we share. They think we are some sort of political elite that really is out of touch with the world.

They understand in the cities and the suburbs across Illinois that gun violence is an issue that affects so many lives. They wonder how people can be elected to the Senate and not try to do something about it.

I know the Senator from California agrees with me that even passing this gun safety legislation will not eliminate gun violence, but we hope it will reduce it.

It is a commonsense approach to reducing the ownership of guns by people who should not own them. I believe—and I am sure the Senator from California does, too—those who use guns legally and safely, such as sportsmen and hunters, should be allowed to do so, but I do not agree with the National

Rifle Association of basically giving guns to everyone, no questions asked, and hope for the best, and wants to see concealed weapons in every place. Governor Bush decided he wanted concealed weapons to be carried in churches and synagogues in the State of Texas. That strikes me as a ridiculous situation.

Mrs. BOXER. Amusement parks as well.

Mr. DURBIN. Amusement parks. Think about the situation and wonder how in the world can we have a safer America if we have this proliferation of guns that is, obviously, supported by Governor Bush, as well as the National Rifle Association. Democrats and Republicans should be listening to families across this country.

To think gun violence has become so commonplace that we have accepted it is a sad testament on this great Nation. If one looks at gun violence statistics and says ''that is life,'' no, it is not. That is life in America. That is not life in any other country in the world. Virtually every civilized country in the world has basic gun safety laws and gun control laws to keep guns out of the hands of those who would misuse them and out of the hands of children. We live in a country where a disgruntled 13- or 14-year-old goes home and finds grandpa's gun, goes back to school, and kills a teacher. That is not commonplace anyplace in the world but for the United States, which I do not think we should accept, and our failure to do anything about it feeds into the cynicism of America's voters and citizenry who think we are elected to solve problems in this country. When we do not respond, it is no wonder they lose faith in the process.

Mrs. BOXER. I say to my friend, what is extremely frustrating is the talk we hear: Gee, it does not make any difference who gets elected. I want to make a point straight from the shoulder, and I am known for that. The fact is, every single Democrat voted for these sensible gun measures, except one, and we had just a few on the other side join us.

There is a difference. I ask my friend if he happened to hear the NRA convention speeches that were made or if he read them, and, if so, what he thought. I was, frankly, stunned at the all-out personal attack on AL GORE that I heard. I have no objection to people having differences. If they want everyone to carry a concealed weapon, that is their choice to make that decision. I do not think we want to see an America that is a shootout at the OK Corral. I do not think that is going to make our country great. But if somebody thinks that we all ought to pack a weapon, that is their right, but to personally attack the Vice President because he supports sensible gun control laws—which, by the way, are supported by 80 percent of the people—to make this a personal, vicious attack on AL GORE—and I read Wayne LaPierre's speech and I read Charlton Heston's speech. They named AL GORE in the most vicious way and attacked him in the most personal way.

I ask my friend if he would like to see this debate elevated above these personalities. It is dangerous to start attacking people in such a way, and I hope we can keep our disagreements over the issues rather than attack a Vice President who is simply reflecting the views of 80 percent of the people.

When we hear the NRA executive say: When George Bush is elected, we are going to operate out of the White House—that sends chills up and down my spine. No group should operate out of the White House, whether it is Sarah and Jim Brady's gun control group or the NRA. For them to say when George Bush is elected they are going to work out of the White House is a frightening thought to me.

I hope the American people will tune in to this and not say all the candidates are alike and not say all of us are alike. They are not going to find us perfect, that is for sure. No one is perfect. Doesn't my friend believe this is an issue where there are serious differences between the two parties?

Mr. DURBIN. I say to the Senator from California that she has answered her own question: Why is the National Rifle Association attacking the Democratic candidate for President? They made it clear. The chairman of their organization, a gentleman from Iowa whose name I do not have handy, made this announcement—in fact, it has been videotaped and replayed—where he said: Listen, the choice for the National Rifle Association in this Presidential race is clear. If George Bush is elected President of the United States, the National Rifle Association will have its man in the White House.

The Senator from California does not exaggerate. That is exactly what he said.

What does it mean to have your person in the White House next to the President? It means gun safety legislation does not have a chance. Not a single thing is going to be passed by Congress that will not be vetoed by George W. Bush.

Secondly, I hope the Senator from California will also reflect on this, and that is, it is likely in the next Presidency two or three Supreme Court Justices will be nominated. The National Rifle Association is going to have its voice in that process if George Bush is elected President. They will decide whether or not the Supreme Court Justice nominee passes their litmus test, which basically says we should sell guns in this country with no questions asked.

That is not a decision for 4 years; it is a decision for decades because if the Supreme Court has a majority of that point of view, that is going to affect the laws that are approved virtually across the board at the State and Federal level.

When the National Rifle Association at their convention starts ranting and raving about their choice for President, it is because they are sick and tired of President Clinton, who has stood up for gun safety as long as he has been in the White House. They are frightened by the prospect of Vice President GORE becoming President and continuing that tradition of supporting sensible gun safety legislation. They want George W. Bush. They want their man in the White House. They want to help pick the Supreme Court. You can bet as an American, I am concerned that will increase the incidence of gun violence in our country.

Mrs. BOXER. I thank my friend for raising the issue of the Supreme Court. I should have raised it myself. He is so right on that point. The Supreme Court up to now has, in fact, said it is OK for Congress to work on gun laws that keep guns out of the hands of criminals and children, and that it is not, in fact, a violation of the second amendment because we say: Sure, if you are responsible and you need to have a gun and you have a reason to have it—for recreation or to defend your family—and you are a responsible gun owner, that is one situation. But if you are a criminal, you are mentally unbalanced, if you walk in and buy a gun, by the way, when you are high on drugs or alcohol, this is not going to be good for this Nation. The Supreme Court up to now has upheld our ability to regulate.

There is no question that with the NRA operating out of the George Bush White House, we are going to see in the Congress not only a lack of future progress on controlling these guns and who has these guns, but we are going to see the Supreme Court tilt and say: Congress, you have no business dealing with this issue.

I ask my friend this: If we have no other role to play, shouldn't it be that we protect the health and the safety of the people of this country? I know we are trying to get a Patients' Bill of Rights. This is another issue for which we are fighting hard because that is our sacred obligation, if nothing else.

We can have the greatest economy in the world, the best economy in the world, people can be working and thriving, but if some child goes home and gets his grandpa's gun and shoots a beautiful teacher in the head, if some disgruntled employee who has a criminal record can get a gun at a gun show, what good does it do if you have the best job and the best future in the world?

My friend has read the names of people shot down in the prime of their lives. We are supposed to live to our seventies, and a lot of these people are shot down in their teens, in their twenties, or in their thirties.

My friend is so right to raise this issue of the Supreme Court. I thank him so much for engaging in this colloquy.

I know this talk is hard talk. By the way, it certainly raises our names to the NRA; and that is not easy for us,

either. But the fact is, I believe in my heart that the NRA gives a lot of money to people in Government but there has to be some of us who stand up. I am proud to say every single Democrat, many of whom absolutely believe, as we do, in the right to gun ownership, have stood strong and said we must keep guns out of the hands of children, the mentally unbalanced, and people with criminal records.

I say this to my friend: This is a fight we are going to wage on this floor. We are not going to let George Bush hide behind the fact that he says nice things. I am amazed that the polls don't reflect that people know what he stands for, making it possible to carry a concealed weapon into a church—we had a horrible massacre in a Texas church—or into hospitals. Why do you need a gun in a hospital—explain that to me—a place of healing, a place of peaceful recuperation?

Why do you need a gun in a church? Why do you need a gun in a hospital? What about an amusement park where there are so many kids around? This makes no sense. He did it because the NRA wanted it done. We have to speak the truth here if we are worth anything.

I thank my friend for speaking the truth, for reading the names of those who died, and for bringing this issue day after day to the floor of the Senate. I will be by his side.

Mr. DURBIN. I thank the Senator from California. She has made a point, too, that I would like to follow up on. We have addressed this issue of the safety of American families, to make sure that we try to do everything that is reasonable to reduce gun violence.

There is also an issue of health not only related to gun violence but in a larger context. We have several measures that are pending on Capitol Hill that have been languishing for months: prescription drug benefits, which we support. We believe that under Medicare the elderly and the disabled should have a prescription drug benefit. To accomplish that, it is certainly going to involve bipartisan cooperation. But we have seen no leadership, none whatsoever, in this Congress.

What are they waiting for? We are now in the month of June. We are talking about resolving a lot of the major issues before our August recess for the conventions. In this short period of time, can we find the political will to address a prescription drug benefit?

Let me add another that has been languishing for months: the Patients' Bill of Rights, which basically says that each one of us, as individuals and members of a family, should be able to walk into a doctor's office and listen carefully to that medical professional, receive their diagnosis and their recommendation, and follow it and not be second-guessed by some insurance company.

I think that is so fundamental and so basic—that a woman who has an obstetrician following her pregnancy, who wants to stay with the person in whom she has confidence, will not lose that right because her company decides to change its health insurance carrier; that someone who wants to be involved in a clinical trial of a new experimental drug for cancer, for example, that might save their life, cannot be denied that opportunity by a health insurance company; that our access to emergency rooms will not be denied because of the decisions of health insurance company clerks.

We had a vote on the floor of the Senate. Overwhelmingly, the American people support what I have said. We lost the vote but not because we did not have support for our position. Three hundred organizations supported the Democratic position on the Patients' Bill of Rights, every major medical group in America. The nurses supported our position. The doctors supported our position. Hospitals supported our position. Yet we lost because one special interest group on the other side prevailed—the insurance companies. They are the ones that are making the profit out of these decisions that take quality care away from families, which exalt the bottom line of profits, and ignore basic health care needs.

This miserable bill that passed out of the Senate is headed over to the House of Representatives. I am happy to report to you that a substantial number of House Republicans said they were not going to scrape and bow to the insurance industry; that they would stand with American families and medical professionals so we have rights, a Patients' Bill of Rights for America.

They passed a good bill, the Dingell-Norwood bill. JOHN DINGELL of Michigan is legendary here on Capitol Hill. Congressman CHARLIE NORWOOD is relatively new but is a Republican who has had the courage to stand up and say: I think it is only right to say no to the insurance companies and yes to American families on a Patients' Bill of Rights.

Let me read to you what Congressman NORWOOD said a few days ago about the situation that has occurred where the Senate passed the insurance industry bill and the House passed one that will help American families; and nothing has happened since. This is what he said on May 25:

> I'm here today to say time's up on the conference committee. We've waited eight months for this committee to approve a compromise bill. Senate Republicans—

This is a Congressman who is a Republican who is saying this about his colleagues in the Senate:

> Senate Republicans have yet to even offer a compromise liability proposal—they have only demanded that the House Conferees abandon their position.

He goes on to say:

> If we don't get a bill, or at least a tentative agreement in writing by the week we come back from Memorial Day, we must move past the conference.

Congressman NORWOOD said:

> Starting today, I am working as if that will be the case. I am willing to pass this measure through any means necessary.

I say congratulations to this Republican Congressman who is standing up to the Republican majority in the Senate, who is standing up to the insurance industry, who is standing with the Democrats and with American families. As on gun safety legislation, this health legislation, important to families across America, has been stalled and blockaded by the Senate Republican leadership. They do not want to even address the issues that families across America care about.

You step back and say: Why in the world do men and women run to be Members of this Senate if they are not willing to at least debate the major issues, if not pass legislation to help families? But time and time and time again, the Senate majority has blockaded, stopped, and stalled every effort to deal with issues of health and safety.

And those are not the only ones. As to an increase in the minimum wage, this is one of the most disgraceful things that has happened to Congress in the last 10 or 12 years. It used to be when it came time for an increase in the minimum wage—under President Reagan, for example, it was done with little fanfare and little debate. It was done on a bipartisan basis. We all believed that the men and women who got up and went to work every day in America for a basic minimum wage deserved an increase periodically to reflect the cost of living.

But the Republican-dominated Congress refuses to allow us to increase this minimum wage. And 350,000 people in my State of Illinois got up this morning and went to work for a minimum wage—$5.15 an hour—with virtually no benefit protection.

I agree with Senator KENNEDY, Senator DASCHLE, and so many others, that we should increase this minimum wage as a matter of basic decency a dollar an hour—50 cents a year for 2 years—so people who are trying to keep their families together, trying to maintain their own standard of living, have a chance to do it with an increased minimum wage. Again, the Republican leadership in Congress refuses to let us bring up this issue of the minimum wage.

Time and time again—gun safety legislation, a prescription drug benefit under Medicare, a Patients' Bill of Rights to protect families when they have the most basic and fundamental concerns about their health, and a minimum wage—these issues have been stalled because the Republican leadership refuses to bring them up for a vote. They know the American people support it but there are special interest groups that oppose each and every one of them.

The National Rifle Association has told them: Put the bar on the door. We don't want any gun safety legislation. The insurance companies have told

them: We don't want a Patients' Bill of Rights. We are making a lot of money under the current system. We don't want the doctors and the nurses to make medical decisions. We want businesspeople to make them based on profits. The pharmaceutical industry has told them they don't want a prescription drug benefit to help the elderly and the disabled pay for drugs they need to survive. When it comes to the minimum wage, some people in the business community have said: We don't want to pay anything more than $5.15 an hour. And we don't care what impact it has on the employees.

That is the state of play that reflects the values and reflects the choice the American people will have in this coming election as to whether they want to see the Republican majority continue in Congress and stop this basic legislation so important to every American family.

Mrs. BOXER. Will my friend yield on that point?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. Again, I thank my friend for connecting the dots. To those Americans who say there is no difference between the parties, there are no issues in this election, that it is a matter of who has the best smile, I say that is not what it is about.

It is about issues that impact millions and millions of Americans; 30,000 Americans die every year of gunshots. My friend pointed out that about 13 a day of those are children—children. The Democrats are saying we need sensible gun laws, and our Republican friends are saying we don't need anything, just hang it up in the conference committee and say a few words here and let's move on. We will not let that issue die, if you will, nor the Patients' Bill of Rights and prescription drugs. Again, it is about millions of people.

What always fascinates me is my friends on the Republican side—oh, they are tough on law and order. And I agree with them. I am as tough as they come. I will support the death penalty for heinous crimes. But when an HMO kills a patient because they won't approve the appropriate test—and I have seen it time and time again in my State, where tests for cancer were denied because they were expensive diagnostic tests, and HMOs wind up essentially killing a patient because they got treatment too late—they let them off the hook: We don't want the right to sue. Let these people just walk away with maybe a slap on their wrists.

Where is the outrage? Where is the outrage when people die because of medical malpractice or an HMO not willing to invest in our people?

Take the issue of minimum wage, where people are actually living in poverty. For goodness' sake, some in our military are on food stamps. Yet our friends on the other side will vote for luxury jets to ferry around the generals. I don't know where the shame is. I don't know where the outrage is. I can only say that this is where it is today. It is reflected in the Presidential race, and it is reflected in the Senate races and in the congressional races.

I only ask the American people to wake up, regardless of what party they are in, because that doesn't matter to me. These are not partisan issues. These are issues of right and wrong. These are issues of fairness.

I really think my friend has connected the dots on several of these issues—the gun issue, the Patients' of Bill of Rights, prescription drugs, minimum wage. What do these have in common? They are all issues that matter to America's families, the way we live, and the kind of life we have. They are crucial issues. No matter what happens in the Senate when the majority leader brings legislation forward—or doesn't—whether we do nothing or we do something, we are going to come home with these issues and talk about them, and we are going to organize around these issues. Otherwise, I don't think we deserve to be here if we are silent in the face of inaction.

I thank my friend again for taking this time and for engaging in this colloquy.

(Mr. ENZI assumed the chair.)

Mr. DURBIN. We have not only addressed the major legislative issues bottled up and stalled in this Republican Congress—gun safety legislation, Patients' Bill of Rights, prescription drug benefits, increasing the minimum wage. We should listen as well to the rhetoric coming from the Republican candidate for President, George W. Bush, who is suggesting a massive tax cut of over $2 trillion over 9 years. He is also now suggesting a change in Social Security that will cost over $800 billion over 9 years—$2.8 trillion that he has suggested we spend over the next 9 years, when we are told by experts in Washington that the surplus we have to deal with is about $800 billion. What the Presidential candidate on the Republican side is suggesting is that he wants to return to the era of deficit spending, where we will, over 9 years, go $2 trillion more in debt.

We can all recall that when President Reagan was elected in 1980, we started on this course of action which led to increasing our national debt to over $6 trillion. We had more debt accumulated during the Reagan-George Herbert Walker Bush years than we had in the entire previous history of the United States. Now to carry on this fine tradition, Gov. George W. Bush is suggesting we go back to deficit spending, $2 trillion more in debt, to give tax breaks to wealthy people, to change Social Security in a risky way.

I think that is another fundamental issue. If we are going to deal with America's economy to keep it moving forward, if we are going to bring about the changes we need to make America a better place to live, we certainly don't need to return to deficit spending. I think that is a critical issue that affects everything we do on Capitol Hill.

Mrs. BOXER. Again, my friend raises a very crucial issue. I have the paperwork here, and my friend is right on target. George W. Bush's tax cut proposal is $1.7 trillion from 2002 to 2010, and going to his privatized plan for Social Security will cost $1 trillion. My friend said $800 billion; it is $1 trillion. The projected on-budget surplus, if the economy continues to do well—and you never can count on that, but we certainly hope so—is $877 billion, which leaves a $2.7 trillion deficit. We are going to go back into the bad days.

So not only are George W. Bush and the Republican Party not wanting to act and make life better by moving forward on the issues about which we talked—the gun issue, prescription drugs, the Patients' Bill of Rights, and the minimum wage. So not only won't they change for the good, they want to go back, and we are going to be facing these horrific deficits, a national debt that will start to soar again, the markets will react with high interest rates, and we will be back into the deepest trouble. We will be bailing ourselves out.

I have to say again that by looking at this entire choice we have in this election, it is very interesting. As I listen to my friend, I realize what we face. We face a situation where either we are going to go forward on certain issues but keep fiscal responsibility, or not move on crucial issues that are really life-and-death issues and go back to the days of horrible economic times.

We all remember when President Bush went to Japan and threw up his hands and said: What are we going to do? We are in deep trouble. Help us.

That was not a high point in American life. Now, with the Clinton-Gore team, we are leading the world, but we will only continue if we don't go back to those bad old days of deficits.

I thank my friend.

The PRESIDING OFFICER. The Senator's time has expired. The next hour is under the control of the Senator from Wyoming.

The Senator from Wyoming is recognized.

THE SENATE'S AGENDA

Mr. THOMAS. Mr. President, we will go to the Senator from Minnesota shortly and then the Senator from Texas and then the Senator from Idaho. In the meantime, while they are coming, let me say I have briefly listened to my friends on the other side of the aisle, interestingly enough, complaining about not getting anywhere. Let me talk a little bit about that.

We have been here on the floor now for some time talking about the kinds of things people want to do in this country; for instance, education—elementary and secondary education. We had to pull that after a whole week of discussion and debate because our friends on the other side of the aisle didn't want to move forward. They wanted to bring up the same things

they have brought up every time we have come into this Chamber, and they have done it over and over and over again.

If you want to talk about getting something done, we ought to talk a little bit about education, a little bit about Social Security, a little bit about the military and doing some things for security that we ought to do for this country. Frankly, I think some of us get weary of the same litany every day and going back and forth on the same thing. We have already talked about gun control; we have gun control pending. We have talked about Patients' Bill of Rights; it is pending. It is out there in conference committee. What we need to do is address ourselves to some of the issues that are here.

You can see that I get just a little bit excited about this. But we have an opportunity to do some things. We have to do some things on this floor, and we need to move forward and stop this business of holding up everything so we can talk about trying to make issues for the election instead of trying to find solutions.

I yield to my friend, the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

I thank my colleague from Wyoming for all his good work in trying to keep us focused on the issues about which we are concerned.

ORDER OF PROCEDURE

Mr. GRAMS. Mr. President, I ask unanimous consent that following the official Senate photo, the Senate begin consideration of S. 2549, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

THE FUTURE OF SOCIAL SECURITY

Mr. GRAMS. Mr. President, I want to take time today to again talk about what I think is one of the most important issues facing Americans this year, and probably in the next few years; that is, what is the future of Social Security? How are we going to make sure we have a safe and sound retirement system not only for those on retirement today and those about to retire, but also for our children and our grandchildren?

I have held around the State of Minnesota more than 50 townhall meetings trying to outline the problems facing Social Security today, and a plan I have introduced called the Personal Security and Wealth in Retirement Act, which would move from a pay-as-you-go system to a fully-funded, market-based personal retirement accounts.

When you look back at the last 65 years of Social Security, it has basically done the job we have asked it to do; that is, to provide retirement benefits for millions of Americans. But if you look ahead to the next 30 years, the system has problems. It is facing some real problems. It is being strained to the limit. In fact, there will not be enough dollars collected in the system to pay the benefits the Government has promised. If the Congress does nothing, Social Security benefits will have to be reduced as much as one-third or more over the next 25 years.

The biggest risk to Social Security is to do nothing. And there are those who are willing to stick their heads in the sand maybe to get by another election and to ignore the problems facing Social Security.

Let me go through some of these things very quickly.

When Franklin Delano Roosevelt introduced Social Security in 1935, he had concerns that it would only be run by the Government. He wanted part of it to be private accounts. In fact, there was many Americans who were allowed to stay outside of Social Security. In fact, there have been a number of state and local governments over the years—as late as 1981—that saw this loophole, opted out of Social Security, and created their own personal retirement accounts. None of them, by the way, has failed; all have been successful. By that I mean they are paying better benefits to their retirees than Social Security is paying to our retirees today.

President Roosevelt also said that there should be a three-legged stool for Americans' retirement: personal savings, pension, and Social Security. Social Security is just one of the legs. It was never meant to be the sole source of retirement benefits. But for millions of Americans today—when they are paying an average tax bill of nearly 40 percent of their wages in taxes, then they try to raise their family; buy food, clothing, shelter; put a little money away for vacations, and for education for their kids, et cetera—they do not have money left to save for their retirement. If you work for an employer that doesn't have a pension or 401(k), your only source of retirement is Social Security. Clearly, Social Security has stretched to its limit.

Right now, 78 million baby boomers are ready to hit the system by the year 2008. The majority of Americans—nearly 90 percent—retire at the age of 62, not at 65. We are going to see baby boomers bumping into the system beginning as early as 2008. Social Security spending will exceed tax revenues by 2015.

We hear about all of these surpluses in Social Security and the trust fund.

But the truth is there is nothing in the trust fund but IOUs. Senator FRITZ HOLLINGS of South Carolina says there is no trust, and there are no funds in the Social Security trust funds. He is right.

By 2015 there will be no more surpluses. In other words, if we are collecting $100 today and only spending $90, the other $10 is put into this trust fund. Of course, the Government borrows the surplus and spends it. By the year 2015, we will be bringing in $90 and paying out $100 or more. Where do we get the extra money? We are going to have to get it from the taxpayers. By 2015, taxes are going to have to be raised to cash in these IOUs in order to pay the benefits at that time.

You hear a lot of Senators and others saying the system is solvent until 2037. That is only if we can raise taxes on workers to pay those benefits. That is the only way it can remain solvent. Congress is going to have to take action. The Social Security trust fund is going to be broke in 2037 unless we have the dollars to cash in those IOUs. The reason is our pay-as-you-go retirement system cannot meet the challenge of the demographic change.

In 1940, there were about 100 working for every retiree. Today, there are a little over 2.5. By the year 2025, there will be fewer than 2. In 1940, with 100 people working, you only had to pay $10 a month to pay for a $1,000 benefit. Today, it is over $400. And we are going to ask our grandchildren to pay $500 or more in order to meet this obligation of retirement benefits.

If you look over the next 75 years, it is going down like a rock. There is $21.6 trillion in unfunded liabilities. In other words, the benefits the Government has promised to pay—$21.6 trillion—are short of revenues we need to pay those benefits.

How are we going to make them up? There are a couple of choices. We can raise taxes and tinker a little bit with the system. But you cannot tinker with $21.6 trillion deficit. They can cut benefits by a third of what retirees can expect to get. Or they can raise the retirement age. But that will not be enough to make up the $21.6 trillion in deficits over the next 75 years if we don't do make hard choice to save the system.

My plan, the Personal Security and Wealth in Retirement Act, has a transitional cost as well. But it is the cost we have to pay anyway. It would cost about $13 trillion for us to make the transition to go from the Social Security system we know today to total personal retirement accounts. In other words, we are moving to a system where you have control over your retirement—not Washington—you decide when to retire, how much you want save and where you want to invest and how you want to control over your account.

In reality, we have signed our name to a long-term contract that says we are going to guarantee retirement benefits for Americans forever. There is a cost because we have dug ourselves into a hole. Somehow we have to dig ourselves out. There is no free lunch. People around here can ignore it, but there is no free lunch. We are going to have to find a way to finance ourselves to reach our goals to have a safe, solid, and solvent Social Security system.

The biggest risk is doing nothing at all.

Social Security has a total unfunded liability of $21 trillion-plus. The trust fund has nothing but IOUs. Vice President Gore said let's pay down the debt and let's put the interest we save into the trust fund. But all he is talking about is adding more IOUs, not building assets in the Social Security trust funds. Instead, today, we have over $800 billion of IOUs, but in 15 years, he wants to have $3.5 trillion worth of IOUs—no real assets, but IOUs.

Again, the only way you can get those IOUs cashed in is to go to the taxpayers and get more taxes from them.

To keep paying Social Security benefits, we are going to probably have to look at least at doubling the FICA tax—the withholding tax—within the near future; not 15.3 percent. By the year of 2025 or 2030, we could see our payroll tax rates increase to 25 percent to 30 percent of wages—nearly doubling the FICA tax in order to maintain the current benefits we promised.

I ask many of our senior citizens at our town meetings to raise their hands if they think they have good retirement benefits from Social Security. If you talk about a $700 check a month, or a $680 check a month, or $1,100 a month, this is not good retirement. This is not the retirement I want. I don't think this is the retirement we want to leave to our children. But in order to maintain even that system, we are going to impose taxes on the next generation. If you have 25 percent in FICA taxes, then you add on the average Federal Government tax of 28 percent or 53 percent, and then add in Minnesota sales tax of 8.5 percent, you are at 62 percent. Then add in sales taxes, property and excise taxes—I mean every tax you can think of—our kids are going to be paying taxes that approach 70 percent of their income. Mr. President, is this the kind of future we want to leave our kids because we stick our head in the sand and do not want to face our problems?

Why is Social Security a bad investment today? If a taxpayer retired in 1960, they probably got back all the money they paid in in 18 months. It was a tremendous return for the early retirees. Today, an average person retiring will get less than 2 percent return on his or her money paid into the system. Our minority population is actually getting a negative rate of return today. They are in fact subsidizing the rest of us. The markets have paid back nearly 11 percent, but when we filter out inflation, it is better than a 7 percent annual return in the market.

What would any person rather have? If an investment counselor said: I can up a plan, but it will not pay very good, less than 2 percent, so anyone 50 or younger, by the time they retire, it will be a negative; or we can put taxpayers in a new plan paying 7, 8, 11, 12 percent, what will you do? There will not be many at the desk signing up for a plan paying zero or giving a negative return on the money.

Mr. President, there is no Social Security account with your name on it. A lot of people don't realize that. After a lifetime of working, taxpayers think there is an account in Washington that has their name on it. There is not. You don't have one dollar set aside for your retirement today. The only thing you can hope, in our pay-as-you-go system, is that when you retire there are people working so we can deduct money from their check to pay your benefit. It is a pay-as-you-go system. The money we bring in the first of June will be paid out in benefits by the end of June. It is a pay-as-you-go system, with no accumulation of wealth, no real assets, no compounding of interest.

By the way, we talk about these IOUs in the trust fund that will make the system solvent. In the President's own budget, he included this paragraph: These balances are available to finance future benefit payments and other trust fund expenditures.

The IOUs are there to pay for the funds or payments to other expenditures, ''but only in a bookkeeping sense.''

In other words, they are not real. Members on the floor will say: We have the IOUs. That is great, ''but only in a bookkeeping sense.'' There is nothing there.

You can place a million-dollar IOU in your checking account and see how many checks your banker allows to be written against the IOU. None, until you put money in the account.

''They are claims on the Treasury, that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.''

Do we want to reduce Social Security benefits or cut education, transportation, or health care? If we don't make some hard choices now we will be faced with tougher decisions later.

We have these IOUs because the government spent all the surplus in the Social Security Trust Funds. The first step to save Social Security is to stop the government spending Americans' retirement dollars for nothing but their retirement, to keep the dollars outside the hands of the big spenders in Washington and to make sure we set aside the surplus funds today. We have not done it in the past. It needs to be done. I have introduced a second lockbox that says if our estimates are wrong—best faith estimates on what we spend and what we bring in—if we are honest and do not want to spend a dime of Social Security, if the estimates are wrong and we overspend, we need to go back and lower everybody's budget across the board. Perhaps take a .003-percent reduction so we don't have to go into the trust fund, and we will not spend a dime of Social Security.

Mr. President, I have six principles for saving Social Security. I began working on this 7 years ago. I introduced this plan 3 years ago. I said then it would be a major issue in this Presidential debate. It is. I am glad governor George W. Bush has announced his plan to allow at least some privatization for improving and saving the system. And Vice President AL GORE has made a statement—he doesn't want to do anything. He wants status quo, he wants to tinker with the system. That means, again, raise your taxes even more.

We need to make sure we protect current and future beneficiaries. Anyone on Social Security, about to retire, or who wants to stay with it, should be able to so do. It is your option; we will guarantee those benefits. Don't be concerned about it. We will hear scare tactics that somehow this plan is not going to work, we are only going to rob the elderly, and we will not have a safe Social Security. That is hogwash. We will always guarantee those benefits.

Allow freedom of choice. If you want to have a personal retirement account, you should have that option as well. The Government should not stand in your way and say, no, we are going to keep you locked up in a system that will pay you little or nothing on your return.

Preserve the safety net. Again, I have heard the scare tactics that there are no safety nets in the PRAs. That is a lie. Under our plan we have the same safety nets as Social Security. We have survivors benefits, disability benefits, built into the program. It is the same thing, but our plan pays dividends and higher returns than Social Security. The bottom line is we have the same safety nets.

Make Americans better off, not worse off. Today, nearly 20 percent of Americans, when they retire, retire into poverty, because Social Security is all they have—or very little else—and it is not enough to keep them off the poverty. Our system says when you retire you will have a minimum of 150 percent of poverty. Right now, the poverty for single individuals is about $8,400 a year. Our plan says you have to have at least $12,800 a year to retire. We make sure you don't retire into poverty. The people most affected are elderly women and widows. The Social Security system today discriminates against women. Again, we will hear stories that PRAs discriminate against women. That is not true. The current system is the culprit. Changing the system will improve retirement for millions of Americans today, including our elderly ladies.

Create a fully funded system. Make sure if you have an option for private retirement accounts, you can do that. Most importantly, no tax increases, no tinkering with the system.

I introduced my plan, the Personal Security and Wealth in Retirement Act, in the last Congress and the 106th. I will keep introducing this plan until we do something on it.

How does the plan work for retirement options? Workers may divert 10

percent of their income into a personal retirement account to be managed by Government-approved but private investment companies, similar to 401(k)'s and IRAs and FDIC accounts. We make sure they are safe and sound.

Somebody making $30,000 a year now pays $3,720 into Social Security. Our plan says $3,000 goes into a personal retirement account. At the end of the year, you don't just have a promise, you actually have a savings book that has $3,000 cash, plus interest. The other 2.4 percent, $720, goes into the SSA, Social Security Administration, to help fund part of the financing plan for those who want to stay on Social Security, to guarantee their benefits.

Right now in personal retirement accounts, someone earning $36,000 a year pays in the maximum to Social Security, and receives $1,280 a month as a maximum benefit. Take just 10 percent of that income, put it into an average market account, you will have a benefit of $6,514 a month. That is a big difference, five times better under the private retirement account than what Social Security would pay. In addition, the safety nets are there for survivor and disability benefits. Don't let anybody say that somehow this isn't as good or better.

Looking at the returns, people are talking about maybe 2 percent of your Social Security. After 40 years at 2 percent, you will have $171,000 in the account, plus reduced benefits from Social Security. So at least with partial reform plan, a citizen is better off and would have a little bit of reduced benefit from Social Security but will have $171,000 in the bank. Under my plan, you would have $855,000 based on a $36,000 income; $855,000 would have been put away for your retirement.

The family with median income of $58,000, putting away 2 percent has $278,000 in the bank, and a reduced Social Security benefit. Again, better than what we have now. But you could have $1.4 million in a savings account in your name, cash, estate money, if you could put aside 10 percent of your salary.

It is being done across the country. I discussed people in Galvaston, TX, with private retirement accounts who got the OK from Social Security to have their own retirement accounts in 1981. Social Security death benefits? My dad died at 61, we got $253. That is what Social Security offers.

Galveston County that has their own private retirement accounts, receive an average $75,000 death benefit.

Disability benefits for Social Security is $1,280; and Galveston, TX, is $2,749.

What about retirement benefits? Social Security, a maximum on this average income is $1,280; Galveston County, nearly $4,800.

By the way, Galveston has a conservative retirement plan, they invest very conservatively and they still pay those much better returns.

One lady, by the way, named Wendy Cohill, her husband died at 44 of a heart attack. She was 42. She received $126,000 in death benefits plus what was in the account plus the survivors benefit that she used to pay to finish a college education. She was able to care for her family in her own home. If she would have had Social Security, she would have been under the poverty level. She said: Thank God, some wise men privatized Social Security here. If I had regular Social Security, I would be broke.

The city of San Diego also has PRAs, a government employee, 35 years old, contributes 6 percent into the PRAs. After 35 years, they would receive a $3,000-per-month retirement benefit.

Under Social Security, he would receive only $1,077 a month in benefits.

I know the Senator from California said on the floor recently that personal retirement accounts are too risky and we cannot damage the foundation of Social Security. But last year, and I want to read this, the Senator from California—this is Senator BARBARA BOXER along with Senator DIANNE FEINSTEIN and Senator TED KENNEDY, sent a letter to the President saying:

''Millions of our constituents will receive higher retirement benefits''—They are talking about the city of San Diego—''higher benefits from their current public pensions than they would under Social Security.''

In other words, they were telling the President to leave San Diego alone because the President's plan for saving Social Security included taking 1 percent, pooling the investments, but he also would take all these with private accounts off the table and put them all into Social Security. She did not like that. She says:

> Mr. President, millions of our constituents who will receive higher retirement benefits from their current public pensions than they would under Social Security, are appealing to their elected Representatives in Washington and we respectfully urge you to honor the original legislative intent underpinning the Social Security system—

That was to exclude these people from Social Security, exclude this provision from your reform and leave San Diego alone, they were saying.

My question is, if the retirement accounts in San Diego are better than Social Security, why can't you and I enjoy a similar system? But if Social Security is better, as Senator BOXER, Senator FEINSTEIN, and Senator KENNEDY will support, then why don't they want the citizens who work for the city of San Diego to have that same benefit? A good question.

I know I do not have much time left. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time until the hour of 12 noon is under the control of the Senator from Wyoming. He yielded you the time you needed.

Mr. GRAMS. I will go through this quickly. I know we have others wanting to speak.

As I said, this is not an experiment. This is being done around the world. Eleven countries now have privatized their retirement; 30 others are considering it. We like to think we are in the forefront of this. But when it comes to retirement benefits, we are behind the curve.

Chile, 18 years ago, privatized their system because their system was much like ours. Franklin Delano Roosevelt and the brains in Washington did not create Social Security. It was modeled and copied from something that Otto Von Bismark put out in 1880. We adopted it almost exactly. So did Chile and just about every other country around the world. Chile, had the same problems or worse than what we are facing today. It went to bankrupt. They had to privatize their plan.

By the way, 95 percent of the Chilean workers have opted into the personal retirement accounts. Their return last year was 11.3 percent. Ours, again, were less than 2 percent.

British workers have chosen to go into PRAs. They have what they call their second tier Social Security, where they can opt from the Social Security System, like we have, into personal retirement accounts. In Britain, so far two-thirds of all British workers have opted into personal retirement accounts. They have enjoyed, over the past 5 years, a better than 10 percent return on their money. By the way, the pool of retirement in their retirement accounts in Britain exceeds $1.4 trillion. That is how much now they have put away in their accounts. That is more than the total GDP of Britain, and it is more than all other private investments in all the other European countries combined. So it shows you the power of private retirement accounts, and the accumulation of wealth.

Many people say: I have worked for 30 years. I can't give up what I have paid into Social Security.

We have a recognition bond. The Government knows exactly how much you have paid in. If you have paid in $20,000, if you paid in $40,000, if you paid in $90,000, we know. We would give you a recognition bond, plus interest upon retirement.

Mr. President, we must take care of today's Social Security recipients. If an individual chooses to remain in the current system, we must guarantee their benefits. There is no increase in age of retirement, no cuts in benefits, no ifs, ands, or buts, and no raising of taxes.

The plan preserves the safety net, as I said, for survivors benefits and disability benefits. Poverty, as I said, recognized that $8,240 a year—you have to have $12,400, so you would not retire into poverty, again, as nearly 20 percent of our Americans do. Funds that manage PRAs are required to buy the life and disability insurance to provide the safety nets I have talked about.

For those who would come up short—and those would be very few—if you could not get $12,400 a year, we would come in and say we will fill your glass

full so when you retire, you would retire with less than that. This is the only entitlement portion of our bill. Again, this is an important safety net of this system.

Rules similar to those that apply to IRAs today would apply to PRAs. Also, a Federal personal retirement investment board would oversee it for safety and soundness to make sure your retirement funds are there, and are safe. Investment companies that manage PRAs would be required to have an insurance plan to pay at least a minimum of 2.5 percent. That would be a floor. Again, that is much better than Social Security, but at least it is a guarantee if something would go wrong you would at least have that as your investment.

In addition, you decide when you want to retire. As I said, right now the Government controls your retirement. They tell you exactly how much they are going to take out of your check, they tell you exactly the day you can retire, and then they tell you what they are going to give you in benefits.

In our plan, you have those controls. You make your retirement decisions. As soon as you can buy an annuity that will keep you 150 percent over poverty, you have met your requirement. You are not going to be a ward of the state. You ensured your future. You can stop. You can do what you want. You can arrange regular withdrawals, for the amounts that are above that requirement. To buy this minimum benefit, you would need about $125,000 in your account. If you are an average worker with earnings of $30,000, you would have $855,000 in your account, so you can use that other $750,000 any way you want.

If you have a family, you could have $1.4 million. What are you going to do with the other $1.2 million. You can do whatever you want with that money; that is yours. You decide how you withdraw it. If you want to go to Europe? Write a check. Buy a new car? You can do it. Give it to your kid. You can do it.

In divorce cases, PRAs are treated as common property. Upon death, PRAs go to heirs without estate taxes; no capital gains, so that at least you have created an estate, and this $1.2 million or $700,000 or whatever you had in your account is your money.

Going back to Social Security, when you die, you get a $253 death benefit. Under this, you get a death benefit in our plan, a minimum, plus you would get what is left in your estate, whatever it might be. You can pass it on to your heirs, your spouse, your kids, your church—wealth that you cannot pass on today because the Government takes all those benefits.

Again, the bottom line is, no new taxes for this system. We do have a responsibility to bail ourselves out, but we are not taxing the system. Retirement income is going to be there whether you stay with Social Security, or if you choose to build a personal retirement account. You can decide the options, you decide how you want to invest it, and you decide when you want to retire. Let's make sure we give you choices.

Just in concluding, despite our colleagues, our Democratic colleagues bashing Governor Bush's reform plan, its popularity is increasing among workers.

I heard one say: I don't come out here and bash it. I want to study everything and I want to look over all of these plans.

He hasn't even seen the Governor's plan. He doesn't really know what Vice President AL GORE has got. But yet he favors AL GORE over Governor Bush.

Recent polls show most Americans support the idea of personal retirement accounts. In fact, if you are under 40 years old, more young people believe in UFOs than that they are going to get Social Security; 90-some percent of young people under 30 would opt into personal retirement accounts.

I believe a national consensus can be reached on ways to save and strengthen Social Security. There will always be a retirement system in this country. What kind of system are we going to leave for our children and grandchildren? For many of us, if we are 50 years old, 55 years old, or older, we might have been condemned to the current system without time left in our working lives to change or take the option in the personal retirement accounts. We can tell our children and grandchildren we want to leave a 70-percent tax system for them, we want to leave them a plan that might guarantee they will get less benefits, pay more into it, and will have to wait longer to retire, or we can leave them an option for them to invest in their own retirement and have personal retirement accounts.

The numbers show Americans overwhelmingly say: I am smart enough to handle my future.

There are many in Washington who believe you are not smart enough; you may be smart enough to earn your money, but you are not smart enough to put it aside for your retirement and only Washington can step in and help you out. That's wrong. Our plan empower working Americans and offers better options and gives you control over your retirement.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there any procedural motion I need to make to move forward?

The PRESIDING OFFICER. The time is under the control of the Senator from Wyoming until the hour of 12 noon.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, 56 years ago today, 176,000 allied soldiers landed on the beaches of Normandy in what was the largest invasion in history. The operation was officially known as Operation Overlord, but I have never heard anyone refer to it by that name. It is now known as D-Day.

While there have been hundreds of other D-days in other historic locations such as Okinawa, Iwo Jima, and Inchon, the forces that landed on Normandy Beach 56 years ago today truly changed the course of history. When we hear the term ''D-Day,'' we reflect on that awful and incredible day on Normandy Beach with reverence for what was accomplished and for all that was lost, and with respect the people who were there—those who did not survive and those who did.

Thousands of young Americans died that day establishing that small beachhead on the continent of Europe. Within a year, the Allied forces went on to crush the Nazi war regime and brought forth on the European Continent an unprecedented period of peace.

Today, we look back on that time and we remember and respect what was done.

When the cold war ended, the Wall came down and the Warsaw Pact disbanded. The United States began to draw down forces from Europe for the first time since we had gone in on D-Day and established a presence, and set up the plan to help our vanquished enemy.

Military strategists began to talk of new missions for NATO. They spoke of the need for NATO to go ''out of area or out of business,'' implying that unless NATO could find a new reason to exist after the end of the Cold War, there may be no reason for it to exist at all.

That new mission began to come into focus in the Balkans five years ago when the United States committed peacekeeping forces to Bosnia to enforce the provisions of the Dayton Peace Accords.

What was conceived by the administration as a one-year mission to accomplish specific military objectives is now in its fifth year—with greatly expanded civilian nation-building objectives and no end in sight to the deployment.

Today we are on the eve of another anniversary in the search for new NATO missions. One year ago, on June 10, NATO halted the bombing in Serbia and Kosovo. As in Bosnia, we again have deployed thousands of American forces to yet another Balkan quagmire with unclear objectives—and there is no end in sight to the Kosovo mission, either. This time the ethnic groups we seek to reconcile have not tired of the killing, apparently, and it continues as our soldiers stand by helpless to deter murder.

The General Accounting Office estimates that the cost of our Balkan peacekeeping missions in Bosnia and Kosovo now tops $23 billion. We have become mired in the problem, unable to stand back and assess where we are. Nor are we able to look at the situation and say we must have a strategy.

We know what this has cost our country: For the past five years, recruiting and retention problems in the U.S. military services have been exacerbated by endless peacekeeping missions. Our armed services today are not up to their congressionally mandated troop strength; they are at least 6,000 short.

As the world's only superpower, we have a responsibility to lead. America led when the parties first came together in Dayton, but the Dayton Peace Accords simply stopped the fighting. We did not create conditions that could actually solve the problem without the presence of thousands of outside forces. We ended the hostilities—and we should be respectful of that achievement—but we did not create effective economic and political structures.

That must be our goal for a lasting peace. As one American military peacekeeper said to me on a recent visit, ''Everyone's job in Bosnia is to work on the problems we face, but no one seems to have the responsibility for actually solving those problems.''

We need to search for ways to solve these problems. Today I am introducing legislation to authorize funds to reconvene the parties to the Dayton Peace Accords that ended the Bosnia conflict, those who were involved in the Rambouillet talks that failed to avert the conflict in Kosovo and other regional entities. We must review our progress to date. If we cannot do that, how can we call ourselves leaders?

We must look for a long-term settlement based on greater self-determination for the governed and less by outside powers. That may involve tailoring current borders to fit the facts on the ground. It will create conditions of genuine stability, reconstruction and prosperity. It will allow us, in a responsible way, to set some timetables, some measurements for success, and, hopefully, to begin turning over these peacekeeping responsibilities to our European allies within a reasonable time frame.

We must have self-determination that works. The current policy wagers America's reputation, prestige and will on a mirage of multicultural democracy in the Balkans. We are trying to create governments that ignore history, nationality and ethnicity. Elections have been held in which refugees were bused into disputed regions to vote for elected officials who cannot serve because they are unable to return to their prewar homes.

American officers spend their days deciding which vehicles can travel down which roads, and escorting Serb families in hostile Albanian territory to the dentist and back or to the library and back.

This effort is diverting the United States from its global responsibilities. We occupy a unique place in the world today, standing astride history's path as the most powerful nation that ever may have existed. Our supercharged economic engine certainly reflects the best that mankind has to offer. However, a superpower's core responsibility is not to right every wrong, but to preserve its strength for those challenges that only a superpower can address.

The United States must know when to encourage capable allies and proxies to address contingencies that fall short of that standard. Instead, time and again, our military readiness to address potential threats—such as North Korea, mainland China, Iraq—has been diverted to contingency provisions on the periphery of our nation's security concerns.

America's peacekeeping burden in the 1990s has resulted in two of our Army divisions reporting themselves unfit for combat.

We can achieve more in the Balkans than a peace enforced at bayonet tip. We ought to tie our continued financial support to a comprehensive regional settlement, to substantial military withdrawal from the region and to a firm policy of encouraging the Europeans to do more—with our support, which will always be there.

Any NATO member can patrol the Balkans, but only the United States can defend NATO. That is the role of a superpower, and that is the role of a strong and reliable ally.

As we take up the armed services budget this week, I hope we can take on the role that is the responsibility of the Senate and try to put some long-term potential peace into play. I am not saying I know what the outcome of any kind of conference should be. But I do know it is our responsibility to call such a conference and begin to assess where we are; to look with vision to the future and set the standard that must be set for the lasting peace that we want and hope for and will work for and support in the Balkans.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, the unanimous consent agreement that we are operating under takes us through 12 noon, does it not?

The PRESIDING OFFICER. It takes us through 12:30.

Mr. CRAIG. Through 12:30?

The PRESIDING OFFICER. There is a unanimous consent agreement that Senator GREGG be given the time from 12 to 12:15, and Senator REID the time from 12:15 to 12:30.

Mr. CRAIG. I yield the floor to my colleague, the chairman of the Armed Services Committee, Senator WARNER, for a statement before I resume my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague.

(The remarks of Mr. WARNER and Mr. CRAIG pertaining to the introduction of S. 2669 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed for 15 minutes.

Mr. GREGG. Reserving the right to object, what was the Senator's request?

Mr. CRAIG. I asked to proceed for 15 minutes. I had yielded some time to the chairman of the Armed Services Committee.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I thank the Senator from Idaho for his courtesy. I ask unanimous consent that he be allowed to proceed after I have completed my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIERRA LEONE

Mr. GREGG. Mr. President, I want to speak about the issue of what is happening in Africa, specifically in Sierra Leone. Recently, I have become involved in this issue because, as chairman of the Commerce, Justice, State, and the Judiciary Subcommittee, we have jurisdiction over the funds that flow to the U.N. for peacekeeping activity. In order to adequately do the job as chairman of that subcommittee, our job involves oversight of those funds, to make sure they are being used effectively. After all, they are American tax dollars; Congress has control of the purse strings; and we have a major role in how those dollars are spent.

I recognize fully, as all Members of Congress do, that the key individual who sets foreign policy is our President. Even though we may disagree with our President, he does have that priority position. But there are, obviously, issues on which the Congress has a role in foreign policy—very significant issues. One of them happens to be the funding of peacekeeping activities and the role the United States should play in that. So I have had very serious concerns about our policies in Sierra Leone specifically—on a number of peacekeeping activities, but specifically our policies in Sierra Leone. This is because of a number of issues that have been raised there.

Last year, the United States, regrettably, played a key role in imposing the Lome Accord on a brutalized Sierra Leone. The accord granted a total amnesty to the Revolutionary United Front, RUF, which is basically a gang of thugs that murders, rapes, and mutilates people. Just about everybody in their path has come under their severe act of violence. In fact, they actually

empower their soldiers—and they are not really soldiers; many are very young boys—to cut off the arms of women and children in order to make a point. This is a very common practice with this alleged military group called RUF, this gang of thugs. They have been terrorizing the country of Sierra Leone. There is no question about that. Their leader, Foday Sankoh, and his lieutenants, as part of the Lome agreement, as part of the understanding of the Lome agreement—and this is why it was such a horrendous agreement—were given top spots in the ''transition'' government and guaranteed RUF control over the Sierra Leone diamond mines, which is basically the core of the element of how they generate their revenues.

It is inexcusable that we were party to the Lome agreement and that we therefore empowered these war criminals to take office and to have control over basically the only significant economic resource of the country of Sierra Leone. So I was more than upset about this. I believed it was essentially a surrender in the face of criminal violence. As a result, I did put a hold —not technically a hold, but I actually refused to approve a transfer of peacekeeping funds for the Sierra Leone initiative. I began exploring alternatives to this, what I believed was an extraordinarily unjust accord. In response to my concerns, U.S. Ambassador to the U.N. Holbrooke and his staff took on the difficult task of crafting a better approach to this issue.

Since my ''hold'' became news, I have been sharply criticized by some, including some in the U.N. and the State Department, and even—not even, but not surprisingly, really—the Washington Post, which recently accused me of ''playing at foreign policy,'' implying that serious students of world affairs would not question U.S. support for the Lome Accord. I simply point out that I think a lot of serious students of foreign policy question the decision to support that accord.

Meanwhile, in Sierra Leone itself, the RUF, as a result of Lome in large part, continued to terrorize civilians and even challenge the U.N. peacekeepers. By last month, the RUF was marching on Freetown in complete violation of the Lome Accord. In fact, of course, they have humiliated the U.N. mission in Sierra Leone, which was supposed to disarm them. It actually ended up being disarmed by them, and much of the military equipment that is being used there by the RUF is U.N. equipment taken from U.N. advisers. Thus, the mission of the U.N., as a result of being an outgrowth of the Lome Accords, which were so disgraceful, is in disarray. Today, all that stands between the RUF and total control of Sierra Leone is the British and Nigerian troops who have come in to try to stabilize the situation.

And what of the U.S. policy? Following our most recent meeting 2 weeks ago, Ambassador Holbrooke has sent me a letter laying out a new strategy for a more just and lasting approach to peace in Sierra Leone that gives me some reason for hope. I would like to read from what his letter says because I think it is an important adjustment in American policy in Sierra Leone. I congratulate him for it.

First, he notes in his opening paragraph that he has taken this issue and walked it through the administration and that he has support for his letter from Secretary Albright, National Security Adviser Berger, and the head of the OMB, Jack Lew. Reading paragraphs from his letter:

You asked for a letter encapsulating our discussion on Sierra Leone and Congo. After close consultation with Secretary Albright, let me review where we stand on each issue:

First, Sierra Leone. Let me posit five principles that we will use to govern our policy. First, the United States does not believe that Foday Sankoh should play any role whatsoever in the future political process in Sierra Leone, and we will continue to press this point. He must be held accountable for his actions.

This is a significant change in policy, in my opinion, and it is a positive one.

Second, we strongly support the British military presence in Sierra Leone, which has played a key role in restoring a measure of stability to Freetown. We are discussing with the British their continuing role, and on May 23 London announced an important training program for Sierra Leone army, something that they will undertake at their own expense outside the U.N. system.

This, again, is positive news that the British will be a stabilizing force there, which will be armed and know how to defend itself.

Third, the objective should be to ensure that regional and international forces in Sierra Leone, together with the armed forces of the government of Sierra Leone, have the capacity to disrupt RUF control of Sierra Leone's diamond producing areas, the main source of RUF income. Completely eliminating them as a military force is not likely to be possible as an acceptable cost, but sharply reducing their sources of financial support and restricting their capability to threaten the people or government of Sierra Leone is within reach of sufficient numbers of properly trained, equipped, and well-led troops and is vitally important.

That is to paraphrase a much more robust mission directive and portfolio and is exactly what needs to be done.

The most likely nations to carry the burden would be Nigeria and Ghana, with the backing of other ECOWAS states. Other nations who are already rushing troops to Sierra Leone include India, Jordan and Bangladesh. Most potential troop contributors from the region are likely to require better equipment and training if they are to contribute meaningfully. Pentagon and EUCOM assessment teams are studying the issue urgently. If our objectives are to be accomplished, the U.S. will need to be ready, with congressional support and funding, to provide our share of international effort to provide equipment and training to those who are willing to do the military job—including the government of Sierra Leone and other countries in the region. Any direct training of contributing country troops by U.S. military personnel would be done outside Sierra Leone and no U.S. combat troops would be deployed to Sierra Leone. We will have to work out the relationships between such an operation and the UN, recognizing that for many countries a UN role is preferable—but we must ensure that the mandate is robust. Fourth, since there is virtually no real government structure left in Sierra Leone, if the security situation can be stabilized a longer term international effort will be needed to help build viable institutions in Sierra Leone. It will take time, but in the long run, the rest of the effort will be unsuccessful if it is not accompanied by this component. However, this cannot start until the situation is stabilized, and there is no present funding request for this function. Fifth (this is a point I failed to mention in our meeting) we must develop a corresponding political strategy for dealing appropriately with Liberia's President, Charles Taylor, and with the illicit diamond trade that fuels conflict and criminality in the region.

That is a reading of two of the major paragraphs in this letter.

Mr. President, I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS,

May 30, 2000.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Allow me to thank you again for your courtesy and for our exchange of views on peacekeeping issues. I know the Secretary also appreciates your discussion with her on May 20, and I would like to follow up on both conversations. I have shared our discussions with Secretary Albright, Sandy Berger, and Jack Lew, all of whom expressed their appreciation of your decision to release the funds for Kosovo and for your readiness to meet with the Australian Ambassador to resolve the East Timor peacekeeping ''hold.''

You asked for a letter encapsulating our discussion on Sierra Leone and Congo. After close consultation with Secretary Albright, let me review where we stand on each issue:

First, Sierra Leone. Let me posit five principles that we will use to govern our policy. First, the United States does not believe that Foday Sankoh should play any role whatsoever in the future political process in Sierra Leone, and we will continue to press this point. He must be held accountable for his actions. Second, we strongly support the British military presence in Sierra Leone, which has played a key role in restoring a measure of stability to Freetown. We are discussing with the British their continuing role, and on May 23 London announced an important training program for the Sierra Leone army, something that they will undertake at their own expense outside the UN system. Third, the objective should be to ensure that regional and international forces in Sierra Leone, together with the armed forces of the Government of Sierra Leone, have the capacity to disrupt RUF control of Sierra Leone's diamond producing areas, the main source of RUF income. Completely eliminating them as a military force is not likely to be possible at an acceptable cost, but sharply reducing their sources of financial support and restricting their capability to threaten the people or Government of Sierra Leone is within reach of sufficient numbers of properly trained, equipped, and wellled troops and is vitally important.

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On the Congo, the problems are still daunting, but there has been some real movement since I first discussed this issue with you in late February:

(A) On May 4, in my presence, the Kabila Government signed the Status of Forces Agreement with the UN—an essential precondition for any UN deployment;

(B) Kabila has said he would accept South African troops;

(C) The Lusaka parties signed a new ceasefire agreement effective April 14, calming the situation on the ground considerably;

(D) The UN Security Council Mission negotiated on May 8 a cease-fire between the Ugandans and Rwandans who were fighting in Kisangani (Congo's third largest, and perhaps most strategic, city); Regional leaders subsequently secured agreement between Rwanda and Uganda on a detailed disengagement plan;

(E) The Presidents of Rwanda and Uganda asked for immediate UN assistance in support of demilitarizing Kisangani;

(F) All the parties to the war in the Congo have asked for the UN observer mission as soon as possible to implement the Lusaka Ceasefire Agreement;

(G) The South Africans sent a high-level military mission in New York to discuss their role in Congo, and the Pakistanis (among others) are about to send troops. The South Africans met with a joint State Pentagon-NSC team to discuss close coordination.

Of course, not all the news from Congo is positive. While progressing, the political dialogue called for by Lusaka is off to a slow start; the UN and the OAU military observer missions have not meshed sufficiently; some of the rebels still violate the cease-fire on occasion; and there are many other lesser problems. Still there is a real desire for some resolution to these issues by most parties. What is required next is a step-by-step test of their commitments to implement their own ''African agreement for an African problem.'' This is one of our highest priorities.

As we both said to you, neither the Secretary nor I are certain that Lusaka will succeed. But we *are certain* that Lusaka *will* fail if the UN does not take the next series of steps to support it, as called for by all parties. The recent progress supports this view, I believe.

For the United States, this will require the unblocking of $41 million of *reprogrammed* peacekeeping funds for the current fiscal year for Congo. We believe that this request does not put our national prestige on the line; it is a UN operation (with no U.S. troops in the UN operation). However, if we do not pay our share, we are concerned that the UN will be unable to bring in adequate and properly equipped troops, and the resulting failure of the mission will be attributed, however unfairly, to the United States.

Our arrears on the current operation in Sierra Leone limit our ability to promote effectively the critical policy objectives outlined in this letter. More broadly, failure to pay our share of these missions risks seriously undermining our all-out effort to carry the Helms-Biden reform package, on which we are making real progress. You will note several recent news articles regarding our forward movement on a wide range of issues, including the admission of Israel to a UN regional grouping (after 40 years!), the new GAO report that shows UN progress, and the first debate in 27 years on revising the UN peacekeeping scale. All this forward movement will greatly benefit from your support and I thank you for your thoughtful involvement in this process.

I hope this letter is responsive to your request. If I can be of any further assistance, please do not hesitate to contact me or my colleagues in the State Department.

Sincerely,

RICHARD C. HOLBROOKE.

Mr. GREGG. Mr. President, this letter obviously, in my opinion, is a very positive step in the redirection of American policy in Sierra Leone. I congratulate Ambassador Holbrooke for organizing the letter.

Whereas the Article V and IX of the Lome Accord granted Foday Sankoh the Vice Presidency of Sierra Leone and an ''absolute and free pardon,'' Ambassador Holbrooke's plan makes it clear that Foday Sankoh can play no role in the politics or government of Sierra Leone and that ''he must be held accountable for his actions.'' This when as late as a month ago State Department officials were still being quoted as saying that Sankoh's ''voice was positive'' and that he ''has a chance to play a positive role.'' Now, we will recognize him for what he is, a war criminal, and treat him as such.

Whereas Annex 1 and Articles V and VII of the Lome Accord left Foday Sankoh and the RUF in control of Sierra Leone's diamonds, Ambassador Holbrooke's plan rightly strips Sankoh of his chairmanship of the diamond control board and insists that ''allied'' forces ''have the capacity to disrupt RUF control of Sierra Leone's diamond producing areas, the main source of RUF income.'' Under Lome, peacekeepers did no more than oversee the looting of Sierra Leone. Now, international troops will fight alongside local forces to expel the RUF from the diamond fields.

Whereas the Lome Accord was silent on root causes of violence in Sierra Leone and the region, Ambassador Holbrooke's plan seeks a ''political strategy for dealing appropriately with Liberia's President, Charles Taylor, and with the illicit diamond trade that fuels conflict and criminality in the region.'' The RUF is in large part Taylor's proxy. Under Lome, Taylor's success in seizing the riches of Sierra Leone could invite a similar attack on Guinea.

Lome is dead. The U.S. will not turn a blind eye to the rape of a people and a land. We will demand that brutal thugs are held accountable for their atrocities, and regional trouble-makers.

Why the change? I do not flatter myself that my ''hold'' did all of this, but it did give those of us who opposed the Lome Accord a chance to right a terrible wrong. And to his credit, Ambassador Holbrooke has crafted a forceful plan, and vetted it through the interagency process in record time. It is a plan that I believe Americans can and should support, and can be proud of.

Therefore, I am releasing my hold on the $50,000,000 owed the U.N. for peacekeeping in Sierra Leone. I will also press ahead to ensure that my provision blocking the illicit sale of diamonds from Sierra Leone and other war-torn countries is included in the final version of the fiscal year 2001 military construction appropriations bill. Finally, I look forward to working with Ambassador Holbrooke and his staff to ensure that the strategy laid out in his letter is supported by Congress.

I thank the Chair. I thank the Senator from Idaho for his courtesy.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, thank you very much.

THE SECOND AMENDMENT

Mr. CRAIG. Mr. President, I appear on the floor to speak about a provision of the Constitution of our country that has been under nearly constant attack for 8 years. In fact, we heard on the floor this morning two Senators speak about provisions in law that would alter a constitutional right.

The provision I am talking about is part of our Bill of Rights—the first 10 amendments to our Constitution—which protect our most basic rights from being stripped away by an overly zealous government, including rights that all Americans hold dear:

The freedom to worship according to one's conscience;

The freedom to speak or to write whatever we might think;

The freedom to criticize our Government;

And, the freedom to assemble peacefully.

Among the safeguards of these fundamental rights, we find the Second Amendment. Let me read it clearly:

A well regulated Militia, being necessary to the security of a free State, the right of

the people to keep and bear Arms, shall not be infringed.

I want to repeat that.

The second amendment of our Constitution says very clearly that ''A well regulated Militia'' is ''necessary'' for the ''security of a free State,'' and that ''the right of the people to keep and bear Arms, shall not be infringed.''

What we heard this morning was an effort to infringe upon that right.

Some—even of my colleagues—will read what I have just quoted from our Constitution quite differently. They might read ''A well regulated Militia,'' and stop there and declare that ''the right of the people to keep and bear Arms'' actually means that it is a right of our Government to keep and bear arms because they associate the militia with the government. Yet, under this standard, the Bill of Rights would protect only the right of a government to speak, or the right of a government to criticize itself, if you were taking that same argument and transposing it over the first amendment. In fact, the Bill of Rights protects the rights of people from being infringed upon by Government—not the other way around.

Of course, we know that our Founding Fathers in their effort to ratify the Constitution could not convince the citizens to accept it until the Bill of Rights was established to assure the citizenry that we were protecting the citizens from Government instead of government from the citizens.

Others say that the Second Amendment merely protects hunting and sport shooting. They see shooting competitions and hunting for food as the only legitimate uses of guns, and, therefore, conclude that the Second Amendment is no impediment to restricting gun use to those purposes.

You can hear it in the way President Clinton assures hunters that his gun control proposals that will not trample on recreation—though his proposals certainly walk all over their rights.

In fact, the Second Amendment does not merely protect sport shooting and hunting, though it certainly does that.

Nor does the second amendment exist to protect the government's right to bear arms.

The framers of our Constitution wrote the Second Amendment with a greater purpose.

They made the Second Amendment the law of the land because it has something very particular to say about the rights of every man and every woman, and about the relationship of every man and every woman to his or her Government. That is: The first right of every human being, the right of self-defense.

Let me repeat that: The first right of every human being is the right of self-defense. Without that right, all other rights are meaningless. The right of self-defense is not something the government bestows upon its citizens. It is an inalienable right, older than the Constitution itself. It existed prior to government and prior to the social contract of our Constitution. It is the right that government did not create and therefore it is a right that under our Constitution the government simply cannot take away. The framers of our Constitution understood this clearly. Therefore, they did not merely acknowledge that the right exists. They denied Congress the power to infringe upon that right.

Under the social contract that is the Constitution of the United States, the American people have told Congress explicitly that we do not have the authority to abolish the American people's right to defend themselves. Further, the framers said not only does the Congress not have the power to abolish that right, but Congress may not even infringe upon that right. That is what our Constitution says. That is what the Second Amendment clearly lays out. Our Founding Fathers wrote the Second Amendment to tell us that a free state cannot exist if the people are denied the right or the means to defend themselves.

Let me repeat that because it is so fundamental to our freedom. A free state cannot exist, our free state of the United States collectively, cannot exist without the right of the people to defend themselves. This is the meaning of the Second Amendment. Over the years a lot of our citizens and many politicians have tried to nudge that definition around. But contrary to what the media and the President say, the right to keep and bear arms is as important today as it was 200 years ago.

Every day in this country thousands of peaceful, law-abiding Americans use guns to defend themselves, their families, and their property. Oftentimes, complete strangers are protected by that citizen who steps up and stops the thief or the stalker or the rapist or the murderer from going at that citizen.

According to the FBI, criminals used guns in 1998 380,000 times across America. Yet research indicates that peaceful, law-abiding Americans, using their constitutional right, used a gun to prevent 2.5 million crimes in America that year and nearly every year. In fact, I believe the benefits of protecting the people's right to keep and bear arms far outweighs the destruction wrought by criminals and firearms accidents. The Centers for Disease Control report 32,000 Americans died from firearm injuries in 1997; under any estimate, that is a tragedy. Unfortunately, the Centers for Disease Control do not keep data on the number of lives that were saved when guns were used in a defensive manner.

Yet if we were to survey the public every year, we would find 400,000 Americans report they used a gun in a way that almost certainly saved either their life or someone else's. Is that estimate too high? Perhaps. I hope it is, because every time a life is saved from violence, that means that someone was threatening a life with violence. But that number would have to be over 13 times too high for our opponents to be correct when they say that guns are used to kill more often than they are used to protect. What they have been saying here and across America simply isn't true and the facts bear that out.

We are not debating the tragedy. We are debating facts at this moment. They cannot come up with 2.5 million gun crimes. But clearly, through surveys, we can come up with 2.5 million crimes thwarted every year when someone used a gun in defense of themselves or their property. In many cases, armed citizens not only thwarted crime, but they held the suspect until the authorities arrived and placed that person in custody.

Stories of people defending themselves with guns do not make the nightly news. It just simply isn't news in America. It isn't hot. It isn't exciting. It is American. Sometimes when people act in an American way, it simply isn't reportable in our country anymore. So the national news media doesn't follow it.

Yet two of the school shootings that have brought gun issues to the forefront in the last year, in Pearl, MS, and Edinboro, PA, were stopped by peaceful gun owners using their weapons to subdue the killer until the police arrived. How did that get missed in the story? It was mentioned once, in passing, and then ignored as people ran to the floor of the Senate to talk about the tragedy of the killing. Of course the killing was a tragedy, but it was also heroic that someone used their constitutional right to save lives in the process.

A third school shooting in Springfield, OR, was stopped because some parents took time to teach their child the wise use of guns. So when that young man heard a particular sound coming from the gun, he was able to rush the shooter, because he knew that gun had run out of ammunition. He was used to guns. He was around them. He subdued the shooter and saved potentially many other lives. We have recognized him nationally for that heroic act, that young high school student of Springfield, OR.

For some reason, my colleagues on the other side of the aisle never want to tell these stories. They only want to say, after a crisis such as this, ''Pass a new gun control law and call 9–1–1.'' Yet these stories are essential to our understanding of the right of people to keep and bear arms.

I will share a few of these stories right now. Shawnra Pence, a 29-year-old mother from Sequim, WA, home alone with one of her children, heard an intruder break into the house. She took her .9 mm, took her child to the bedroom, and when the 18-year-old criminal broke into the bedroom, she said, ''Get out of my house, I have a gun, get out now.'' He left and the police caught him. She saved her life and her child's life. It made one brief story in the Peninsula Daily news in Sequim, WA.

We have to talk about these stories because it is time America heard the other side of this debate. There are 2.5 million Americans out there defending themselves and their property by the use of their constitutional right.

In Cumberland, TN, a 28-year-old Jason McCulley broke into the home of Stanley Horn and his wife, tied up the couple at knife-point, and demanded to know where the couple kept some cash. While Mrs. Horn was directing the robber, Mr. Horn wriggled free from his restraints, retrieved his handgun, shot the intruder, and then called the police. The intruder, Jason McCulley, subsequently died. If some Senators on the other side of the aisle had their way, perhaps the Horns would have been killed and Jason McCulley would have walked away.

Earlier today, we heard the Senator from Illinios and the Senator from California read the names people killed by guns in America. Some day they may read the name Jason McCulley. I doubt they will tell you how he died, however, because it doesn't advance their goal of destroying the Second Amendment. But As Paul Harvey might say: Now you know the rest of the story.

Every 13 seconds this story is repeated across America. Every 13 seconds in America someone uses a gun to stop a crime. Why do our opponents never tell these stories? Why do the enemies of the right to keep and bear arms ignore this reality that is relived by 2.5 million Americans every year? Why is it that all we hear from them is, ''Pass a new gun control law, and, by the way, call 9–1–1.''

I encourage all listening today, if you have heard of someone using their Second Amendment rights to prevent a crime, to save a life, to protect another life, then send us your story. There are people here who desperately need to hear this in Washington, right here on Capitol Hill. This is a story that should be played out every day in the press but isn't. So let's play it out, right here on the floor of the Senate. Send me those stories from your local newspapers about that law-abiding citizen who used his constitutional right of self-defense. Send that story to me, Senator LARRY CRAIG, Washington, DC, 20510, or send it to your own Senator. Let him or her know the rest of the story of America's constitutional rights.

I ask unanimous consent to proceed for one more moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Having said all of this, let there be no mistake. Guns are not for everyone. We restrict children's access to guns and we restrict criminals' access to guns, but we must not tolerate politicians who tell us that the Second Amendment only protects the right to hunt. We must not tolerate politicians who infringe upon our right to defend ourselves from thieves and stalkers and rapists and murderers. And we must not tolerate the politician who simply says: ''Pass another gun control law and call 9–1–1.''

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent I be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, with great respect to my colleague from Idaho, and I did not come to the floor of the Senate to talk about this, let me say when any of my colleagues stand up and talk about gun control issues that the minority wishes to pursue—let me explain in a sentence or so what we are trying to do. It is not to restrict the opportunity of anyone in this country who has the right to own a gun. We are trying to close the gun show loophole to prevent convicted felons from getting a gun.

Go to a gun store to buy a gun in this country and you must run your name through an instant check because we do not want convicted felons to have weapons. They cannot, by law, possess weapons. Go to a gun store and you have to run your name through an instant check. If it comes up that you are a convicted felon, you do not get the gun. But go to a gun show on a Saturday morning as a convicted felon and buy a gun and you do not have to have your name checked against anything. Go get your gun at a gun show, if you are a convicted felon and want a weapon. We are trying to close that loophole.

Every American should support closing that loophole and should support it now. That does not affect any law-abiding citizen's right to own a gun. All it does is says let's keep guns out of the hands of felons. No one in this Chamber should believe convicted felons ought to be able to go into a gun show and gain access to a weapon they are not by law entitled to have.

I did not come to the floor to speak about that, but I did want to respond to the pejorative suggestion that people on this side of the aisle want to injure the rights of law-abiding citizens to possess weapons. That is just wrong. We are trying to close a loophole that every American ought to support closing—to keep felons from getting guns.

INTERSTATE PRISONER TRANSFERS

Mr. DORGAN. Mr. President, this is a picture of a man named Kyle Bell. This brutal criminal killed Jeanna North, an 11-year-old girl from Fargo, ND.

After being convicted and imprisoned, Kyle Bell escaped. How did he escape? When North Dakota authorities were going to transport him to a prison out of State for safekeeping, a prison in the State of Oregon, they contracted with a private company called TransCor to haul him there. As he was being transported across the country by bus with a dozen or more other prisoners, this child killer escaped. While stopped at a gas station, two guards with this private company were sleeping; another was apparently buying a cheeseburger. Kyle Bell went out through the top of the bus and this child killer walked away.

When I discovered what had happened, I thought to myself, that cannot be. We are turning child killers over to private companies to be transported across the country? But it is true. Then I discovered the record of these companies. You can be a retired sheriff and call your brother-in-law and say: Let's buy a mini van and let's go into the business of transporting criminals. In fact, in one state, a man and his wife showed up with a little mini van to pick up five convicted murderers. The warden of the penitentiary said: You have to be kidding me. They weren't kidding. That is who the State hired to transport these murderers. And of course the murderers escaped in short order.

What I have discovered is we have private companies being hired by State and local governments to transport violent criminals around the country, and those companies have no requirement to meet any standards at all. That doesn't make any sense.

I have introduced a piece of legislation I call Jeanna's Bill that says if any local or State government is going to contract with a private company to haul a violent criminal, they must meet some basic standards. They must meet some regulations. If you haul toxic waste, you must meet regulations. Haul cattle, you must meet regulations. Haul circus animals, you must meet regulations. But some of our States and local governments are willing to turn killers over to private companies who have no such standards to meet at all.

I received a letter in the last few days from the Governor of Nevada. I want to say I pass him my compliments. The Governor of Nevada was sending a convicted murderer named James Prestridge to North Dakota for safekeeping under the Prisoners Exchange Agreement. Mr. Prestridge, along with another fellow convicted of armed robbery, was being hauled to North Dakota by a company that is called Extraditions International.

Mr. Prestridge, this convicted murderer, escaped, as did John Doran, an armed robber. Mr. Doran was found just south of the Mexican border with a bullet through his brain, and Mr. Prestridge was recently apprehended. I wrote to the Governor of Nevada and said: I hope if you still intend to send this convicted murderer to North Dakota you will do it through the U.S. Marshals Service. They will haul violent offenders anywhere across this country for a flat fee and they don't lose them.

I got a letter back from the Governor of Nevada. He said:

In response to your request that Nevada stop using private transport companies, please be advised our prison system has ceased its business relationship with Extraditions International and that all of this State's out of state inmate transfers are now being staffed by our prison system.

Good for him. He said, incidentally, Mr. Prestridge is now not going to be sent to North Dakota. Good for us.

But good for him that he changed the policy. In our State, in the most recent days, the company that let this fellow go, the company whose negligence allowed a convicted child killer to walk away and evade authorities for some months, settled with the State for $50,000. The State sent them a bill for $102,000 and the company said: We won't pay it. We'd pay you $50,000. And then the State says this company is a pretty good company and we will use them again.

My State is making a mistake, in my judgment. I would like every State to make a decision when they are going to transport violent criminals around this country, do it with law enforcement officials, do it with the U.S. Marshals Service. They will do it for a flat fee and then some American family won't have to worry that, when they pull up at a gas station, next to them at the pump is a mini van with two inexperienced folks hauling three murderers. What is that about, in terms of public safety?

It seems to me we ought to have enough common sense in this country when we have convicted someone of killing children, when we have convicted someone of murder or violent crimes, at least we ought not to turn them into the arms of someone inexperienced in the private sector, a company that has to meet no standards at all with which to transport them. That doesn't make any sense to me.

So I say to the Governor of Nevada: Good for you. It is the right decision. I would say to our State: Change your mind. Decide this company should not haul violent offenders in North Dakota and that when you are going to transport a violent offender, the U.S. Marshals Service ought to be used to do it.

I say to every State official across this country: Until we get in place basic standards these companies must meet, you ought not use them for transporting violent offenders. Were I a chief executive of a State, I would not use them anyway because I do not think people who kill children, as in the case of Kyle Bell, ought to be turned over to anyone other than law enforcement authorities to transport them to another place of incarceration.

SANCTIONS ON EXPORT OF FOOD AND MEDICINE

Mr. DORGAN. Mr. President, I want to speak about an issue that is of great importance to my State and to all agricultural producers around the country. That is the issue of the sanctions on food and medicine that now exist in our relationships with some countries around the world.

Our country has been in the habit of saying: We don't like certain countries, we don't like the way they behave, so we are going to slap economic sanctions on these countries and we have included sanctions on the shipment of food and medicine. So countries such as Libya, Iran, Cuba, North Korea, and others, are in a circumstance of having economic sanctions enacted against them to punish them, and we have included in those sanctions food and medicine.

A group of us are trying to change that. We do not think it is the moral thing to do. What is this country doing, saying to others that we will not allow them to have access to food and medicine? Taking aim at dictators and hurting poor people, sick people, and hungry people is hardly something about which we ought to be proud. This is not a moral policy.

I come from a farm State, so I care about having access to these markets as well. I admit that. Aside from the market side of this, which is important—after all, these countries against whom we have sanctions on food and medicine represent almost 11 percent of the world's wheat markets, and we have said to our farmers: By the way, 11 percent of the world's wheat market is off limits to you. Why? Because we decided we do not like these countries and we are going to make them pay a price. Part of the price we are going to exact is the ability for them to access food and medicine from the United States.

Of course, other countries access it from Canada, Europe, or others. We are the country that decides to withhold food and medicine from these countries.

Last year, we had a vote in the Senate on that. Senator ASHCROFT, I, and many others who pushed to repeal the sanction on food and medicine won with 70 out of 100 votes. We were hijacked by the House of Representatives in conference. I was one of the conferees. They just flat out hijacked us. When it was clear to them we were going to win the issue in conference, they adjourned the conference, never to see them again, and they stripped the provision.

I offered the same provision in the Senate Appropriations Committee, and it is now in the Agriculture appropriations bill. That is coming to the floor of the Senate. We have 70 Senators who said they think it is wrong to continue sanctions on food and medicine. The message in the Senate is: Stop using food as a weapon. It is the right message.

There are a lot of people in the House of Representatives who apparently are willing to do that except for Cuba; Cuba is a special case, and they will not withdraw sanctions on food and medicine with respect to Cuba. In fact, that is what derailed it last year.

I am one person, but I tell my colleagues that I am not going to allow, to the extent I can prevent it, the hijacking of this issue again this year by just two or three people who decide they are going to strip this provision and then have the House and Senate deal with the broader appropriations issues that do not include this provision.

We have spent a lot of time on this issue. This country is wrong in applying sanctions with respect to food and medicine shipments to countries such as Cuba. Yes, Cuba.

I was in Cuba last year. I have no truck with the Castro government. I think the Cuban government and its economic system have collapsed. But the sanctions that exist with respect to this country's actions against Cuba have represented Fidel Castro's greatest excuse to the Cuban people. He says: Of course my economy does not work; of course my country is in trouble. The United States has had its fist around our neck for 40 years.

It is Fidel Castro's greatest excuse, in my judgment, for an economic system that has failed Cuba. It does not make sense, in my judgment, for us to exact a penalty on the Cuban people, on poor people, on hungry people, and on sick people in Cuba, in North Korea, and elsewhere to continue these absurd sanctions on food and medicine.

We can have a broader discussion at some other time about whether the embargo that exists with Cuba ought to be lifted. That is a different subject, a broader subject. Incidentally, I have strong feelings about that as well. This is a narrower issue: Do we believe it appropriate to continue sanctions with respect to the shipment of food and medicine to countries such as Cuba, North Korea, Iran, and others? The answer ought to be a resounding no.

My colleague, Senator SLADE GORTON from the State of Washington, is in the Chamber. He was a cosponsor of this in the Senate Appropriations Committee. He, I, and JOHN ASHCROFT have issued a statement that says to all within hearing distance that if you think you are going to hijack this issue again this year, think again, because we have 70 votes in the Senate that say we ought not use food and medicine as a weapon, and we intend to insist this year that we prevail on this issue.

I cannot speak for anybody else, but the statement we issued is pretty self-explanatory. I am here to give fair warning to those who want to do what they did last year that it is going to be a pretty difficult proposition if they intend to hijack this issue. We have the votes. Vote on it in the Senate, and it will pass by an overwhelming margin. Allow a vote in the House, and it will pass by an overwhelming margin. The only way those who want to defeat this proposition because it contains Cuba—which is an irrational position, for those who think through this a little bit—the only way they can possibly defeat it is to try to use some hijinks in the process to avoid an up-or-down vote.

I and others intend to see we have a full opportunity to have votes in the

House and the Senate on it. If the House leadership does what it did last year, I say to them: Fair warning, I am going to be here on the floor of the Senate objecting to a whole series of things. We need to straighten this out now. This country, at this time, on this issue, says we will no longer use sanctions with respect to the shipment of food and medicine. It does not work, it is not a moral policy, and it ought to stop now.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is concluded.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

SENATE PHOTOGRAPH

Mr. LOTT. Mr. President, if I could ask our colleagues to take their seats, then we will begin a series of photographs. Please, stay in place until we are given the all-clear sign. If you can go ahead and be seated, we will be able to determine exactly which Senators may still be missing.

STEVE BENZA

Mr. LOTT. Mr. President, as we prepare to have this photograph taken, I note that the Senate photographer, who has been with the Senate some 32 years, Steve Benza, is preparing to retire. Steve started out as a page. He worked in the Architect's Office. He worked in the Senate Post Office. He worked in the photo lab. And for years he has taken photographs of us in various and sundry places, some of which we would not like to recount but we will remember warmly.

I ask my colleagues, before we begin these series of photographs, to express our appreciation to Steve Benza for his 32 years of service to the institution.

[Applause.]

(Thereupon, the official Senate photograph was taken.)

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Virginia.

Mr. WARNER. Would the Chair kindly advise the Senate with regard to the pending business.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. The pending business is consideration of the Defense authorization bill, S. 2549, which the clerk will report.

Mr. WARNER. I am ready to proceed.

I ask my distinguished friend and colleague from Michigan if he is likewise ready to go.

Mr. LEVIN. We are indeed. I thank the Senator.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3173

(Purpose: To extend eligibility for medical care under CHAMPUS and TRICARE to persons over age 64)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. MURKOWSKI, proposes an amendment numbered 3173.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

''(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

''(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2002''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

Mr. WARNER. This is an amendment relating to the change in the existing military medical program to, in the future, encompass retirees over age 65. I shall address this later, and I am sure the Senator from Michigan is aware I would like to have that as the first amendment up. That was my understanding.

Mr. LEVIN. If the Senator will withhold on any unanimous consent request relative to that, I am trying to see if we have been informed of it. Of course, the Senator has a right to offer it.

Mr. WARNER. I am not able to hear my colleague.

Mr. LEVIN. Mr. President, I wonder, is this the amendment to which the Senator made reference this morning?

Mr. WARNER. The Senator is correct.

Mr. REID. Mr. President, is there a unanimous consent request pending now?

The PRESIDING OFFICER. There is none.

Mr. LEVIN. I believe the only request either pending, or perhaps already granted, is to withhold reading of the amendment. Is that correct?

Mr. WARNER. Yes.

Mr. LEVIN. Is my understanding correct that this amendment will be set aside temporarily for opening statements to be given?

Mr. WARNER. Mr. President, that is correct.

Mr. LEVIN. I thank the Senator.

Mr. WARNER. Does the Democratic whip desire to be recognized?

Mr. REID. No.

Mr. WARNER. This amendment was shared beforehand with my colleague from Michigan.

Mr. LEVIN. Mr. President, I don't know of any understanding, but the chairman has a right, of course, to offer an amendment. We just understand that this amendment now is to be temporarily laid aside so the opening statements can be given. The Senator has a right to offer an amendment at any time he wishes.

Mr. WARNER. Mr. President, this is the amendment about which I spoke on the floor earlier this morning. I think colleagues have had an opportunity to inform themselves about it. It is my hope that a number will desire to be cosponsors. We have a number of cosponsors right now.

This amendment relates to the continuing work of the Armed Services Committee with regard to the necessity to provide a health care program for retirees over 65. As the Presiding Officer well knows, the committee has addressed this in several increments, and now with another amendment by the Senator from Virginia, which I offer on behalf of many. I want to recognize that this is a subject that has quite properly gained the attention of a number of colleagues. I know Senator MCCAIN, on our side of the aisle, and Senator HUTCHISON have worked on this subject of health care. In no way do I indicate that anyone—certainly not myself—has been the principal; we have all worked together as a team.

And at such appropriate time, I will return to this amendment.

I want to make some opening comments now regarding this very important piece of legislation. This bill contains the much-needed increases in defense funding and critical initiatives, including in the area of recruiting and retention. Retention is one of the most serious problems we have facing us today in our current military, as well as recruiting. This bill, in the collective judgment of the committee, goes a long way toward helping to alleviate the problems we have and to improve those critical areas in our defense.

It is most appropriate that we begin this discussion today, on June 6, the 56th anniversary of D-Day. Today, America recalls the heroic acts of bravery and valor demonstrated on the beaches of France and the many who paid the price in life and limb for liberty and freedom. And how proud we are, as the Senate, to have as the President pro tempore the distinguished senior Senator from South Carolina, STROM THURMOND, among us. He, of course, crossed the beaches of D-Day 56 years ago. He addressed the Senate earlier today on that subject.

As we look to the future and the defense of this Nation, we must never forget what may be required, and indeed what was required, of so many—over 1,400 American servicemen, not to speak of our allies; they had casualties also. But 1,400 American servicemen died on June 6, 1944, on the beaches of France, and thousands more were wounded. They did it to restore freedom to so many nations and people all through Europe—freedom that had been taken away by Hitler and the Axis forces.

I begin by expressing my thanks to the ranking member, Senator LEVIN. We came to the Senate together 21 years ago. We have worked as partners on this bill and have produced a bipartisan product that will strengthen the security of the United States, in the collective judgment of all members of the Armed Services Committee, and improve the quality of life of our men and women in uniform and, most especially, for their families.

I also applaud our subcommittee chairmen, ranking members, and all members of the Committee for their fine work throughout this year. I will put in the RECORD elsewhere the volume of hearings, special meetings, the prolonged markup sessions that led to the work product for which we labored in the Senate today.

A special thanks to our committee staff. What a superb professional staff—not only this year and last year, but throughout the 22 years I have been privileged to be on this committee. Under many distinguished chairmen and ranking members, we have had the most nonpartisan and the hardest-working staff in the Senate. I salute Colonel Les Brownlee, David Lyles, and the personal staff of the committee members for their invaluable work which led to the creation of this bill.

I appeal to all Members to join us in our bipartisan effort to improve our security. The safety and well-being of our men and women in uniform, thousands of whom are deployed at this very moment in harm's way across this world, should not fall victim to any partisan debate and certainly no election year politics. We have done that in the past. I hope we will not do it on this bill and in the future.

We should keep in mind that Members of the Senate have always recognized the importance of the annual Defense authorization bill, and in the past we have put our partisan concerns aside for the good of the Nation. I remind colleagues that the Senate has passed a Defense authorization bill every year since the authorization process began in 1961, some nearly 40 years. The House this year had a strong, resounding vote of 353 yeas to 100-some-odd nays. So that is a clear indication of the strength of the House and the Senate bills and the need for these bills to be brought into law.

At this time of increased tension around the world, at this time of unprecedented deployments of U.S. military personnel around the globe, we must show our support for our troops. Accordingly, I urge all Members to abstain from offering nondefense-related amendments and to join in a bipartisan effort to pass this Defense authorization bill, to send a strong signal of support to our brave troops, wherever they are in the world, for risking their lives at the very moment we address this legislation, risking to safeguard freedom of our allies, our friends, and indeed those of us here at home. The problems and the threats facing the home front have increased to where they are greater today than I ever envisioned in my life.

The national security challenges that the United States will face in the new millennium are many and diverse—new adversaries, unknown adversaries, new weapons, and unknown weapons. A very complex threat faces us at home and our forces forward deployed. It is important that we remain vigilant, forward thinking, and prepared to address these challenges.

Just days ago the National Commission on Terrorism, established by Congress in 1998, issued its report, ''Countering the Changing Threat of International Terrorism''. I would like to quote from the Report's executive summary: ''Today's terrorists seek to inflict mass causalities, and they are attempting to do so both overseas and on American soil. They are less dependent on state sponsorship and are, instead, forming loose, transnational affiliations based on religious or ideological—regrettably I have to use that word, ''a common hatred''—affinity and a common hatred of the United States. This makes terrorist attacks more difficult to detect and prevent.'' We must be prepared to respond to this threat and I look forward to reviewing the numerous recommendations contained within the report which we may address in the course of the deliberations on this bill.

While the Department of Defense (DOD) must plan and allocate resources to meet future threats, ongoing military operations and deployments from the Balkans to Southwest Asia to East Timor continue to demand significant resources in the short term and the foreseeable future.

The National Defense Authorization Act for Fiscal Year 2001 authorizes a total of $309.8 billion for defense spending—$4.5 billion above the President's request—and provides authority and guidance to the Defense Department to address the critical readiness, modernization, and recruiting and retention problems facing our military.

For over a decade, our defense budgets have been based on constrained funding, not on the threats facing the nation or the military strategy necessary to meet those threats. The result of this is evident today in continuing critical problems with recruiting and retention, declining readiness ratings, and aging equipment.

Last year, the Congress reversed the downward trend in defense spending by approving a defense authorization bill which, for the first time in 14 years, included a real increase in the authorized level of defense spending. This year, we continue that momentum with the bill before the Senate the second year of increased authorization levels. As I stated earlier, the authorized level of $309.8 billion in this bill is $4.5 billion above the President's request and consistent with this year's concurrent budget resolution. The fiscal year 2001 funding level also represents a *real increase* in defense spending of 4.4 percent from the fiscal year 2000 appropriated level.

The funding we have provided is primarily going for modernization and readiness and for other benefits for the men and women of the military. The committee authorized $63.28 billion in procurement funding, a $3.0 billion increase over the President's budget. Operations and maintenance was funded at $109.2 billion, with $1.5 billion added to the primary readiness accounts. Research, development, test and evaluation was budgeted at $39.31 billion, a $1.45 billion increase over the President's budget request.

The committee's support for additional funding for defense is based on an in-depth analysis of the threats facing U.S. interests, and testimony from senior military leaders on the many shortfalls in the defense budget.

While the cold war has been over for nearly a decade, it is evident that the world remains a complex and violent place. The greatest threat to our national security today is instability; instability fueled by ethnic, religious, and racial animosities that have existed for centuries, but are now resulting in conflicts fought with the weapons of modern warfare. Many have turned to the United States, as the sole remaining superpower, to resolve the

many conflicts around the world and to ensure stability in the future. However, this military power does not ensure our security. As Director of Central Intelligence George Tenet told the committee in January, ''The fact that we are arguably the world's most powerful nation does not bestow invulnerability; in fact, it may make us a larger target for those who don't share our interest, values, or beliefs.''

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Unfortunately, there appears to be no relief in sight for most of these operations. At an October 1999 hearing of the committee, the Chairman of the Joint Chiefs of Staff, General Hugh Shelton, stated that, ''Two factors that erode military readiness are the pace of operations and funding shortfalls. There is no doubt that the force is much smaller than it was a decade ago, and also much busier.''

Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam war in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

This unprecedented rate of overseas deployments is one of the primary factors contributing to the severe problems we are having with recruiting and retaining quality personnel, and with maintaining adequate readiness of the existing force. We have tried to address these issues in the bill before the Senate.

It has also affected our readiness, as the Presiding Officer well knows as chairman of the subcommittee with the primary jurisdiction of readiness.

I want to pause for a moment and acknowledge the Chairman of the Joint Chiefs of Staff and the Service Chiefs—the Chief of Naval Operations, the Air Force Chief of Staff, the Army Chief of Staff, and the Commandant of the Marine Corps—for their role in helping to reverse the decline in defense spending. I cannot think of one single factor that added greater emphasis not only this year but last year to the increase in defense spending—not one fact greater than their honest, forthright professional and personal assessments which were given this committee time and time in formalized hearings, and indeed in private consultations. I commend them. They have ably represented their troops.

There is no group of leaders more responsible for stopping this downward trend than the Chiefs.

On three separate occasions, October 6, 1998, January 5, 1999, and October 26, 1999, the Chairman of the Joint Chiefs of Staff and the Service Chiefs came before the Armed Services Committee to tell us about the ever increasing challenges the armed forces were facing in carrying out their military missions. Simply put, they did not have enough money. Their individual observations were forthright and candid. Collectively, their reports to the Congress became the unimpeachable voice that made Americans sit up and take notice. The chiefs were heard across the land. Our nation echoed back: we believe you, you have the people's support.

The military service chiefs have testified that they have a remaining shortfall in funding of $9.0 billion for fiscal year 2000, a requirement for an additional $15.5 billion above the budget request to meet shortfalls in readiness and modernization for fiscal year 2001, and a requirement for an additional $85.0 billion in the future years Defense Program.

This bill adds $3.8 billion to the President's budget request to specifically pay for items identified by the Chairman of the Joint Chiefs of Staff and the Service chiefs as necessary requirements: necessary requirements that were not funded by the President's request.

As I said earlier, the high operations tempo of our armed forces is having a negative impact on recruiting and retention. Last year, the committee took action to provide a pay raise and a package of retirement reforms and retention incentives in an effort to recruit and retain highly qualified personnel. The committee has received testimony that these changes are having a positive impact on recruiting and retention efforts.

This year, the committee has focused its ''quality of life'' efforts on improving military health care for our active duty and retired personnel and their families.

Earlier this year, I announced my intention to join with the majority leader and others to tackle the long-standing problems with the military health care system.

I wish to acknowledge the full cooperation of my distinguished colleague, Mr. LEVIN, and the Members on his side of the aisle. It has truly been a bipartisan effort. We have heard increasing complaints, especially from over 56 retirement communities.

While the Congress was taking some steps in the past to try to improve the health care system, it was time for a major assault on this problem. And we have done more than establish a beachhead. I used that term months ago when I laid down the first piece of legislation with our distinguished majority leader, Mr. LOTT.

The bill before the Senate today is but the first step, I hope, in what will be a continuing process to fulfill our commitment of quality health care for all military personnel—active duty, retired, as well as their families.

The Secretary of Defense, the Chairman of the Joint Chiefs, and the service chiefs have all highlighted the many problems associated with implementing a user-friendly health care program for active duty service members, military retirees, and their families.

In this bill, the committee included initiatives that ensure our active duty personnel and their families receive quality health care and initiatives that fulfill our commitment to military retirees, including extending TriCare Prime to families of service members assigned to remote locations, eliminating copayments for service received under the TriCare Prime, and authorizing a comprehensive retail and national mail order pharmacy benefit for all eligible beneficiaries, including Medicare-eligible beneficiaries with no enrollment fee or deductible.

I will elaborate on the pharmacy benefit. Prescription medication is the major unmet need of the military retiree. I believe this bill meets that need. This bill for the first time provides an entitlement for a comprehensive drug benefit for all military beneficiaries, including those who are Medicare eligible.

Hopefully, I will add my amendment which will further enhance this whole package of retiree benefits, particularly for those over 65. At the appropriate time, I will ask to turn to that amendment.

Other quality-of-life initiatives of note in this bill are a 3.7-percent pay raise for military personnel effective January 1, 2001, and a provision that directs the Department to implement the Thrift Savings Plan for military personnel not later than 180 days after enactment of this act. We put similar provisions in last year's bill but gave the discretion to the Department. This year, we have been forthright and we direct action on that program.

Last year, NATO conducted its first large-scale offensive military operation with the 78-day air war campaign—and it was associated with other military operations and was not exclusive to air—on behalf of the beleaguered and persecuted peoples of Kosovo. The lessons learned from that operation addressed during a series of committee hearings highlighted not only shortfalls in weapon systems and intelligence programs but also the complexities of engaging in coalition operations.

As noted in the combined testimony of Operation Allied Force Commanders, Gen. Wesley Clark, Adm. James Ellis, and Lt. Gen. Mike Short, the Kosovo campaign:

> . . . required [that] we adopt military doctrine and strategy to strike a balance between maintaining allied cohesion, striking key elements of the Yugoslav Armed Forces, minimizing losses of allied aircraft and crew, and containing collateral damage.

Of paramount concern to the committee this year was applying the lessons learned from the air campaign over Kosovo to our defense budget to ensure the future preparedness of the

U.S. Armed Forces for future military operations. Accordingly, the committee included over $700 million for a program to include aircraft precision strike capability, aircraft survivability, and intelligence surveillance and reconnaissance assets based on lessons learned from the Kosovo conflict.

Over 38,000 combat sorties were conducted during the Kosovo air campaign—and I proudly say, for all nations that participated, some seven nations flew—with no combat casualties and some heroic rescue operations. While the committee understands that no military operation is without risk, limiting the risk to military personnel is an important goal. Every day, advances in technology such as computing and telecommunications are being integrated into warfighting equipment.

The committee believes the Defense Department must further pursue these technological advances in an effort to provide advanced warfighting capabilities, while at the same time limiting the risk to military personnel. To this end, this legislation directs the DOD to aggressively develop and field unmanned combat systems in the air and on the ground so that within 10 years one-third of our operation of these type aircraft would be unmanned, and within 15 years one-third of our ground combat vehicles would be unmanned. The committee also added $246.3 million to accelerate technologies leading to the development and fielding of remotely controlled air combat vehicles and remotely controlled ground combat vehicles.

As demonstrated in Kosovo, our Armed Forces are the best prepared in the world. They can beat the enemy on any battlefield. I don't say that with arrogance. It is factual. Our enemies, certainly those that can be identified, know that. It is the ones that we can't identify—the growing number we cannot identify, that we cannot anticipate—that pose the greatest threat. Current and future potential adversaries must fully understand, however, our military capability. Many are now intent on carrying the battle right here at home in the continental limits of the United States of America either by ballistic missile attack or attacks with chemical or biological agents or through cyberterrorism. That is where we are soft, soft in the underbelly of this great Nation. Recently, retired Deputy Secretary of Defense John Hamre characterized domestic preparedness as ''the mission of the decade.'' I agree with that distinguished former public servant.

The military services play a critical and important role in domestic preparedness for such attacks. Should some madman or terrorist release a chemical biological agent on the civilian population at home—or, indeed, at a military base that could be a target—the Defense Department must be prepared to assist the first responders, whether they are volunteer firemen, the police officers, or even citizens who instinctively try to come to the aid of those suffering, along with the health care professionals in our local communities. To deter and defeat the efforts of those intent on using weapons of mass destruction or mass disruption in the United States, this bill does the following:

It adds $76.8 million for initiatives to address the threat of cyberattack, including establishment of an Information Security Scholarship Program to encourage recruitment and retention of Department of Defense personnel with computer network security skills. This is a program in which I have had a great deal of interest. I do hope the Members will work with me on this. We have this massive people program, maybe $20 or $30 million just to begin to give incentives for young people to go into cyberspace terrorism. What better evidence do we need than this love note that floated around, causing billions of dollars of loss to the economy in this country for the shutdown of computers.

Second, there is the creation of an institute for defense computer security and information protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector, and sharing of information to try and meet this common threat.

Further, we added $418 million for ballistic missile defense programs, including $129 million for National Missile Defense Risk Reduction, $92.4 million for the Air Forces Airborne Laser Program, $60 million for the Navy Theater-Wide Missile Defense Program, $15 million for the Atmospheric Interceptor Technology Program, $8 million for the Arrow System Improvement Program, $15 million for the Tactical High Energy Laser Program, and $30 million for the Space-Based Laser Program.

This is a serious threat to our homeland, the intercontinental ballistic missiles. We are forging ahead. I wish we could be stronger in our efforts.

I will, with others, try everlastingly to increase our strength to try to approach these things and solve these problems—because we are defenseless. Americans think we spent $300.9 billion this year and $300 billion previous years and that we have some defense. We do not. We are absolutely defenseless against these intercontinental ballistic missiles, particularly the ones that might be fired by a rogue state or terrorist state or, indeed, an accidental firing. It could decimate any of our great cities or, indeed, rural areas.

(Mr. HAGEL assumed the chair.)

Mr. WARNER. Last, we added $25 million for five additional Weapons of Mass Destruction-Civil Support teams formerly known as RAID teams. This will result in a total of 32 of these teams by the end of fiscal year 2001. It is the committee's intent to support the establishment of these teams for each State and territory. I commend this committee, particularly the subcommittee that handles this under Senator ROBERTS, for their relentless initiative to drive and get these teams in place. The Department of Defense has not been as aggressive as has the Senate on this issue.

I would like to briefly highlight some of the other major funding initiatives and provisions of the bill.

First, we strengthen the Joint Strike Fighter Program by significantly increasing funding for the demonstration and validation phase of this program while removing funding for the engineering, manufacture, and development phase in the fiscal year 2001.

It increases the shipbuilding budget by $603.2 million to over $12 billion. I commend the chairman and ranking member of that committee, the Senator from Maine. This is a very essential investment, an increase in spending, if we are ever to hope to maintain just a 300-ship Navy.

It authorizes $98.2 million for military space programs and technologies, $22 million for strategic nuclear delivery vehicle modernization, and $190 million for national and military intelligence programs.

We support the Army transformation initiative and we add additional resources that support research and development efforts designed to lead to the future development of that force.

Congress has to help the Army. They have some very bold initiatives, but the funding profile for these initiatives in the outyears has a degree of uncertainty which troubles this Senator. But we will try to do our best to work with the distinguished Chief of Staff, the Secretary, and others, in trying to move the Army along in its projected transformation program.

We included provisions supporting, under certain conditions, the agreement reached between the Department of Defense and the government of Puerto Rico that is intended to restore relations between the people of Vieques and the Navy and provide for the continuation of live fire training on this island. I commend the former Presiding Officer, the Senator from Oklahoma, for his unrelenting efforts, many visits down to that region to work on this problem.

We increased funding for military construction and family housing programs by $430 million to $8.46 billion.

We authorized $1.27 billion for the environmental restoration accounts to enhance environmental cleanup of military facilities.

We required the Secretary of Defense, in consultation with the Secretary of Energy, to:

No. 1, develop long-range plans for the sustainment and modernization for U.S. strategic nuclear forces and;

No. 2, to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years.

That is an essential program. We must get that evaluation. We have not

done one since 1994. This was of great concern to me. While I commend the President—he did the best he could at the recent summit—it would have been advisable if this Nation had conducted one of these essential programs to make an analysis of the threat—what we have in our inventory, the inventories of the other nations of the world—and, therefore, have a better idea of exactly where this country stands today and what it faces in the future.

These are but a few of the highlights of the many initiatives included in this bill. The subcommittee chairmen are truly the architects of this bill. They will discuss in greater detail the provisions in their respective subcommittees. Each should be congratulated for their study and hard work, together with their ranking members.

I urge my colleagues to support rapid passage of this bill. We need to send a strong signal of support to our Armed Forces in the field, at sea, and those who have gone before them in the line of duty. We are trustees of this great Nation and we are given that trust by generation after generation after generation of Americans who have gone from the shores of our Nation to defend the cause of freedom in farflung places of the world. These are outstanding men and women now serving in uniform. We have an obligation to them as previous Congresses have had obligations to other generations, engaged in the preserving of our freedom.

I, once again, thank my distinguished colleague, the senior Senator from Michigan, for his work on this committee—indeed, nonpartisan hard work—and the wonderful staff. We put this bill together.

I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join with the chairman of the Armed Services Committee in bringing the National Defense Authorization Act for fiscal year 2001 to the floor. The bill is the product of several months of bipartisan work on the part of our committee. I am, indeed, pleased to join with him in bringing this bill to the floor.

This year the President added $12 billion in defense spending to last year's appropriated levels. The congressional budget resolution added an additional $4.5 billion. For the most part, the committee chose to spend the money wisely. More than three-quarters of the money added by the budget resolution would be used to meet needs that are identified as priorities by the Joint Chiefs, or to accelerate items that are included in the future years' defense plan.

I may not agree with every provision in the bill—I do not—but S. 2549 overall is a sound bill that basically continues the bipartisan partnership between the Congress and the administration. This bill would build on the budget that was presented by the Department of Defense to improve the quality of life for the men and women of our Armed Forces and their families, and to transform our military to ensure they are capable of meeting the threats to American security in the 21st century.

I am particularly pleased the bill would implement the administration's proposal to address shortcomings in the health care we provide for our military personnel and retirees. Indeed, the bill would go a step further than the administration proposed and provide a prescription drug benefit for military retirees.

I am appalled, and I hope most of us are appalled, by the rising cost of pharmaceuticals in this country and by the growing gap between the prices paid for drugs by our citizens and people who live in other countries. We have taken an important first step in this bill in agreeing to address the problem for military retirees. But it is my hope, perhaps during the course of this bill, and surely before the end of this Congress, we will be able to provide a similar benefit for Medicare beneficiaries whether they are military retirees or otherwise. All of our seniors—all of our seniors—should have an opportunity to purchase prescription drugs and not be precluded by an inability to pay the outrageous costs which prescription drugs now present to too many of our seniors.

The committee also made the right decision in supporting the Army transformation plan that was put forward by Secretary of the Army Caldera, and Army Chief of Staff General Shinseki. The committee concluded the Army needs to transform itself into a lighter, more lethal, survivable and tactically mobile force, and we approved all the funds that were requested by the Army for that purpose. In fact, we even added some research money that the Army said would help the long-term transformation process.

At the same time, we have instructed the Army to prepare a detailed roadmap for the transformation initiative, and to conduct appropriate testing and experimentation to ensure the transformation effort is successful.

The Department has made a strong commitment to the Joint Strike Fighter Program and the committee supports that effort. While our bill recognizes that slippage in the test schedule is virtually certain to result in a delay of the next milestone decision, we remain open to reprogramming of funds to enable the Department to make that decision in the year 2001, if it proves possible to meet a tighter schedule.

I am also pleased the bill reported by the Armed Services Committee provides full funding for the Department of Defense Cooperative Threat Reduction Program and the three ongoing Department of Energy cooperative programs with Russia and other countries of the former Soviet Union. These programs serve as one of the cornerstones of our relationship with Russia and play an important role in our national security by reducing the threat of proliferation of weapons of mass destruction from Russia or from rogue nations with which Russia may otherwise be tempted to form closer ties in the absence of these programs.

While some restrictive language has been included in the bill, I am hopeful this language will not undermine the effectiveness of the programs. I am disappointed the committee chose not to provide $100 million for a new, long-term Russian nonproliferation program at the Department of Energy.

This program would allow the Department of Energy to accelerate the closure of portions of Russian nuclear weapons complexes and secure additional nuclear materials. I am hopeful, with the help of other Senators, we can address this issue in the course of our debate on the Senate floor or perhaps in conference.

The committee bill would authorize $85 million of military construction sought in fiscal year 2001 by the administration to begin construction of a national missile defense site. The President's budget explains this request as follows:

> The budget includes sufficient funding so that if the administration decides in 2000 to proceed with deployment of a limited system, the resources will be available to quickly proceed toward a 2005 initial capability.

I emphasize the word ''if.'' It is my understanding that this funding is provided consistent with the President's request in the event the President decides to proceed with the deployment of a limited national missile defense. As indicated in the President's budget, this decision will be based on an assessment of four factors: one, the assessment of the threat; two, the status of technology based on an initial series of flight tests and the proposed system's operational effectiveness; three, the cost of the system; and four, the implications of going forward with a national missile defense deployment in terms of the overall strategic environment and our arms control objectives, including efforts to achieve further reductions in strategic nuclear arms under START II and III.

As our chairman said, the committee spent a great deal of time addressing the status of training exercises by Navy and Marine Corps personnel on the island of Vieques. As we all know, training on Vieques was suspended last year after the tragic death of a security guard at the training range. The Secretary of the Navy, the Chief of Naval Operations, and others have testified before the committee that there is no adequate substitute for the live-fire training on the island of Vieques.

Earlier this year, the President entered into an agreement with the Governor of Puerto Rico which establishes an orderly process for what we all hope will be the resumption of such training. As of today, the Commonwealth of Puerto Rico has lived up to its obligations under the agreement. The Navy

training on Vieques has been cleared of protesters with the assistance of the government of Puerto Rico, and the Navy training exercises have now resumed on the island with the use of inert ordnance as provided in the agreement.

During the course of our markup, the committee considered proposed legislation which would have been inconsistent with this agreement. In my view, unilateral changes to or actions in violation of the terms of the agreement at a time when the government of Puerto Rico is living up to its obligations under the agreement would have sent exactly the wrong signal. Such changes would have offended many citizens of Vieques and others throughout Puerto Rico, undermining the efforts of the Navy and this committee to eventually resume live-fire training on Vieques.

In the end, the committee included legislation that would implement the provisions of the agreement that call for limited economic assistance and holding a referendum on the island of Vieques. With regard to the other element of the agreement—the transfer of specific land to Puerto Rico under certain circumstances—the legislation is silent, deferring congressional action until a later date.

While I would have preferred to fully implement the agreement between the President and the Governor of Puerto Rico at this time, avoiding unilateral changes to the terms of the agreement was the next best outcome. In light of the position taken on the floor of the House, I expect we will have an opportunity to further consider this issue in conference.

One area where I am very disappointed with the outcome of the markup is the organization of the Department of Energy. Last year, the National Defense Authorization Act contained provisions reorganizing the Department of Energy's nuclear weapons complex by creating a new ''semi-autonomous'' National Nuclear Security Administration, NNSA, within the Department of Energy. These provisions, which were added in conference, were inconsistent with legislation passed in the Senate by a vote of 96–1 and went far beyond anything that was even considered by the House.

The Secretary of Energy dual-hatted a number of key NNSA employees, authorizing them to serve concurrently in both NNSA positions and DOE positions outside the NNSA. Although the provisions establishing the NNSA did not contain any provision prohibiting dual-hatting, many members of our committee believed this approach was inconsistent with the legislation.

This bill responds to that perceived violation of the statute with provisions that would, one, prohibit the Department of Energy from paying any NNSA officials who are dual-hatted and, two, prohibit the Secretary of Energy from changing the organization of the NNSA in any way. These are unprecedented restrictions on the ability of a Cabinet Secretary to manage his own Department and undermine our ability to hold Secretary Richardson and his successors accountable for the activities of the Department of Energy.

Dual-hatting is commonplace throughout the Government and has been legally permissible since we repealed the Dual Office Holding Act of 1894 more than 35 years ago. Moreover, the Secretary provided our committee with a legal opinion which concluded that such dual-hatting is permissible.

In any case, the prohibition on reorganization is completely unnecessary in light of the express prohibition on dual-hatting. The reorganization prohibition would go far beyond its stated purpose of addressing dual-hatting, and it would prohibit the Secretary of Energy from even establishing, altering, or consolidating any organizational unit, component, or function of the NNSA regardless of demands of efficiency or accountability.

Last year, the President's Foreign Intelligence Advisory Board reported that the Department of Energy's nuclear weapons complex had become organizationally ''dysfunctional.'' Much of this organization remains unchanged despite its transfer to the new NNSA. Yet the provision added in our committee would prohibit the Secretary from addressing that problem.

In short, the Department of Energy organization provisions not only fail to address the problems identified by its sponsors, which is the dual-hatting problem, but go way beyond that and thereby undermine the ability of the Secretary of Energy to address many of the concerns that led to the enactment of last year's legislation in the first place.

I am also disappointed that the bill does not contain a base closure provision. Last year, as this year, the top military and civilian leadership of the Department of Defense came to us and told us that more base closures are critical to saving billions of dollars needed to meet our future national security needs. Year after year, some Members express concerns about shortfalls in the defense budget and then reject the one measure that would do the most to help the Department address those shortfalls in the long term.

Secretary Cohen said recently his biggest disappointment as Secretary has been that the Department of Defense still has too much overhead and that he has not been able to persuade his former colleagues—meaning us—that they are going to have to have more base closures. Authorizing a new round of base closures is an issue of political will to meet our long-term security needs. In the course of our debate on this bill, Senator MCCAIN and I plan to again offer an amendment to allow more base closures.

Finally, I will mention two other issues. First, the bill contains a provision that would replace the School of the Americas with a new Western Hemisphere Institute for Professional Education and Training which would provide a broad curriculum of studies, including human rights training, to both military and civilian leaders of democratic countries. I hope this step will allow us to put the controversial history of this institution behind us while we look instead to the future.

Second, the bill contains an amendment I offered to prohibit the Department of Defense from selling to the general public any armor-piercing ammunition or armor-piercing components that may have been declared excess to the Department's needs.

This prohibition was enacted on a 1-year basis in last year's Defense Appropriations Act, and Senator DURBIN has introduced a bill in the Senate to make the ban permanent. There is no possible justification for selling armor-piercing ammunition to the general public. I am pleased that we have taken this step toward enacting the ban into permanent law.

Again, I thank Senator WARNER for his work as chairman of the committee. There are a lot of provisions in the bill, and there will be, I am sure, a lot of amendments which will be offered in the course of our deliberations on the Senate floor. I think we all look forward to a full debate on all of the issues that will be presented to us.

I am wondering if Senator WARNER is on the floor.

Mr. WARNER. Yes.

Mr. LEVIN. I make a parliamentary inquiry as to whether or not amendment No. 3173, which is the pending amendment, is subject to a point of order and, if so, what point of order.

The PRESIDING OFFICER. The pending amendment that the Senator inquires on violates section 302(f) of the Budget Act.

Mr. LEVIN. This amendment was presented to us this morning. I think we should make an effort to see if we can't bring this amendment somehow or other into compliance with the Budget Act so we can accomplish the important provisions that are in this amendment. This is a goal which has been sought on a bipartisan basis to try to improve the provision of health care services to our retirees.

I think it is in all of our interests to see if we can't find a way that we can make this come into compliance with the Budget Act. I am particularly sensitive to the Budget Act's provisions. I am not sure Senator DOMENICI is with us today. I believe he was absent during the picture, for reasons with which we are familiar. In that case, I am wondering whether or not, because of the Budget Act implications of this amendment, the Senator might be willing to set this aside so we can determine if there are ways of achieving these important goals consistent with the Budget Act.

Mr. WARNER. Mr. President, I say to my good friend, I will try to accommodate you on that because it is a very important amendment. I would like to

discuss with you just perhaps the following procedure: That we have the opportunity to have a colloquy and make some presentations about the amendment, and then at that time I will consider laying it aside. I would like to have that opportunity this afternoon. I would very much appreciate the comments of my colleague.

It had been my intention to give it to you a little earlier today, but I think it began to get to your people around 11 or 12 o'clock. It had been my intention to bring it up. That is not a fact in any way I wish to conceal. But anyway, that did not come to the attention of the Senator from Michigan.

So, yes, we will work on this because in fairness to our colleagues—and I anticipate an overwhelming majority of the Senate would like to support the objectives of this amendment—we should address what could be done to the amendment.

I acknowledge that a point of order does lie, and at the appropriate time I would ask for the waiver. Yes. The answer is, we will see what we can do. So I suggest as follows, that we allow other colleagues—the President pro tempore, a member of our committee, the former chairman wishes to address the bill, and the Senator from Colorado wishes to address the bill. There may be others.

So let us have some brief opening statements by our two colleagues, and I will adjust the procedure at the request of the Senator from Michigan.

Mr. LEVIN. That procedure would be fine. I welcome hearing from our good friends, including our former chairman, and then perhaps we will lay this aside so we can try to make it in compliance, if possible, with the Budget Act. I welcome the comments of the chairman.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as the Senate begins consideration of the national defense authorization bill for fiscal year 2001, I join my colleagues on the Armed Services Committee in congratulating Chairman WARNER and the ranking member, Senator LEVIN, on their leadership in preparing a strong bipartisan defense bill, which passed the Committee by an overwhelming 19–1 vote.

The national defense authorization bill for fiscal year 2001 ensures that our Armed Forces can continue to carry out their global responsibilities by focusing on readiness, future national security threats, and quality of life. I am especially pleased with the focus on the quality of life issues. Our military personnel and their families are expected to make great sacrifices and they deserve adequate compensation. Therefore, I strongly support the 3.7 percent pay raise, the significant improvements in military health care, especially those impacting our military retirees and their families. These are critical provisions, which when coupled with the additional family housing and barracks construction, will result in a well-earned improvement in the standard of living for all our military personnel.

The defense bill before us continues the improvements in the readiness issues identified by our Service Chiefs. The committee added over $700 million for programs identified as shortfalls during the Kosovo conflict. It increased key readiness programs such as ammunition, spare parts, base operations and training by more than $1.5 billion. Although these are significant improvements, we cannot be satisfied with these increases and must ensure continued robust funding increases for these programs in future bills.

Since the fall of the Berlin Wall our Nation has faced ever changing threats. Among these are the spread of nuclear weapons and other weapons of mass destruction, international terrorism, and the ever increasing sophistication of weapons in the hands of countries throughout the world. To counter these threats the committee added $78.8 million in the Emerging Threats Subcommittee accounts. These resources will fund critical research into new technology, while at the same time provide for the reduction and security of the nuclear and chemical arsenals of the former Soviet Union. It is money wisely spent and deserves our full support.

I have previously congratulated the chairman and ranking member for their work on this bill. Before closing, I want to congratulate each of the subcommittee chairmen—Senator INHOFE, Senator SNOWE, Senator SANTORUM, Senator ROBERTS, Senator ALLARD and Senator HUTCHINSON—and their ranking members for their contribution to this bill. Their leadership and work provided the foundation for this legislation. Finally, I believe it is important that we recognize Les Brownlee and David Lyles for their leadership of a very professional and bipartisan staff.

This national defense authorization bill is a strong and sound bill. I intend to support it and urge my colleagues to join me in showing our strong support for the bill and our men and women in uniform.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank Chairman WARNER for allowing me the opportunity to speak in strong support of this essential bill for our men and women in the armed services. I believe it to be very fitting that we bring up S. 2549, the fiscal year 2001 Department of Defense Authorization Act, only 9 days after Memorial Day.

This bill should always be more than just a funding mechanism for today's military but a fitting tribute and to show our appreciation for those who served, are serving, and will serve in the future.

The Defense bill is entirely too important to be mired in politics. We must respect our military and provide them the best Defense authorization bill we can.

The fiscal year 2001 Defense Authorization Act is a bipartisan effort, and I believe we all did some essential heavy lifting in committee for our warfighters.

For the second year in a row, we have reversed the downward trend in defense spending by increasing this year's funding by $4.5 billion over the President's request, for a funding level of $309.8 billion. This results in a 4.4 percent increase in real growth from last year's appropriated level.

Last year as the Personnel Subcommittee chairman, I had the opportunity to oversee the first major pay raise for our military in almost 20 years. Now, I have the great privilege to serve as the chairman of the Strategic Subcommittee. While it is a tall order to fill the shoes of Senator BOB SMITH as subcommittee chair, I believe the subcommittee has had a very successful and productive session. Just like last year with Senator CLELAND, it is always rewarding to have a dedicated ranking member like Senator LANDRIEU. I want to thank her, as well as all the members of the subcommittee, for all the hard work they put into this bill.

The Strategic Subcommittee has oversight and program authority over the following areas: (1) ballistic and cruise missile defense; (2) national security space; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of energy (DOE) activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other defense activities.

During the last year, the subcommittee held four hearings.

The first was on our national and theater missile defense programs which showed that the DOD continues to have a funding-constrained ballistic missile defense (BMD) program. In this year's budget, the administration finally increased the funding for the National Missile Defense (NMD) program, but we found that all of the Ballistic Missile Defense Organization's or BMDO's major acquisition programs remain underfunded. Plus, we were very concerned about the lack of funding for the research and development technology programs. That is why in this bill we recommend substantial increases in funding for ballistic missile defense programs and technologies.

We also had a hearing regarding our national security space issues where we identified a number of areas in which budget constraints have caused DOD to insufficiently fund key space programs and technologies and technology development. We also learned from our extensive post-Kosovo conflict hearings that intelligence processing and dissemination was insufficient to meet some of our warfighting requirements. That is why we recommended funding increases for the National Imagery and Mapping Agency to improve the imagery tasking, processing, exploitation and dissemination process.

The Strategic Subcommittee also has oversight over two-thirds of the Department of Energy's budget, including the newly created and much needed National Nuclear Security Administration or the NNSA. The subcommittee also authorized funds for the Defense Nuclear Facility Safety Board, an independent agency responsible for external oversight of safety at DOE defense nuclear facilities.

We held the first congressional hearing to assess the programs of the newly established National Nuclear Security Administration or the NNSA. We remain concerned about the science-based stockpile stewardship program and the fact that it could be 15 years before the DOE stockpile stewardship program can be evaluated as an acceptable substitute for underground nuclear testing. We are also concerned about the slow pace in re-establishing pit manufacturing and tritium production capabilities and any long-term requirements or plans for modernization of its aging weapon production plans.

The fourth hearing was in the area of environmental management. I am encouraged that DOE continues to make progress in focusing its resources on closure of a limited number of sites and facilities. However, just like in the area of space and missile defense, I am very concerned that funding requests for science and technology development continues to drop. DOE needs a vigorous research and development program in order to meet its accelerated cleanup and closure goals.

In response to these needs, the Strategic Subcommittee has a net budget authority increase of $266.7 million above the President's budget. This includes an increase of $530.3 million to the DOD account and a decrease of $263.6 million to DOE accounts.

In the DOD accounts, there is a net increase of $418.6 billion for the Ballistic Missile Defense programs, an increase of $98.2 million for advanced space technology, an increase of $190.0 million for tactical and national intelligence programs, and an increase of approximately $22 million for strategic forces.

There are two provisions which I would like to highlight which pertain to the future of our nuclear forces. First, we have a provision which requires the Secretary of Defense, in consultation with the Secretary of Energy, to conduct an updated nuclear posture review. It has been since 1994 since the last nuclear posture review. This is important piece of the puzzle when determining the future shape of our nuclear forces.

The second provision requires the Secretary of Defense, in consultation with the Secretary of Energy, to develop a long range plan for the sustainment and modernization of the U.S. strategic nuclear forces. We are concerned that neither Department has a long term vision beyond their current modernization efforts.

A few budget items I would like to highlight include: an increase of $92.4 million for the Airborne Laser program that requires the Air Force to stay on the budgetary path for a 2003 lethal demonstration and a 2007 initial operational capability; an increase of $30 million for the Space Based Laser program; a $129 million increase for NMD risk reduction; an increase of $60 million for Navy Theater Wide; and extra $8 million for the Arrow System Improvement Program; and for the Tactical High Energy Program an increase of $15 million.

For the Department of Energy programs, the budget structure we have proposed for DOE is slightly different from the Administration's request. We recommend that all activities of the NNSA appear in a single budgetary provision, as required by section 3251 of the National Defense Authorization Act of FY 2000. The bill has an increase of $87 million to the programs within the NNSA, which is an increase of $331.0 million over last year.

In DOE's Environmental Management account, we decrease the authorization by $132.0 million. However, I want to stress that this bill still increases the environmental management account by more than $350 million over last year's appropriated amount. In addition, we decrease the other defense account by $88.8 million and move the Formerly Utilized Sites Remedial Action Program account to a non-defense account, reflecting a decrease of $140 million. Finally, the bill also provides $34 million to continue progress on restoring tritium production.

I would like to mention an important highlight of the Authorization bill outside of the Strategic Subcommittee.

I want to commend the new Personnel Subcommittee chairman, Senator HUTCHINSON, for his work on the comprehensive health care provisions in the bill. There are many significant improvements to the TRICARE program for active duty family members. The bill includes a comprehensive retail and national mail order pharmacy program for eligible beneficiaries, with no enrollment fees or deductible. This results in the first medical entitlement for the military Medicare eligible population. I am also very happy with the extensions and expansions of the Medicare subvention program to major medical centers and in the number of sites for the Federal Employees Health Benefit demonstration program.

Lastly, I would like to point out a few items specific to Colorado. The Defense Authorization Act fully funds Rocky Flats at $673 million. Plus, we require that all safeguard and security activities to be managed by Rocky Flats, and not at DOE headquarter organization, in order to ensure that future savings will be used for additional Rocky Flats cleanup. There is also a provision asking for a report on, as well as encouraging the Secretary of Energy to use, the authority provided in last years DOD authorization bill which allowed him to use prior year unobligated balances to accelerate cleanup at Rocky Flats. Lastly, we also provide employee incentives for retention and separation of federal employees at closure project facilities. These incentives are needed in order to mitigate the anticipated high attrition rate of certain federal employees with critical skills.

Also, the bill fully funds the Chemical Demilitarization Program at over $1 billion, while fully funding the military construction for the Pueblo Chemical Depot at $10.6 million. For Pueblo's destruction of their chemical agents, there is a provision which provides for the destruction of the chemical agents at Pueblo either by incineration or any technology through the Assembled Chemical Weapons Assessment on or before May 1, 2000. The provision is to expedite the destruction activities by using one of the technologies listed in the National Environmental Policy Act documents for the Pueblo Chemical Depot.

Plus, there are $34 million for the procurement of precision targeting pods for the Air National Guard and I expect these funds to be used for such procurement.

Mr. President, I want to thank Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Strategic Subcommittee has oversight and to congratulate him and Senator LEVIN in the bipartisan way this bill was developed and ask that all Senators strongly support S. 2549. I also want to thank Eric Thoemmes, Paul Longsworth, Tom McKenzie, and Tom Moore of the Strategic Subcommittee, all the Armed Services Committee staff, and Doug Flanders of my staff for all their long hours and hard work they put into this important bill.

Finally, one of Congresses main responsibilities is to provide for the common defense of the United States and I am proud of what this bill provides for our men and women in uniform. We must not be blinded by political motives when it comes to our men and women in the Armed Services. I look forward to moving this bill through the Senate, out of conference and to the President in order to quickly provide the much needed and much deserved resources for our military. To our Armed Services, I say this bill is a tribute to your dedication and hard work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. It is a great pleasure to work with him. He has one of the toughest assignments as subcommittee chairman, and he does it very ably. I thank him.

Mr. ALLARD. I thank the chairman.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to strongly support the speedy adoption of the National Defense Authorization Act for fiscal year 2001.

I join my colleagues on the committee in expressing my appreciation to Chairman WARNER for the outstanding job he has done in his work on this bill.

I commend Senator ALLARD for the great work he has done as chairman of the Subcommittee on Strategic Forces, for the work he did on the Personnel Subcommittee prior to my ascension to that post, and for the assistance he has given me; I express my appreciation for that.

As chairman of the Personnel Subcommittee, I worked closely with Senator MAX CLELAND, our ranking member, to develop a package that is responsive to the manpower readiness needs of the military services, that supports the numerous quality of life improvements for our service men and women, their families, and their retirement communities, and that reflects the budget realities we have today and will face in the future.

The subcommittee focused on the challenges of recruiting and retention during each of our hearings this year. Even the health care hearing really focused on that area of recruitment and retention and the impact of what we do in the area of health care on our future retention and recruiting ability.

This bill will have a positive impact on both recruiting and retention as those who might serve and those who are serving see our commitment to provide the health care benefits promised to those who serve with a full military career.

I am very pleased with this bill. I am proud of this bill. I believe these initiatives will result in improved recruiting and retention within the military services.

The bill supports the administration's request for an active duty end strength of 1,381,600, and reserve strength of 847,436, more than this administration requested.

On military personnel policy, there are a number of recommendations intended to support the recruiting and retention and personnel management of the services. Among the most noteworthy is a provision, that would be effective July 1, 2002, requiring high schools to provide military recruiters the same access to the campus, to student directors, to student lists and information as they provide the colleges, universities, and private sector employers unless its governing body, the school board, decides by a majority vote to deny military recruiters access to the high school.

Currently, there are literally hundreds of high schools that have made decisions—usually on the basis of the superintendent or the principal—to deny access to military recruiters. For those school boards that do not vote to limit access to military recruiters, the proposed modification in the bill retains the original requirement that the services must send a general or flag officer to visit high schools within 120 days of the denial of access to military recruiters. If the high school continues to deny equal access to military recruiters, the Secretary of Defense will then send a letter to the Governor notifying him of the denial and requesting assistance in obtaining access for military recruiters.

If, after the efforts of the Secretary of Defense and the Governor, the high school continues to deny access to military recruiters, the Secretary of Defense will notify the congressional delegation of the high school that has not complied with the statute we will enact with the passage of this bill. Of course, if the school board votes not to restrict access of military recruiters, the services and the Secretary of Defense will not be required to go through the procedures I just described.

I believe requiring school boards to take that affirmative vote and to do so publicly in the light of their constituencies will really eliminate this problem that has posed such an obstacle to our military recruiters. In our hearings, we heard from frontline military recruiters that the biggest obstacle they have is actually having access to be able to make their case to young people in our schools today.

Another initiative to support recruiting is a pilot program in which the Army could use motor sports to promote recruiting, implement a program of recruiting in conjunction with vocational schools and community colleges, and a pilot program using contract personnel to supplement active recruiters.

Another important recommendation in this mark is the expansion of JROTC programs. We have added $12 million to expand the JROTC programs. We combine it with the funds in the budget request. This will maximize the services' ability to expand JROTC during fiscal year 2001.

I am proud to be able to support these important programs that teach responsibility, leadership, and ethics and assist the military in recruiting. In fact, it has been one of the most effective tools the military has in recruiting high school students.

Our major recommendations include a 3.7-percent pay raise for military personnel and a revision of the basic allowance for housing to permit the Secretary of Defense to pay 100 percent of the average local housing costs and ensure that housing allowance rates are not reduced while permitting increases that local housing costs dictate.

The bill directs the Secretary of Defense to implement the Thrift Savings Plan for active and reserve forces not later than 180 days after enactment. Making mandatory the provision of the Thrift Savings Plan will be a very positive recruiting and retention tool in assisting the military services in attracting highly qualified personnel and encouraging them to remain until retirement.

This year, the committee focused on improving health care for active, reserve, and retired military personnel and their families. In health care, there are a number of key recommendations. The foremost of these provisions is the pharmacy benefit for Medicare-eligible beneficiaries to which Senator ALLARD alluded in his remarks. This is the first time Medicare-eligible military retirees have an entitlement to military health care.

In addition, prescription drugs represent the largest unmet need of Medicare-eligible beneficiaries. I will be speaking on the Warner-Hutchinson amendment, when that is offered, regarding health care and what we are doing for our men and women in uniform.

I am very proud of this bill and pleased with what the committee has put together. It will provide the resources the military services need to maximize their readiness and to improve the quality of life for active and retired military personnel and their families.

I express my gratitude to Charlie Abell, committee staff, for the outstanding work he has done in the past and for the service he has again performed to our country and to the committee. I appreciate his work, along with other members of the committee staff. I especially thank my personal staff, Michael Ralsky, for the work he has done not only on behalf of our country and our national security but for the State of Arkansas. This is a good bill worthy of the support of the Senate. I am pleased to be supporting it.

I again thank Chairman WARNER for his leadership in putting this bill together.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his thoughtful remarks, most particularly the remarks directed at the staff and other members of the committee. He is a hard-working subcommittee chairman, and he is tackling the problem of recruiting and retention. We will hear further from the Senator as we proceed with this bill.

I ask unanimous consent we proceed briefly to discuss the pending amendment, and then we will proceed to an amendment to be offered by Senator MCCAIN on food stamps, if that is agreeable as procedure. I say to my colleague, we are moving expeditiously, with Senator ROBERT KERREY anxious to come to the floor.

I am not suggesting we will vote on the Warner amendment. We will discuss it, and when Senator MCCAIN comes to the floor, we will take up that amendment. My understanding is he desires less than half an hour. The Senator can indicate the time the other side desires, and then we will proceed to rollcall vote and possibly go to the Kerrey amendment.

Mr. LEVIN. That is fine.

AMENDMENT NO. 3173

Mr. WARNER. I thank the Senator from Michigan. He indicated to the Senator from Virginia that the pending

amendment, in our collective judgment, is subject to a budget point of order. I have shared with his senior staff that corrective measures were taken to try to bring that amendment within the strictures of the budget amendment so it would not be subject to a point of order. We will show immediately what we intend to do.

In the meantime, I will discuss the amendment until Senator MCCAIN comes to the floor.

I have introduced this amendment today to change the existing military medical program to encompass in the future retirees over 65. This amendment provides uninterrupted access to both TRICARE and CHAMPUS for military retirees and their families without regard to age.

Let me use the term ''retirees.'' Those following this debate might not fully understand. We are talking about men and women in the Armed Forces who put in the necessary number of years of active service or reserve service or guard service, whatever the case may be, to meet the criteria of the various frameworks of law to qualify them for a retirement for such services as they render. That is the class of individuals being referred to. It does not include persons, such as myself, who have short tours of military duties; it does not apply to me. When we use the term ''retirees,'' it is only for those who, by virtue of their services, met the statutory requirements and are eligible to receive retirement benefits.

Beginning in World War II, promises were made to military members that they and their families would be provided health care if they served a full career. Of course, we certainly included active duty and to some limited extent the reserve and guard for military health care. We are talking about that category of persons I have just described.

Subsequent legislation was enacted which cut off medical benefits for those over age 65, leaving them to depend on the Medicare system, which, in their judgment and in the judgment of others, has proven insufficient, and in other ways it is a breach of promise.

So there are many underlying reasons for the legislation I am proposing and the most important is equity. The reputation of those in the military who gave the promise—not knowing there wasn't any statutory foundation—made promises concerning medical care to induce individuals to provide a minimum, say, 20 years of service in most instances, to enable them to have a career in the U.S. military.

Not meeting the commitment to provide medical care is a breach of promise made on behalf of our Nation. We have to correct it. These individuals devoted a significant portion of their lives, their careers, in service to our country. I recognize with profound sorrow how we broke the promise to these retirees, certainly when we passed legislation in the early 1960s. We rectify it today.

I have examined these issues. There is no statutory foundation providing for entitlement to military health care benefits. It simply does not exist, in my judgment. It is mythical in terms of a foundation law. But good-faith representations were made to these members. Who made the commitment is irrelevant.

I have some personal recollection. I was on active duty for a brief time toward the conclusion of World War II, and then I had a second tour of active duty during the Korean conflict—again, less than 2 years. Nevertheless, I was surrounded by military people. I remember well the inducements given at the conclusion of World War II when so many desired to return to civilian life, requests to stay on active duty; the same thing during the Korean conflict—stay on active duty; continue; give the military the opportunity to show you a career pattern. Part of those representations included the health care package.

Our committee has made a determination—and indeed it is a bipartisan decision—that we would fix the issue of health care for our retirees this year. We started with a series of bills, step by step by step. I have acknowledged my gratitude, and indeed other members of the committee acknowledge their gratitude, for what the military retirees did in bringing to our attention certain inadequacies of steps we had taken. Step by step, we have improved the benefits, in this particular phase of legislation, in this fiscal year. We are going to achieve a very significant improvement to the health care benefit, particularly if that amendment is adopted by the Senate.

The amendment I bring to the floor repeals the restriction barring 65 or older military retirees and their families from continued access to the military health care system. If included, this provision will provide an equal benefit for all military health care system beneficiaries, retirees, reservists, guardsmen, and their families. This puts all beneficiaries in the same class.

It is expensive, but I think it is essential we do this to keep the faith with military retirees. I have had many meetings with both active and retired military on the health care issue. I conducted town hall meetings, discussions with groups who have come to my office, and I have listened to those who have attended the Armed Services Committee hearings regarding their views. They filled the room on a number of occasions. They have come from all areas of the country to talk about this. They are not seeking it solely for themselves. They are seeking to preserve the image of the U.S. military so the young people today who are considering joining at the recruiting stations—going through our ROTC, NROTC, the AROTC, all of these programs—will consider a military career.

When they go back home they hear the oldtimers say: Watch out, they broke a promise to me on health care. You are thinking about devoting 20 years of your life to this, or more—watch out.

We are going to get rid of the, ''Watch out.'' That is what we are trying to do, get rid of it, because the military retirees are the most cost-effective recruiters that we have in America today. They do not cost us anything. Yet it is those ladies and gentlemen who served this Nation who go out and talk to the youngsters. The youngsters look up to them. The youngsters trust them. They look up to the veterans. They have been there. They have done it. They help tremendously helpful in recruiting. So there are many reasons for making these health care improvements.

The amendment is a quantum leap ahead of the provisions already in committee markup at the desk. While the markup includes the comprehensive drug benefit regardless of age, the amendment goes further and provides uninterrupted access to complete health care services. As a result of these initiatives, all military retirees, irrespective of age, will now enjoy the same health care benefits.

In town hall meetings, as I said, I listened carefully to the health care concerns of the military, particularly those over 65. We have all done that. The constant theme that runs through their requests is that once they have reached the point at which they are eligible for Medicare, they are no longer guaranteed care from the military health care system. This discriminatory characteristic of our current health care system has been in effect since 1964. It reduces retiree medical benefits and requires a significant change in the manner in which health care is obtained at a point in the lives of our older military retirees when stability and confidence and respect and indeed the love of the community is most needed. This is an amendment which in effect repeals the 1964 law.

In order to permit the Department of Defense to plan for restoring the health care benefit to all retirees, my provision would be effective on October 1, 2001. While some may advocate an earlier effective date, it is simply not feasible to expand the medical coverage to the 1.8 million Medicare-eligible retirees overnight.

The amendment eliminates the confusing and ineffective transfer of funds from Medicare to the Department of Defense. Military retirees will not be required to pay the high cost of additional basic or supplemental insurance premiums to ensure their health care needs. Military readiness will not be adversely impacted, and our commitment to those who serve their full career will be fulfilled.

What is apparent to me is that the will of the Congress, reflecting the will of the Nation, is that now is the time to act on this issue. Access to military health care has reached a crisis point. With the reduction in the number of military hospitals and with the growth

in the retiree population, addressing the health care needs of our older retirees has become increasingly difficult. These beneficiaries should be assured that their health care needs will be met.

I am well aware of the legislative alternatives that have been proposed to address military retiree health care needs. I have struggled to examine the most acute needs of these beneficiaries and have struggled to develop a plan that equally benefits all our retirees, not just those fortunate enough to live near a military medical facility, or those fortunate enough to be selected through some sort of lottery to be allowed to participate in the various pilot programs now underway. My goal is to provide health care through a means that is available to all beneficiaries, in an equitable and complete manner.

As I have made it clear throughout the year, improving the military health care has been the Committee's top quality of life initiative this year. We have listened. We have, with bipartisan support, enhanced our earlier legislation to include full pharmacy benefits. The amendment now before the Congress complements those earlier efforts and provides an equitable medical benefit, one that is not based on age. It is time to act.

At the suggestion of my distinguished colleague, to avoid a point of order, I am looking at not changing the fundamental provisions in the amendment but limiting it to two or possibly three fiscal years. That will bring us within the constraints of the budget resolution. That is an important step. I appreciate my colleague bringing this to our attention.

It will have another effect. It will enable the Congress, and initially our committee, to go in, in depth, and study this amendment because it is going to have a very significant impact on the existing infrastructure that is caring for the existing active duty and military retirees under 65. We cannot fully calculate, no matter how hard we look into this, what that impact would be. In my own judgment, it will require the Congress to step forward and provide funds, maybe some legislation, to help the existing infrastructure absorb the over-65 retirees as they return to what was justly promised them when they signed up.

So this amendment has the advantages of laying it out, giving a reasonable period of time for the Department and for the Congress to examine it and determine what we have to give by way of additional support.

Also—I say this with no political motive whatsoever—it should become and will become, in my judgment, an issue in the Presidential campaign. I am quite certain the retirees will say to both candidates: Look here, the Senate of the United States included this provision. It went over to the conference with the House. It survived. It was signed into law by the President. But it ends. It ends in, say, 2003. I want to hear what the Presidential candidate has to say about this program and whether he will support it, support it in the sense of extending it beyond 2003, support it in the budget requests to provide the additional funds and whatever is necessary to make the infrastructure of our military able to support this program.

That is what we are working on. Momentarily I will ask my amendment be modified. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, it is my intention to speak for about 10 minutes in reference to the National Defense Authorization Act. I thank the distinguished chairman of the Armed Services Committee, Senator WARNER, for his outstanding leadership in the past year. I also thank the distinguished ranking member, Senator LEVIN, for his leadership as well.

This is a good, solid, and positive effort in behalf of our national defense. As a subcommittee chairman, I am particularly proud of the work we were able to accomplish in the subcommittee that we call the Emerging Threats and Capabilities Subcommittee. I would like to review the key provisions contained in this act that fell under the jurisdiction of the Emerging Threats Subcommittee.

As the chairman has pointed out, as well as the distinguished Senator from Michigan, in the last year, what we call information warfare, and what some call cyberthreats—and the American public is certainly becoming much more aware of that situation—to the United States, including the Department of Defense, have increased very dramatically. The Department of Defense reported that these attacks on Defense Department systems increased from under 6,000 in 1998, only 2 years ago, to over 22,000 in 1999. That figure is doing nothing but dramatically increasing and there is every indication that this trend is going to continue.

From a national economic standpoint in regard to private industry, we are very susceptible and we are very vulnerable. In regard to our national security, we are very vulnerable. I remain concerned that many important, what we call information assurance programs, designed to protect against such cyberattacks, basically remain underfunded by the Department of Defense. For example, at the hearing before the Subcommittee on Emerging Threats and Capabilities, as of this spring witnesses from the Department once again confirmed that such funding shortfalls remain significant and presented a list of almost $500 million in unfunded requirements in this area. Obviously that is a considerable amount of money. When you compare it to the ever-increasing threats and vuneralabilities, you can see just how important this is.

For these reasons, we have included $76.8 million in this bill not only for today's underfunded requirements but also to really try to initiate programs such as training and education. Let me really underscore the word, in regard to education, in something called ''cybersecurity,'' that will continue to provide meaningful solutions far into the future. Senator WARNER's initiative—what I refer to as the Roberts-Warner initiative, and the distinguished chairman refers to it as the Warner-Roberts initiative—he has embarked through his leadership and through his research on a whole series of scholarships in information security to attract our young people, the best and brightest; not to rely on those who come to us from foreign countries with ever-increasing higher immigration quotas. We must bring the next generation on to have this expertise. So these Warner scholarships in regard to information security for the Department of Defense will have far-reaching and, most important, positive effects in this situation.

Second, I want to talk about the terrorist threats to our citizens and our service members. It shows no sign of diminishing. Especially in regard to the weeks that led up to the millennium celebration, numerous individuals who were suspected of planning terrorist attacks directed at U.S. citizens were arrested in the United States and abroad.

This is a threat from state actors and nonstate actors all over the world; and with the proliferation of weapons of mass destruction, the threat of a terrorist attack with a chemical, biological, or nuclear weapon is increasing at an alarming rate.

We asked the experts who came before the Emerging Threats Subcommittee, the experts whose job it is to determine what represents a vital national security risk: What keeps you up at night? What makes you really worry in regard to a vital national security threat?

Their response was largely along two lines of concern: one, in regard to the cyberattacks which we are already experiencing in private industry and the Pentagon experiences every day, and the other one was biological attacks. It is so easy to use, whether it be a state actor or a nonstate actor or anybody connected with organized crime or any individual who wants to cause a great deal of trouble.

We, as a nation, must continue to detect and try to deter such attacks, but if such an attack happens, we must be prepared to deal with the consequences. We call this consequence management. We in Kansas, just to the north of Oklahoma City, full well know what kind of a tragedy can occur in regard to consequence management. Stop and think a minute about a terrorist threat and what could happen in our urban areas or, for that matter, anywhere in the country, and my colleagues can understand the seriousness of this problem.

Our subcommittee will continue to play a leading role in ensuring the Department of Defense is adequately funded and structured to perform its critical role in the overall U.S. Government effort to, again, deter, detect, and combat terrorism. The bill contains an additional $35 million for these efforts.

This year we continue a comprehensive review, initiated last year, of the activities of the Department of Defense to combat terrorism. Obviously, our goal is to make the Department efforts in this critical area more visible and certainly better organized. In fact, at a subcommittee hearing, leading Department of Defense witnesses testified to, No. 1, what their jurisdiction is; No. 2, what they have been doing; No. 3, what they plan to do and what their budget requirements are; and if, in fact, they could ask us for their priority concerns, what would they be.

Before this hearing, I asked them to sit in the order of their chain of command to figure out who was in charge and is this effort being properly coordinated and shared, and what about communication. They looked at one another. There were four witnesses and nobody knew who was at the top of the chain of command. Hello, we have a big problem in that respect.

We included in the markup a provision to address this. When I say ''we,'' I include the distinguished ranking member of the subcommittee, Senator BINGAMAN, and the distinguished Senator whose efforts, in part, led to the creation of the subcommittee, Senator LIEBERMAN.

We have also worked to increase the capabilities of the Department of Defense to assist in the event of a terrorist attack on U.S. soil involving the use of a weapon of mass destruction.

This bill also authorizes over $1 billion, again to support the Russian threat reduction and nonproliferation efforts. During the post-cold-war decade, the U.S. Government has spent—I do not think too many of my colleagues recognize this; I know not too many of our American citizens understand this, but during the post-cold-war decade, the U.S. Government has spent over $4.7 billion in the former Soviet Union to reduce the threat posed by the possible proliferation of weapons of mass destruction and weapons-usable nuclear materials and scientific expertise. After nearly a decade of working in Russia and the other states of the former Soviet Union, committing ourselves to future efforts, we thought it was important for us to review what these programs have achieved.

Senator LEVIN has spoken eloquently of the need for the continuation of this effort and the intent of the effort. I share his commitment, but I am concerned that for all the good intentions and all the significant investment that has been made, the return of reducing the threat has been too small relative to the $4.7 billion. We can do better.

For example, the General Accounting Office found that $481.2 million has been spent since fiscal year 1993 on a program designed to secure the weapons-usable nuclear material in Russia and the states of the former Soviet Union, but only 7 percent of the total nuclear material identified as being at risk has been secured. I am troubled by this progress achieved in light of this significant investment. We are not going to scrap the program, but we must do better.

In March, the GAO testified that the costs associated with achieving the threat reduction will continue to increase due primarily to the following facts: Russia's inability to pay its share of the costs of these programs, and we are certainly working in that regard with our Russian counterparts; Russia's basic reluctance to provide the United States with needed access to its sensitive facilities. I was in Russia last August attempting to gain greater access. We will continue those efforts.

To help solve those problems, this mark contains several initiatives to obtain greater Russian commitment and necessary access to ensure these programs will have a greater chance of attaining their stated objectives, and if we do that, these programs will attain even further widespread support and they can be a success.

I call the attention of my colleagues to a modest, but extremely important, initiative in this bill with widespread bipartisan interest that will lead to a major joint field experiment in 2002. I do not know of any commitment that will be undertaken in the future by any of our military services that will not be joint.

This experiment will evaluate visions of our military services for future combat forces and ensure they can be brought together effectively for joint military operations to deter and counter the emerging threats to our national security. I am talking about the fact that we lack interoperability. I know the services and the service chiefs say we have this interoperability. With all due respect to the service chiefs and others, we do not have that ability to the degree we need it. That is why we feel we must press ahead with a major joint field experiment if we possibly can. It is absolutely essential.

Finally, my colleagues will find in this recommendation an affirmation of the subcommittee's strong support of the Defense Science and Technology Program. This bill includes an increase—I emphasize, an increase—of $446 million to science and technology. That is a 9-percent increase over the President's budget request. It is this investment that will provide for future capabilities to deal with emerging threats to our national security.

This is a solid effort; it is a positive effort. It will meet the objective within the constraints of the defense budget for the work assigned to the Emerging Threats and Capabilities Subcommittee. I urge approval of this legislation.

I join our able chairman in thanking the majority and minority committee staff, my subcommittee staff, and my personal staff for a job well done. I specifically mention Pam Farrell. If one puts charming and tenacious together, it might be considered an oxymoron. It is not the case with Ms. Farrell. Without her leadership and expertise and being just as tenacious as she can be, we would never have increased the science and technology budget by more than 9 percent over the President's budget. She does an amazing job.

I would also like to thank Ed Edens and Joe Sixeas, who is affectionately called Andy, for their work in regard to the counterterrorism efforts we are conducting, more especially with the RAID teams that we now say are CST teams; Chuck Alsup in regard to the joint experimentation initiative; Cord Sterling, who has been in Central America, South America, virtually every country where we have a threat in regard to drugs, working overtime. In regard to cyberattacks, Eric Thoemmes, does an outstanding job. He really has to keep up with that and has done a super job. Then on the cooperative threat reduction programs, Mary Alice Hayward.

All of these folks have done an outstanding job. Their minority counterparts have done likewise. We are only as good as our staff. In this regard, I want to pay personal thanks to the staff.

I urge the adoption of this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have an amendment.

Mr. WARNER. Before the Senator proceeds, I express my gratitude to our distinguished chairman of the Emerging Threats Subcommittee for a marvelous job. I commend the Senator for giving his staff due recognition for their wonderful work. It is a vital subcommittee. It is on the absolute cutting edge of everything we have to be doing in the Senate.

I thank the Senator and yield the floor.

Mr. ROBERTS. I thank the Senator.

AMENDMENT NO. 3179

(Purpose: To establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance)

Mr. MCCAIN. I have amendment No. 3179 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3179.

Mr. MCCAIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. SPECIAL SUBSISTENCE ALLOWANCE FOR MEMBERS ELIGIBLE TO RECEIVE FOOD STAMP ASSISTANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

''§ 402a. Special subsistence allowance

''(a) ENTITLEMENT.—(1) Upon the application of an eligible member of a uniformed service described in subsection (b), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance.

''(2) In determining the eligibility of a member to receive food stamp assistance for purposes of this section, the amount of any special subsistence allowance paid the member under this section shall not be taken into account.

''(b) COVERED MEMBERS.—An enlisted member referred to in subsection (a) is an enlisted member in pay grade E–5 or below.

''(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

''(1) Termination of eligibility for food stamp assistance.

''(2) Payment of the special subsistence allowance for 12 consecutive months.

''(3) Promotion of the member to a higher grade.

''(4) Transfer of the member in a permanent change of station.

''(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

''(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

''(3) The number of times that payments are resumed under this subsection is unlimited.

''(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

''(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

''(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

''(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2005.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

''402a. Special subsistence allowance.''.

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 2000, the Comptroller General of the United States shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Comptroller General shall consult with the Secretary of Defense, the Secretary of Transportation (with respect to the Coast Guard), the Secretary of Health and Human Services (with respect to the commissioned corps of the Public Health Service), and the Secretary of Commerce (with respect to the commissioned officers of the National Oceanic and Atmospheric Administration), who shall provide the Comptroller General with any information that the Comptroller General determines necessary to prepare the report.

(3) No report is required under this subsection after March 1, 2005.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, this amendment would provide the funding necessary to end the food stamp military. I come to the floor with this proposal which I introduced in March. Two months ago, I offered an amendment to the congressional budget resolution for fiscal years 2001 through 2005. The Senate adopted an amendment then to secure funding to end the ''food stamp military'' by a vote of 99–0.

I would expect a similar vote, but I think it is important that we get Members on record to try to rectify what is really a very deplorable and unacceptable situation, and that is, our junior enlisted service personnel, mostly in the pay grades E1 through E5 are on food stamps.

Mr. President, I ask unanimous consent that several articles in the Washington Post, and several other newspapers—the Memphis Commercial Appeal, the London Sunday Telegraph—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 20, 1999]

FEELING THE PINCH OF A MILITARY SALARY; FOR SOME FAMILIES, PAY DOESN'T COVER THE BASICS

(By Steve Vogel)

On a muggy Saturday at Quantico Marine Corps Base, about two dozen Marines and family members quietly poked through piles of discarded furniture, clothing and household goods in what has become a weekly ritual at the big Northern Virginia installation.

Those who defend the nation were trying to make ends meet.

At 8 a.m., the patch of lawn was covered with beds, tables, dressers and desks. Within 45 minutes, almost all the furniture was gone. The price was right—everything was free.

The items had been gathered by volunteers who go ''trashing'' every Tuesday, scouring garbage left at curbs on the base. Every Saturday, they give away what they collect to needy, eager Marine families.

Their efforts reflect a cold reality for thousands of low-ranking men and women in uniform assigned to high-priced Washington and elsewhere: Military salaries, never substantial, often fall far short of what they need.

''We're talking about the basics of life here, and they don't have it,'' said Lisa Joles, a Marine wife who created the volunteer network two years ago. ''Sometimes, they don't have a thing. I didn't know how large the problem was until I got to Quantico.''

Of the 40,000 enlisted soldiers, Marines, sailors and airmen based in the area, many feel compelled to work part-time or even full-time civilian jobs to supplement what their country pays them, according to military families and officials. Hundreds more, especially low-ranking troops with families, rely on food stamps or other forms of federal assistance. Many depend on the charity of their fellow troops.

''How can we send members of the military to Kosovo and expect them to do their job if they're concerned about the family being able to afford new school shoes?'' said Sydney Hickey, a spokesman for the National Military Family Association in Alexandria.

Since 1982, military salaries have fallen nearly 14 percent behind civilian pay, according to federal figures. Congress has tentatively approved a 4.8 percent pay raise to take effect Jan. 1; many service members will receive a second raise six months later.

But the raises still will leave a military-civilian gap of more than 11 percent, according to studies. The situation is particularly hard of families—and 53 percent of the enlisted force nationally is married.

''A single Marine, with due diligence, can get by,'' said Thomas Loughlin, who heads the Marine Corps Community Services at Quantico. ''The real problem is people with families. It's a sad indictment of society that somebody who's willing to give his life for his country gets paid close to minimum wage.''

Pentagon officials acknowledge that some service members face severe hardships, not only in the Washington area but also in other parts of the country. But they insist that such cases do not reflect conditions for the vast majority of troops, and they point to statistics showing that junior enlisted service members earn more than the general population of high school-educated 18- to 23-year-olds.

At the same time, the officials said that improving pay is critical to Pentagon efforts to solve problems in retaining people in the armed forces. ''A lot of our troops are waiting to see what happens with the pay package,'' said Rudy de Leon, undersecretary of defense for personnel and readiness.

Military pay varies considerably by rank, length of service and other factors. A single Marine private first class, for example, would earn base pay of $1,075 a month, plus a subsistence allowance of $225 a month for food. Those living off base also receive a housing allowance that varies by jurisdiction and would be $612 for someone living near Quantico.

In addition, members of the armed forces receive some benefits, such as medical care, at a fraction of the cost for most civilians. Commissaries offer items that are 30 percent cheaper than at civilian stores, according to Pentagon figures. Service members also do not pay federal taxes on their food and housing allowances.

A recent Pentagon study found that, overall, only 450 of the 1.4 million members of the armed forces were living at or below the national poverty level, which is $413,332 for a family of three.

But advocates for military families said that the statistics and benefits do not reflect how difficult it is for many men and women to both serve their country and live comfortably in peacetime.

''We believe there are an awful lot of families who are living at the wire, and frequently fall over it,'' Hickey said.

Several evenings each week, as soon as he finishes duty at Quantico, Lance Cpl. Harry Schein darts off base, picks up his 14-month-old son from day care and drops him off with the boy's mother.

Then he drives up I–95 to Arlington and joins a group of Marines who moonlight by moving office furniture until about 11 p.m. On Saturdays and Sundays, he works from 4 p.m. until midnight as a security guard in Alexandria.

''Most of the Marines I know are living check to check and barely making it by and have to get some kind of supplement,'' said Schein, whose pretax paycheck is $2,168 a month, including housing and food allowances. That, he said, does not cover his $595-a-month apartment in Dale City; gas; car insurance; and day care, clothes and food for his son, Devantre.

On top of his part-time work, Schein has had to turn to the government's Women, Infants and Children nutrition program, which provides federal vouchers so he can buy formula, juice and baby cereal. The Navy-Marine Corps Relief Society also gave him several hundred dollars in commissary vouchers to buy food.

''All the pride in the world, all the awe people have when they see a Marine, all that isn't going to pay the bills,'' said Schein, 22.

The Queens, N.Y., native said that he joined the Marines to make his parents proud but that he is likely to leave when his enlistment runs out next year. ''As much as I love being a Marine, monetarily, I can't,'' he said.

Military installations do not generally track how many troops receive public assistance. But many officials who work with low-income service members in the Washington area said that the problem is significant and has grown worse in recent years.

Many soldiers ''can only afford food, clothing and shelter and getting to work,'' said Brenda Robbins, an Army Community Services worker at Walter Reed Army Medical Center. ''Saving is almost obsolete.''

A recent survey of 165 soldiers at Walter Reed found that 41 percent were using some form of public or private charity, according to Bill Swisher, a spokesman.

Commissaries at Fort Belvoir, Fort Meade, Fort Myer, Andrews Air Force Base, Quantico and Patuxent River Naval Air Station collected more than $800,000 worth of food stamps and WIC vouchers last year, according to the Defense Commissary Agency.

More than $21 million worth of WIC vouchers were redeemed at military commissaries last year, according to Pentagon figures. Nearly 12,000 service members—less than 1 percent of the force—received food stamps in 1995, the last year a study was conducted.

''I think it stinks, really, that a member of the armed forces has to go to food stamps,'' said Lance Cpl. Damon Durre, 25. But that's what the Quantico Marine did after finding he could not support his wife and two children on his take-home pay.

Service members in this area do not receive cost-of-living adjustments in their pay, unlike those in New York, San Francisco and Boston. Washington does not qualify as a high-cost area under a formula used by the military.

Housing allowances are adjusted according to jurisdiction, but many service members say it is not enough to cope with area rents, and many end up living 40 or 50 miles from their duty stations.

''The cost of living will eat you alive,'' said Sgt. Edna Jackson-Jones, a Marine at Quantico who tried to find affordable housing near the base but instead lives with her three children in an apartment in Fredericksburg. ''I had to go further south because it's cheaper down there.''

Quantico offers classes in budgeting and buying cars and directs needy Marines to emergency aid, but officials say it is difficult to assist all those facing difficulties.

''We have a lot of problems reaching out to them, because many times, they don't want you to know they have a problem,'' said Maj. Kim Hunter, deputy director of Marine Community Services. ''It's not their nature.''

One result is that members of the military routinely work second jobs, often without permission from superiors, military officials acknowledged. Enlisted men and women sell goods at Potomac Mills, flip hamburgers at fast-food restaurants, do construction work, deliver packages for UPS.

''Seems like everybody who's been here a while has a part-time job,'' said Marine Lance Cpl. Robert Hayes, who has a second job as a mover. ''You really don't have enough money to make it to the next paycheck otherwise.''

[From the Commercial Appeal, Memphis, TN, Mar. 5, 2000]

ON HOME FRONT, MILITARY FAMILIES STRUGGLE WITH LOW PAY

(By Kim Cobb, Houston Chronicle)

Quotesha Austin is tired of being poor. It is not what she expected as an Army wife.

Her husband, Pfc, Gary Austin, spends his days training at sprawling Fort Hood, where he drives a lumbering, tank-like vehicle called a Bradley. He is paid $1,171 a month before taxes, a couple hundred dollars in subsistence pay and a housing subsidy that does not cover the rent for his family.

''That spells broke,'' Quotesha Austin says dryly. They can't afford a car, and she can't find a job that pays enough to cover day care for her two children.

In November, she began collecting food stamps, and the Austins joined the list of an estimated 12,000 military families who do the same.

More than $13 million in food stamps was redeemed last year in military commissaries. There is no way to measure how many were redeemed by military families in civilian supermarkets.

Although food stamp recipients are less than 1 percent of the nation's 1.4 million service members, the issue has embarrassed some officials who claim to be supporters of the military and has erupted as an emotional campaign topic for GOP presidential hopefuls George W. Bush and John McCain.

They argue it is an outrage that men and women who put their lives on the line for their country must seek help to feed their families.

For its part, the Defense Department has studied the food stamp issue and dismissed it as too costly to fix in light of the relatively small number of military families eligible for food stamps.

But the military has another problem—how to recruit and retain good people when jobs are plentiful and the economy is strong. The Senate Armed Services Committee met recently to discuss the subject.

Many advocates for better military pay point to a 13 percent gap between overall military pay and that for comparable civilian jobs. The defense-oriented Center for Strategic and Budgetary Assessments believes the gap is exaggerated but concludes that increasing pay and benefits to some degree is a reasonable response to recruitment problems.

The Defense Department has ordered another study on its food stamp families, the third since 1991. Defense spokesman Susan Hansen said incremental pay raises scheduled through 2005 and a proposed major boost in the housing allowance should help alleviate cost-of-living problems for everyone.

''But I think we've seen in the past that the food stamp issue is more a function of larger families for junior personnel than other demographic groups,'' Hansen said.

Food stamp recipient Shauntrel Linton says her husband joined the Army specifically because she was pregnant with their first child. Her father was in the military, and they assumed joining the Army would cover their young family's costs. ''I think I thought he'd be making the same amount as my dad,'' she said.

The military doesn't want to encourage people who are young and at low levels in the military to have many children, said Steven Kosiak of the defense-oriented Center for Strategic and Budgetary Assessments. Although raising all military salaries costs more than just taking care of the food-stamp population, targeting special financial consideration to potential food-stamp recipients creates the problem of different pay for the same work. ''But having said that, nobody wants to think there are military people who are so underpaid they are resorting to food stamps,'' Kosiak said. ''This is not an unsolvable problem, but it is complicated.''

The last Defense Department study, conducted in 1995, found that 59 percent of military food stamp recipients were living on the base. Most of that group would not be eligible for food stamps, the study speculated, if the agencies that administer them were able to fully measure ''hidden compensation,'' like on-post housing.

Those conducting the study found that an additional 41 percent of recipients were collecting food stamps even though they lived off base and their housing allowances were calculated as part of their gross pay. The study determined that of 4,900 food stamp families living off base, only 1,100 should qualify for food stamps, based on income and family size.

At the lowest end of the scale, an enlisted man or woman at the pay grade of E–1 earns $1,005.49 per month in base pay. The largest percentage of servicemen and women drawing food stamps are at the slightly higher E–4 pay grade, which starts at $1,242.90 per month for those with less than two years of service.

The military got a 4.8 percent raise in January for every person in uniform. Seventy-five percent of all service members will receive another pay increase in July, although it's targeted to midgrade and noncommissioned officers.

[From the London Sunday Telegraph, Oct. 31, 1999]

U.S. SOLDIERS RELY ON CHARITY TO SUPPORT FAMILIES

(By David Wastell)

Thousands of American soldiers serving in the world's most powerful armed forces are so poorly paid that they are having to depend on charity to provide their families with basic household necessities.

The spectacle of America's defenders standing in line at social service offices, or raking through discarded furniture to find beds for themselves and toys for their children, has horrified the nation and is emerging as a potent issue in the forthcoming presidential election.

Although military authorities insist that the problem is small, and only affecting young men with unusually large families, soldiers' wives and welfare organisations say

that many more service personnel are struggling to make ends meet—but are too proud to seek the help which they need.

Tony Bradshaw, a 19-year-old lance-corporal at Quantico, a US Marine base 30 miles south of Washington, who has been receiving food stamps—vouchers that can be exchanged for goods at shops—for the past two months, said: ''It's very hard to realise and admit it. I have to do whatever I can to provide for my family. But I did not expect it to be like this when I joined up.''

A family of three—with one child and the wife not working—would qualify for food stamps if their pre-tax income is less than $873 (£528) per month. A two-child family would qualify on income less than $1,176 (£705) per month, rising to $2086 (pounds 1252) for a family with five children.

Food stamps worth $142 a month have helped eke out the $1,000 monthly pay cheque on which L/Cpl Bradshaw, his wife Tenille and their two young children must live in a small, tin house in the middle of the base. Mrs. Bradshaw said: ''Without food stamps my children would not be having much of a Christmas.''

But the system can be humiliating. Despite having no other means of paying, L/Cpl Bradshaw was not allowed to buy a loaf of bread at the base's military supermarket recently because although he had his food stamps, he did not have with him an official card stating he was entitled to them. A long line of other shoppers, many of them fellow marines, saw him being refused.

Denis McFeely, food stamps programme manager at the nearest social services office to the base, said: ''The coupons identify an individual in a check-out queue as being on a low income. Other people look to see what is being bought with their tax dollars. The programme has a sigma attached to it.''

That is one reason why the true number of US servicemen and their families entitled to receive food stamps is almost certainly far higher than the 12,000 who actually do so.

The problem for young recruits to the American forces is that many in the junior enlisted ranks earn only just over $1,000 a month before tax. Even after allowing for free—if rudimentary—housing and other benefits, a package that may be adequate for single soldiers puts those with even small families well below the official American poverty line.

Military pay has fallen behind the rest of the American economy as a result of budget squeezes over the last decade, and a recent vote by Congress to grant a 4.8 per cent increase from January still leaves a wide gap. Senator John McCain, who is trying to beat George W. Bush for the republican presidential nomination, is repeatedly raising the subject in his election campaign.

He said: ''These enlisted service members proudly wear their uniforms on our behalf, ready to make the ultimate sacrifice. They are the very same Americans sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo and now East Timor. They have a right to a decent salary.''

It is a sentiment shared by many at Quantico, where 7,200 marines, many of them officers in training, live and work inside the sprawling, 10 square-mile base with a small civilian town at its centre. Although the base boasts a marina and a leafy golf course, frequented by the marines' upper echelons, living conditions for lower ranks are more down-to-earth.

In one case a young soldier, his wife and their baby lived without furniture in their newly-allotted house for three weeks before contacting a voluntary group in desperation.

Tobias Miller, 18, who arrived at the base in March from Missouri with her husband Mike, a lance-corporal, shortly after he completed his basic training, said: ''We slept on the floor for three weeks before I got up the guts to call someone.'' Almost all the furniture in their two-bedroom home was subsequently given to them by an organization called Help—Help Enlisted Lives Prosper.

Mrs. Miller and her husband also reluctantly decided to apply for food stamps. But after three separate visits to a social services office outside the base, during the last of which they were forced to wait for three hours, they gave up because they could not endure the humiliation.

Mrs. Miller said: ''My mother was on food stamps and I never wanted to be on them myself. This isn't what my husband's recruiter led us to expect.'' Lisa Joles, 35, the energetic founder of Help and the wife of a local marine, has become an unofficial welfare officer for many of the young families who arrive on the base, often to set up home for the first time.

She encourages them to apply for food stamps and other welfare benefits. She has also worked hard to publicise the problem, something which has not endeared her to the marines' authorities. They have their own support system which Mrs. Joles insists she is trying to complement. They point out that any problems are not unique to Quantico.

Most weekends Mrs. Joles and her husband, Baron, an infantryman, distribute large quantities of furniture, clothing and other household goods which have been donated either by better-off marines or by sympathisers.

Families like the Bradshaws and the Millers have equipped most of their homes that way. Last week L/Cpl Eric Clay and his family—wife Alisha and children Kelsey, aged three and one-year-old Emily—were praising Mrs. Joles as they sifted through the mound of material she had gathered in a shed behind her house.

Mrs. Joles also organises small squads of wives to do temporary work for local employers, helping boost their families; income. But she is no soft touch: if the women do not learn how to manage the extra money they earn she will not ask them back. She said: ''I don't want them coming back two weeks later saying they don't have enough money to buy diapers.

''I am teaching them to take care of their young man—that he belongs to the country—and if the country needs him, he will go. If his family is in chaos the marines are not getting 100 per cent from him.''

Mr. McCAIN. Mr. President, these are stories concerning the lifestyles of the service men and women in the military. One in the Washington Post article of July 20 concerns Quantico Marine Corps Base in Virginia. One of the enlisted marines says:

I think it stinks, really, that a member of the armed forces has to go to food stamps,'' said Lance Cpl. Damon Durre, 25. But that is what the Quantico Marine did after finding he could not support his wife and two children on his take-home pay.

In the London Sunday Telegraph there is a story:

Food stamps worth $142 a month have helped eke out the $1,000 monthly pay check on which L/Cpl Bradshaw, his wife Tenille and their two young children must live in a small, tin house in the middle of the base. Mrs. Bradshaw said: ''Without food stamps my children would not be having much of a Christmas.''

But the system can be humiliating. Despite having no other means of paying, L/Cpl Bradshaw was not allowed to buy a loaf of bread at the base's military supermarket recently because although he had his food stamps, he did not have with him an official card stating he was entitled to them.

These are just demonstrations of a situation that exists in our Armed Forces today; that is, that approximately 6,300 service members receive food stamps. That is an unofficial DOD report, while the General Accounting Office and Congressional Research Service place the number at nearly 13,500. There is some disparity with the numbers, but the fact is that there are still thousands on food stamps. Obviously, I believe this is a national disgrace and it needs to be repaired.

The amendment will cost approximately $28 million over 5 years. That is an average of less than $6 million per year, to pay for an additional allowance of $180 a month to military families who are eligible for food stamps. Additionally, the Congressional Budget Office estimates that this amendment would save millions of dollars in the Food Stamp Program by removing service members from the food stamp rolls for good.

As we know, in recent years military pay increases have barely kept pace with inflation. But last year there was a significant increase, including a pay raise for admirals and generals, who received a 17-percent pay raise last year. And enlisted families continue to line up for free food and furniture.

I was pleased to hear the prospective Chief of Naval Operations, Admiral Vern Clark, support a food stamp stipend when he testified before the Senate Armed Services Committee on May 16. Admiral Clark was asked by Chairman WARNER if he was concerned that a food stamp stipend would create an inequity between service members who qualify for food stamps and those who do not. Admiral Clark stated:

My view is that it is far, far more important to not have our people on food stamps than it is to have a small inequity. . . . This is the kind of thing that speaks volumes, much more than a few dollars that are involved in it, about . . . how important we think they are. I support any measure that would put us in a position where we do not ever have to have a single Sailor on food stamps.

I commend Admiral Clark for his clear thinking and his support of a measure that will reflect whether or not we care fundamentally for our service members. Admiral Clark is right. We need to rectify this problem. There is no provision in the bill at this time concerning the food stamp issue.

I might point out, this amendment is supported by The American Legion, the Veterans of Foreign Wars, the National Association for Uniformed Services, the Disabled American Veterans, The Retired Officer's Association, and every enlisted association or organization that specifically supports enlisted service member issues in the Military Coalition and in the National Military/Veterans Alliance. These associations include the Non Commissioned Officers

Association, The Retired Enlisted Association, the Fleet Reserve Association, the Air Force Sergeants Association, the U.S. Coast Guard Chief Petty Officers Association, the Enlisted Association of the National Guard of the United States, and the Naval Enlisted Reserve Association.

During the budget resolution, I talked for a long time about this problem in the military. We are talking about, I believe, a $290-some billion authorization. We are talking about now an additional $6 million a year to handle a problem which has received enormous publicity, enormous visibility. In the view of officers and enlisted alike, it is a problem that has caused a great impact on the morale of the men and women in the military, whether they happen to be on food stamps or not.

I urge adoption of the amendment.

I thank my colleague, Senator WARNER, the chairman of the committee, for allowing me to offer this amendment at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague. This is an initiative on which he has worked for some time.

I wish to ask him a question or two. I intend to support it. I think we need a little clarification on one or two points.

I commend him for bringing this up. I commend him for his determination to address this issue, and not only this year but in past years.

It was passed by our committee, this basic language, in last year's bill; am I not correct?

Mr. MCCAIN. That is basically correct.

Mr. WARNER. Fine.

Mr. MCCAIN. I ask unanimous consent to engage in a brief colloquy with the chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. This question of pay inversion, let me just sort of describe it. You have a sergeant who has served 5 or 6 years. He has a wife and two children. And then a private comes into his platoon, and he has a number of children, which enables him to qualify for food stamps.

Now we add a certain sum of money, which the Senator proposes, and the salary of the private is coming right up very close to the salary of the sergeant. Now, the Senator knows from his long experience in the military—and my experience is far more modest than our distinguished colleague from Arizona, but having served in the Department of Defense, I have watched for many years this question of pay because pay has a tremendous significance not only to the military person who wears the uniform, but to the wife and family. It is a matter of pride. It is recognition for his length of service, for his professionalism, which by virtue of that length of service is greater than the younger people coming on. How do we address that? What guidance do we give, say, the officer corps and senior noncoms who have to deal with this issue, on the assumption that Congress passes it?

Mr. MCCAIN. I thank my colleague. I am sure the Senator from Virginia is aware, as he points out, that this is a problem, although the reason why we chose $180 a month was so that while it would not completely close the gap, which is higher than that between the two ranks he just stated, far more important than that—I can only quote the prospective Chief of Naval Operations, Admiral Vern Clark, when asked by Chairman WARNER this past May 16, a few weeks ago, about this exact issue he raises. The response of the prospective Chief of Naval Operations was:

> My view is that it is far, far more important to not have our people on food stamps than it is to have a small inequity. . . . This is the kind of thing that speaks volumes, much more than a few dollars that are involved in it, about . . . how important we think they are. I support any measure that would put us in a position where we do not ever have to have a single Sailor on food stamps.

Also, as I mentioned in my remarks earlier, every enlisted association: the Noncommissioned Officers Association, the Retired Enlisted Association, the Fleet Reserve Association, the Air Force Sergeants Association, et cetera, who are also aware of this situation, still because of the gravity of the problems, support this $180-a-month increase for those who are on food stamps.

Mr. WARNER. Mr. President, I thank my colleague. Indeed, we will have to call upon those organizations to help explain this because it is going to pose some problems. But like others, we have to deal with it.

Mr. MCCAIN. If I may respond briefly to my friend, Senator WARNER was involved in this many years ago when we had enormous retention problems in the military, especially in what we call critical rates—those who had specialized skills and talents. The chairman was involved in this because we decided we would give higher pay to people who were of the same time or even less time in the military because they had special skills. And they are today, and were then, receiving higher pay because of the special skills and the need to retain those people with special skills.

I have always felt that the backbone of the Navy was the bosun's mate. Yet we find in the Navy that the bosun's mate is the lowest paid, while the electronic technician, the computer specialist, and others, who are of equal rank—or rate, to be accurate—receive a much higher salary. We did that for practical reasons, which was that it was an absolute criticality of maintaining people in the Navy and other branches of the military who had these critical skills. We are sort of doing the same thing here. We are trying to correct the morale problem that exists when the word spreads throughout the military and in our recruiting efforts in high schools all over America that if you are going to join an organization, i.e., the U.S. military, and you have children, you may still be on food stamps. I think there is some comparability between those two situations, although not an absolute one. I hope the chairman takes my point here.

Mr. WARNER. Mr. President, I do. Of course, that is strictly a question of professionalism in the aviation community to which the Senator has given a lifetime of service. It is critical that they get higher pay, not only for flight but for retention purposes, than other officer segments. I have to chuckle. In what little military experience I have, I was an electrician's mate third class. I am not sure I could have qualified for a bosun's mate.

Mr. MCCAIN. Today, you could have a lieutenant who is an aviator making more money than a nonaviator officer, an E1 or E2 ranked senior to that person because of the criticality of keeping those people in the Navy.

Mr. WARNER. The Senator is right, the electronic technician people, and so forth.

The second question is—and it is interesting—you were quoting from the future Chief of Naval Operations—indeed, an outstanding professional. He says he would rather not have people on food stamps. Isn't that what he said?

Mr. MCCAIN. He said:

> My view is that it is far, far more important to not have our people on food stamps than it is to have a small inequity. . . .

The Commandant of the Marine Corps and the current Chief of Naval Operations also share those views.

Mr. WARNER. It is important as part of this colloquy that we lay the foundation that the Senator was very careful in arriving at his pay levels—not to bump sergeant, or jump over it, which I think was wise. In doing so, would I not be correct in saying you will not eliminate all food stamp cases? In all probability, the efforts, if adopted and signed into law, will still leave some on food stamps. Would I be correct?

Mr. MCCAIN. It is not clear because we have gotten two or three different estimates, I say to the Senator from Virginia. Several experts say this will largely eliminate the problem. There are others who say there will still be a few remaining, but all agree this would eliminate the overwhelming majority of service members on food stamps.

Mr. WARNER. It is going to have my support. Mr. President, those are the questions I had in mind. I thank the Senator for the colloquy.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend my good friend from Arizona for his tremendous sensitivity to the issue that he raises. We still have service members who are receiving food stamps and that should not be the case.

If there is good news here—and there is—it is that, since 1991, the number of service members on food stamps has been dramatically reduced, as well as the percentage in the total force has gone down dramatically since 1991. In 1991, there were 19,400 service members receiving food stamps. That number went to 11,900 in 1995, and then in 1999 it went to 6,300. That number—which is the latest we have—does not include the fiscal year 1999 or a later pay raise. So we have at least some good news in this area, which is that the number of service personnel on food stamps has been reduced by about two-thirds since 1991.

As a percentage of our total force, the percentage has been cut roughly in half, from .9 percent in 1991 to .45 percent in 1999. So there has been significant improvement. Senator MCCAIN is absolutely right. We still have 6,300 service members on food stamps. We should not be in that situation. He is pointing out to this body again that we should try to do something about it. The informal estimate we get is that his amendment will help. It will not eliminate the number of people who we have on food stamps, but it will reduce by somewhat that number of 6,300. I am going to support it on that basis.

Again, I commend the Senator from Arizona for his constant raising of this issue until we can try to finally resolve this problem.

There is one little wrinkle in here which is sort of an irony, I guess. Maybe that is the best it is. For instance, if you take a typical E4 with three dependents who lives on base in Government housing, he will get the food stamps because he doesn't have a housing allowance. The person under this proposal who might be a similar E4 with the same number of dependents gets a housing allowance if he lives off base, and it is that housing allowance which pushes him above the eligibility level for food stamps. Yet, because that housing allowance may be inadequate to pay for housing, he may actually be in greater need for the food stamps than the person who is on base. However, that is something we will just have to try to work with. We have to try to make this work the best we possibly can to reduce the number of further service members who are receiving food stamps.

Again, I thank Senator MCCAIN for his constancy, his commitment, his dedication, and his passion to this issue. He is right, as he so often is in terms of what this goal must be, which is to remove members in the services from receiving food stamps. They should not need food stamps. We ought to be able to pay them enough and give them enough of a housing allowance so there is no need for them to receive food stamps.

I commend him. I will be supporting this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the chairman and the ranking member for their support of this amendment. I think the remarks of both pointing out that this is not a perfect fix but is a significant step in the right direction is entirely appropriate. Obviously, we will have to review the situation after we see what the result of this amendment is once it is enacted into law.

I thank both Senator WARNER and Senator LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, momentarily I believe the Senator from Arizona will ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. WARNER. I thank the Senator.

I want to work with Senator LEVIN to see if we can order the sequencing of amendments this afternoon to accommodate the Senate. We will have the McCain vote. We will decide on that time in a few minutes. I have talked to our distinguished colleague from Nebraska, Mr. KERREY. He has a very important amendment. He just indicated to this manager that he is willing to bring it up and have a vote on it tonight. Is that correct?

Mr. KERREY. That is correct, unless the chairman is going to accept the amendment.

Mr. WARNER. I am not prepared to accept the amendment.

Mr. KERREY. Perhaps we can avoid the vote after he hears my argument. I am prepared to send an amendment to the desk and schedule a vote on it this evening. That is fine. I am ready to go as soon as we vote on the McCain amendment.

Mr. WARNER. I ask my colleague if he has any comment to make.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the managers will address the question of how we proceed from here at the conclusion of the vote on the McCain amendment. Let us proceed. I would suggest the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WARNER. Let's proceed with the vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the McCain amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—93

Abraham	Fitzgerald	McCain
Akaka	Frist	McConnell
Allard	Gorton	Mikulski
Ashcroft	Graham	Moynihan
Baucus	Gramm	Murkowski
Bayh	Grams	Murray
Bennett	Grassley	Nickles
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Leahy	Thompson
Dorgan	Levin	Thurmond
Durbin	Lieberman	Torricelli
Edwards	Lincoln	Voinovich
Enzi	Lott	Warner
Feingold	Lugar	Wellstone
Feinstein	Mack	Wyden

NOT VOTING—7

Biden	Dodd	Lautenberg
Breaux	Domenici	
Crapo	Landrieu	

The amendment (No. 3179) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3173, AS MODIFIED

Mr. WARNER. Mr. President, first, I modify the pending amendment, the Warner amendment No. 3173. I send to the desk the amendment, as modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

''(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

''(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42

U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2001''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001 and terminates September 30, 2004.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

Mr. WARNER. Mr. President, I believe my distinguished colleague from Michigan has a request, and then I will present a UC request to the Senate.

Mr. LEVIN. I ask unanimous consent that the Senator from Washington be recognized for 8 minutes as in morning business.

Mr. WARNER. Could I put in a UC request before that?

Would the Senator forbear and allow me to put in a UC request?

Mr. President, in consultation with the majority leader, the Democratic leader, and my colleague, Senator LEVIN—while I had hoped we could continue with votes tonight—we have now reached the following recommendation in the form of a UC request.

I ask unanimous consent that the Senator from Virginia be recognized to modify his amendment, and following the modification of the amendment, the amendment be laid aside and Senator ROBERT KERREY be recognized to offer an amendment relative to strategic forces, and immediately following the reporting by the clerk, the Senator from Virginia be recognized to offer a second-degree amendment.

I further ask consent that following the debate tonight, there be 90 minutes additional beginning at 9:30 a.m. on the strategic forces issue, to be equally divided in the usual form, and following that debate, the amendments be laid aside.

I also ask consent that following that debate, the Senate resume the amendment of the Senator from Virginia, amendment No. 3173, and it be laid aside in order for Senator JOHNSON to offer a similar amendment, and there be 2 hours, equally divided, total, for debate on both amendments, and following that debate, the Senate proceed to vote in relation to the amendments.

I also ask consent that there be no amendments in order to either of the four amendments described above, or the language proposed to be stricken, and there be 2 minutes for explanation prior to each vote. The voting order for tomorrow would be as follows: Warner amendment No. 3173; Johnson amendment; Warner second degree to Kerrey; Kerrey first degree, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not, I just want to be clear that the Senator from Washington would be recognized prior to Senator KERREY, and that that time would not come out of any time indicated.

Mr. WARNER. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair and thank my colleagues for working out this UC.

If I could just make an announcement, in light of this agreement, there will be no further votes tonight. However, Members should be aware that at least two, and up to four, back-to-back votes will occur sometime tomorrow commencing at around 12:30 p.m.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair and thank my colleagues for yielding me this time.

ANNIVERSARY OF THE BELLINGHAM PIPELINE ACCIDENT

Mrs. MURRAY. Mr. President, I rise today to mark a solemn occasion in the lives of the people of my home State of Washington.

Many of my colleagues have heard me talk on the Senate floor about pipeline safety.

Today I want to remind everyone of the reason I have become such a strong advocate for improving pipeline safety.

June 10—one year ago, coming up this Saturday—will be the first anniversary of a horrible pipeline accident in Bellingham, WA.

In that accident, a gasoline pipeline ruptured and released more than 275,000 gallons of gasoline into Whatcom Creek. That gasoline caught fire and sent a fireball racing 1½ miles down the creek side. It created a plume of black smoke that rose more than 20,000 feet into the air.

Two 10-year-old boys and a young man were enjoying the outdoors on that quiet summer afternoon. Tragically, they died as a result of that pipeline rupture.

Three families in Bellingham, WA, will never be the same because of the events that took place on June 10, 1999.

As we mark this anniversary, we can never forget the lives that were lost.

For just a moment I want to ask my colleagues and the American people to pay tribute to those young lives; Wade King, Stephen Tsiorvas, and Liam Wood. I also want to honor their parents—who have endured a loss that no family should have to experience.

They have shown such strength and courage. They have led the charge for safer pipelines, and their advocacy has made a difference.

Their courage was clear to everyone who attended the Senate Commerce Committee field hearing in Bellingham on March 13 and to everyone who heard them testify just last month here in Washington, DC, before the Commerce Committee.

They came to Washington, DC, to ask for one thing. They want this Congress to improve pipeline standards this year. This Congress—this year.

I believe we have a moral obligation to do everything we can to meet the parents' wishes and to protect everyone else from pipeline hazards. That is why I have been working to raise the safety standards for oil and gas pipelines.

There are 2.2 million miles of pipelines running across the country. They run near our schools, our homes, and our communities.

They perform a vital service. They bring us the energy we need to fuel our cars and heat our homes.

But at the same time, they are not as safe as they could be. We have a responsibility to pass a bill this year that will protect families from the dangers of unsafe pipelines.

To be honest, I—like many Americans—was not aware of those dangers until the accident in my State.

But as I spent months learning about pipelines, I found that the accident in my State was not a rare event.

Since 1986, there have been more than 5,700 pipeline accidents in this country, 325 deaths, 1,500 injuries, and almost $1 billion in environmental damage.

On average there is one pipeline accident every day in this country, and 6 million hazardous gallons are spilled into our environment every year.

That is why back in January I introduced my own pipeline safety bill—the Pipeline Safety Act of 2000. I want to thank the Members who have signed on as cosponsors—Senators INOUYE, GORTON, WYDEN, LAUTENBERG, and BAYH.

I want my colleagues to know, in the 4 months since I introduced my pipeline safety bill, at least 20 States have experienced pipeline accidents. In addition to my bill, pipeline safety measures have been offered by Senate Commerce Committee Chairman JOHN MCCAIN and by the administration.

I am pleased that all of the current proposals touch on five key areas of pipeline safety. First, all of these bills recognize the need to improve pipeline inspection and accident prevention practices, second, they recognize the need to develop and invest in new safety and inspection technology, third—and importantly—they expand the Public's right to know about problems with pipelines in their neighborhoods, fourth, they recognize that States can be better partners in improving pipeline safety. Finally, these bills increase funding for new State and Federal pipeline safety programs.

I thank Senator MCCAIN for the strong personal interest he has taken in this issue. I thank him for the very effective way he has worked to move this legislation forward. The Senate

Commerce Committee has tentatively scheduled a markup session for June 15.

Senator GORTON and I are working with both the majority and minority members of the Senate Commerce Committee to come up with a manager's package that will meet the standards we have outlined and will be acceptable to as many members as possible.

As we work here in the Senate on this important legislation, I want to encourage my colleagues in the House of Representatives to move forward quickly on their legislation so this Congress can pass a bill this year.

One of the things that has been so important over the past year is that so many people have come together to improve pipeline safety. And while I don't have time to thank them all, I do want to mention a few.

First among them is Bellingham's Mayor Mark Asmundson, who has done more to educate the public and legislators about pipeline safety than anyone I know.

I also want to recognize Transportation Secretary Rodney Slater who stationed a pipeline inspector in my State after the accident, and DOT Inspector General Kenneth Mead, who issued a report at my request on the Office of Pipeline Safety.

I also thank the President and the Vice President for their leadership.

In particular, the Vice President took the time to learn about this issue when he was in my State. He recognizes its importance, and he sent the administration's pipeline safety bill to the Senate.

I also thank the rest of the Washington State delegation—which has come together across party lines to address this issue—particularly my colleague Senator GORTON, along with Representatives from our delegtion.

And of course, I want to recognize Washington State Governor, Gary Locke, for the work he has done to raise pipeline standards in our State.

Mr. President, one year has passed since the accident in Bellingham, WA, that you can see on the chart behind me.

We have made some progress, but we need to finish the job.

We need to pass a strong pipeline safety bill this year. We owe it to the people of Bellingham, the victim's families, and to the American people. As we mark the 1-year anniversary of the Bellingham explosion, we must answer the call of the families with a strong bill. Nothing can ease the pain of this anniversary for so many people in my State, but we can and we must use this occasion to enact stronger pipeline safety standards.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

AMENDMENT NO. 3183

(Purpose: To repeal a limitation on retirement and dismantlement of strategic nuclear delivery systems)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. LEVIN, Mr. DASCHLE, Mr. HARKIN, Mr. KERRY, and Mr. DURBIN, proposes an amendment numbered 3183.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 1017 and insert the following:

SEC. 1017. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS IN EXCESS OF MILITARY REQUIREMENTS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is repealed.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3184 TO AMENDMENT NO. 3183

Mr. WARNER. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3184 to amendment No. 3183.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY FOR LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS; AUTHORITY TO WAIVE LIMITATION

''(a) Section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 806), is further amended by striking ''the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be,'' and inserting ''the application of the limitation in effect under subsection (a) to a strategic nuclear delivery system''.

''(b) AUTHORITY TO WAIVE LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.—After the submission of the report on the results of the nuclear posture review to Congress under section 1015(c)—

''(1) the Secretary of Defense shall, taking into consideration the results of the review, submit to the President a recommendation regarding whether the President should waive the limitation on the retirement or dismantlement of strategic nuclear delivery systems in section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948); and

''(2) the President, taking into consideration the results of the review and the recommendation made by the Secretary of Defense under paragraph (1), may waive the limitation referred to in that paragraph if the President determines that it is in the national security interests of the United States to do so.''.

Mr. KERREY. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, in 1998, the Congress, for the first time in the history of strategic nuclear weapons policy, imposed upon a President a limitation on what that President could do in terms of reducing nuclear weapons. It imposed a floor at the START I levels, which is roughly 6,000 strategic nuclear weapons. It said the President could not go below 6,000, unless and until the Duma ratified START II.

Last year, when I attempted to eliminate this restriction—which I believe is putting a position upon an Executive that would be very difficult to sustain if we were discussing this in the clear light of day, if it was understood by the American people that this was what we were doing—many people on that side of the aisle said: We believe this language will put pressure upon the Duma to ratify START II. The argument carried the day in a close vote of 54–46; the current policy was sustained. The language in the current law is section 1302 of the National Defense Authorization Act. It references that section 1017 of this particular legislation we are considering right now was held in law.

Well, since that time, the Duma has ratified START II. I expected to bring this language to the floor this year with open arms. It worked. We put in a floor and said the United States could not go any lower, declared victory, and the Duma ratified START II. Instead, we have an alternative proposal the Senator from Virginia has offered that has a certain amount of appeal because it requires a strategic review of our nuclear force structure. After that review, it gives the President authority, subject to what the review says, to waive the provisions of 1302 if the President says it is in the national security interest to do so.

It still puts us in a position—whether it is President Clinton or, if Vice President GORE wins the election, President GORE or, if Governor Bush wins, President Bush—the President will be prevented by Congress from reducing nuclear weapons below the START I levels, below 6,000, unless the President of the United States can accelerate a strategic review. I guess that is possible. I would like to find out from the authors of this second degree if that is their understanding. In other words,

could President Clinton satisfy the requirements of this amendment by saying: My Secretary of Defense and Secretary of Energy are going to do an accelerated review?

This language has to be concurrent with the quadrennial review and submitted no later than December 2001. Could the President accelerate that review on this particular question? If not, whoever the next President is, they are going to be held up at least until December of 2001 from doing so. That makes complete sense for America to do, in my judgment.

One of the most compelling things that happened on this subject prior to our leaving for our Memorial Day recess was a remarkable speech given by the likely Republican nominee for President, Governor Bush, followed by a speech at the Naval Academy given by Vice President GORE, the likely Democratic nominee for President. The comments, which I found to be very striking and very encouraging, indicate a significant shift in our policy if the Republican nominee has any influence over the Republican Party platform.

Governor George Bush, surrounded by the preeminent thinkers on the Republican side on nuclear strategy—former National Security Chief Brent Scowcroft, former Chairman of the Joint Chiefs Colin Powell, former Secretary of State George Shultz, and former Secretary of State Henry Kissinger—they were all there standing with Governor Bush as he said the following:

> America should rethink the requirements for nuclear deterrence in a new security environment. The premise of the Cold War nuclear targeting should no longer dictate the size of our arsenal. As President, I will ask the Secretary of Defense to conduct an assessment of our nuclear force posture and determine how best to meet our security needs. While the exact number of weapons can only come from such assessment, I will pursue the lowest possible numbers consistent with our national security.

If Governor Bush were President today, he would not think very kindly of Congress coming along and saying: We don't think you have been in office long enough; 9 years is not long enough, so we are going to ask you to do an additional review before you do what you say you are going to do here. It is an interference on the part of Congress at a time, in my view, that the President ought to be doing exactly what Governor Bush is suggesting; that is, to break out of the Cold War thinking, and has us saying we have to maintain our parity with the Russians; otherwise, it is not going to be possible to get the kind of arms control agreements we want to get.

I must say, I find much to be commended in many things I have heard on the other side of the aisle having to do with missile defense, believing that in an era when we begin to reduce nuclear weapons, accidental and unauthorized launches from rogue nations, or the threat of them, are likely to increase as we draw down our nuclear forces. Missile defense becomes, in my judgment at least, an even more compelling part of our arsenal.

Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator.

A MEMORIAL DAY OBLIGATION

Mr. STEVENS. Mr. President, I would like to carry out an obligation I made on Memorial Day at the Arlington National Cemetery services.

This statement was presented at the Arlington National Cemetery memorial service by the Flying Tigers of the 14th Air Force Association. It was in the form of a prayer that was entitled, ''Empty Cockpit; To our Departed Comrade.''

> His is a place no one can take,
> The void he leaves cannot be filled,
> For the mark he made, stays, fresh on us,
> Although his heart has stilled.
>
> Though the years pursue their relentless course,
> And images are replaced,
> And memories grow dim and fade,
> And time obscures that familiar face,
> And even a name be forgot,
> And the things he said, and did,
> And lives more noble may come and go,
> But what he was cannot be hid.
>
> The lessons he unknowingly taught,
> By being what he was,
> Have certainly changed the lives he met,
> As his life touched ours.
>
> So that the course which they now take,
> Points somehow higher than before,
> A true and gently comrade,
> Has opened an unknown door.
>
> So although his life on Earth is done,
> His heritage will not rust,
> For parts of him, that was, remain,
> And live on as part of us.

I thank the Chair. I made a commitment to repeat that here on the floor of the Senate. I appreciate the time.

Mr. KERREY. Mr. President, it is somewhat difficult to get back to the somewhat arcane subject of how many nuclear weapons are needed after listening to the recitation of the Senator from Alaska of a short, very moving statement that in many ways gets to the heart of the mood we ought to be in when we are discussing our defense authorization bill, which is not just trying to answer the question how we authorize and defend the United States of America but how we give honor to those who have given the highest and most in service to this country.

I appreciate very much the presentation by the Senator from Alaska of that memorial because I think it puts us indeed in the correct mood, which is, we ought to be writing this law so as to enable all of us to take action to defend the United States of America against all enemies, foreign and domestic, without regard to some previous ideology that we have held onto for a long time.

We ought to do the right thing and not worry about whether or not we are going to find ourselves subject to criticism as a consequence of some group saying we didn't do enough, or we have done too much, and so on and so forth. It is that kind of thinking that is required if we are going to get the right number of nuclear weapons. We spend $15 billion to $20 billion a year on our nuclear weapons force structure. It is an oppressive effort.

I happen to have the privilege of not just serving the people of the State of Nebraska but in the State of Nebraska is an effort and an organization known as STRATCOM. STRATCOM's entire mission is to operate the strategic nuclear force. The current STRATCOM CINC and I have a very good relationship, as I have with all other CINCs, because this mission is very important to the people of the State of Nebraska and to the people of the United States of America. I have had the opportunity on many occasions to be briefed, and I can state to my colleagues that we get our money's worth. These men and women work very hard. They are tireless in the execution of their duties. They want to make certain they follow the command and the orders that are given by the people's leaders—in this case, the Commander in Chief—who instruct STRATCOM on what to do through a Presidential directive. They are following orders.

They put together target requirements. They put together a list of requirements that are called SIOP. SIOP determines what targeting is being done. Then it comes back to us, and it says this is what we need in order to follow the civilian orders. They come to us and say these are the resources we need in order to be able to accomplish that objective.

It is very important for us to follow that because often times it will turn to the military. We turn to the STRATCOM and say such things as: Tell us the minimum level of deterrence. They come back and say: The minimum level is 2,500. We have to have 2,500 warheads.

Remember, that 2,500 number comes as a consequence of an order they have been given by a Presidential directive. They have been given an order. That is where it comes from. Change those requirements and the number of warheads is going to be changed. It may be that a Presidential directive comes and says we need more. I do not know. But right now, without the lengthy review—I appreciate the lengthy force structure review that is in this authorization. That is basically the substitute—that we have a lengthy review that is going to be done.

I urge my colleagues to think of several things.

One, the Russians, first of all, are no longer the military threat they were in the cold war. It is a democratic nation. They have had three elections. They just elected their second President. We have partnerships with them in many different areas. We want their experiment in democracy and free markets to succeed.

The chairman of the Armed Services Committee said earlier he believes the No. 1 threat to the United States of

America is political instability. It is uniquely the case. In Russia, that is the case. Our mood toward the Russians ought to be that we want to partner with them and help them be successful in making this transition from an economy run by a central government—a Politburo—to a political system that is not limited to a single party but one that has selected its leadership. They are trying to make a successful transition. They need the partnership and they need the assistance of the world's leading democracy to make that likely to occur.

No. 1, we are dealing with a dramatically different political situation. This is not the Soviet Union. It is Russia we are talking about.

No. 2, everybody who assesses Russia right now understands that as a consequence of the catastrophic failure of the Communist economic system, and as a consequence of a number of other things associated with the decisions made by their political leaders, they have barely enough money to be able to make payroll for a dramatically reduced military, let alone be able to allocate the resources—though they are modernizing in certain areas—and their ability to provide the early warning that is necessary is woefully deficient and is weakening every single day, leading up to the possibility of increasing the likelihood of a false warning to their leadership.

One of the things the President and President Putin agreed on is that we are going to have this site in Russia for the first time. But the Russians are going to be provided data that comes from U.S. computer analysis. They are not going to get it through their own system, or through their own overhead system, or through their own electronic surveillance; they are going to get it from us.

It is likely to give them slightly more confidence. But it is not going to give them the kind of confidence that is necessary when decisions have to be made very rapidly not to put a launch against the United States even though the warning they get may be a false warning.

The second thing colleagues need to understand as we think about imposing—that was a fundamental change in 1998—for the first time on the President that ''thou'' cannot go below the START I agreements, even though President Bush did it very successfully in 1991, is that we were not going to allow this President to do it in last year's debate. It was because we were putting pressure on the Duma to ratify. This year, it is a different argument that is being used; we are imposing upon the President an unusual and unprecedented restriction at a time when Russia is not able to come up with the resources they need to maintain the level at 6,000. They are begging us to go to 1,500.

It may not be in our interest to go to 1,500, but it is unquestionably in our interest to assist them to go to lower levels since they can't maintain the levels they have now. It increases, in a paradoxical fashion, the likelihood of an unauthorized accidental launch and decreases the likely effectiveness, if we are going to have one, of an effective missile defense system because the Russians aren't going to launch 10 or 20. The Russians aren't going to launch a relatively small number of not very accurate missiles, as rogue nations might. They have very highly accurate missile systems and large numbers of them. They would launch in the hundreds, or perhaps in the thousands, based upon a warning that may be inaccurate.

We are increasing the risk when we force the President to maintain at a START I level at a time when the Russians are saying we can't afford to maintain at that level and begging us to come to some kind of an agreement that enables them to go to lower levels.

The last argument: Again, if you take a commonsense approach to this and just say what the targeting requirements are.

A long time ago, or 6 months ago, much of this was classified. But increasing amounts of it are making their way into the public record.

It is a very interesting problem because, again, the number of nuclear warheads begins as a consequence of a Presidential directive. It goes to STRATCOM. That Presidential directive is then fairly precise language. But it still doesn't tell the exact number. It gives them a set of instructions that they then follow. They produce what is called a SIOP. That SIOP has been read by a very small number of elected representatives. Very few elected people look at the targeting requirement.

Recently, we have seen in published accounts some information which gives us some idea of the size of our capacity and the deadliness of our capacity.

I believe as well it is an unwise conclusion that we ought to maintain at our current level.

The Russian nuclear target of a 2,500 force structure would be slightly under the START II. START II would take us to 3,000. The Pentagon says we need 2,500 warheads. Again, that is based upon the Pentagon taking the Presidential directive they have been given at 2,500.

We have 1,100 nuclear weapons we would put on nuclear sites, 3,500 on conventional weapon sites, 160 on leadership, and 500 nuclear weapons on war-supporting industry.

These numbers tend to dull our thinking, making it difficult to assess just what it is we are talking about.

Let's reverse it. Say the Russians have targeted American territory with 160 nuclear weapons. They don't have a nuclear weapon in the strategic arsenal that is less than the 15-kiloton weapon dropped on Hiroshima. We dropped two weapons in 1945 that ended the war in the Pacific. We had a vested interest in that. My uncle was killed in the Philippines. My father was part of an occupation, instead of invasion force. I believe Truman did the right thing. Nonetheless, it is impressive that two 15-kiloton weapons ended the war in the Pacific. We are talking about hundreds in this case.

Imagine the Russians are only going to hit the United States with 160 nuclear weapons averaging 150 to 300 kilotons each. I don't need a complicated, detailed year-long strategic review to determine that 160 nuclear weapons hitting the United States of America would not just do slight damage; they would cause massive damage to our economy, to our political structures, to our social structures. They would produce monstrous losses to us.

Ask Alan Greenspan what it would do to the economy. He seems to be the most trusted person right now in trying to get American people to be concerned about things going on in the world. It would produce tremendous and devastating losses.

The same is true with Russia. Mr. President, 160 nuclear weapons inside of Russia would reduce Russia to a state of chaos. It wouldn't just damage their leadership and eliminate their leadership. It would do exactly the opposite, in my view, of what we would desire. It would produce the very political instability and chaos we seek to avoid. As a consequence, it likely would not be selected as an option, thereby producing, again, one of the great paradoxes of maintaining a defense system where we authorize $15 to $20 billion of scarce resources.

The chairman of the committee talked earlier about the possible need to allocate additional money for retirees' medical care. There is no question we look across the current conventional forces and we don't have to look far to find a situation where we are flying the wings off the planes. We are having a difficult time sustaining levels of readiness. We are short on the conventional side. At a time when we are short, I don't believe we ought to be expending precious resources into areas that are likely to be unnecessary or that are unlikely to be used.

I am arguing the President ought to go to lower levels. The President may disagree with me. In fact, up until now, the President has disagreed with me and hasn't gone to lower levels. That is why I was pleasantly surprised at that part of Governor Bush's speech prior to the Memorial Day recess where he said we ought to scrap the old cold war thinking. I agree. We need to assess what kind of weapons system we need to keep the people of the United States of America safe in light of the new political realities—not in light of the old mutual assured destruction reality, in light of the new political realities.

I believe without extensive and expensive nuclear review, we would reach a conclusion of significantly lowering. I don't believe this Congress under any circumstance, whether the President agrees with me or not, should be imposing this kind of restriction. It ties

the President's hands. It limits the President. It forces the President to do something that up until 1998 we had not required the President of the United States of America to do. Again there was an argument last year made that this would get the Duma to ratify START II on that basis.

I said earlier to the distinguished Senator from Virginia, I was hoping perhaps my amendment would be accepted, declare victory, and we shake hands and say we had a good argument and there is no need to go further. Indeed, I ask the Senator from Virginia, it may be that what I ought to do is vote for the Senator's substitute, depending on what it is the Senator proposed to do. In this amendment, it appears to be that the President would have the authority to waive the restrictions of 1302 after a comprehensive review was done. However, in the language of the Senator's amendment, it merely says this is supposed to be done concurrently with the quadrennial review and due to operate in 2001.

Does the Senator mean, therefore, that President Clinton couldn't ask Secretary Cohen and Secretary Richardson to do an accelerated comprehensive review of the nuclear force structure, and, as a consequence of that review, say perhaps the President says: I want to go to 5500, I want to go below because I think on that basis I could get the Russians to agree to accept changes in ABM that might even be acceptable to the Senator from Virginia —would that sort of accelerated review be possible? It appears it would be in the language of the Senator's amendment.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague.

I remember so well when the Senator brought this up last year. This is a serious effort by one of the most serious, conscientious Senators with whom I have ever been privileged to serve and one for whom I have the highest personal and professional regard. As I said some months ago, this Senator, too, will miss him.

We are not trying to abridge, so to speak, the right of President Clinton. He is the President of the United States. Until the last day, the last hour, the last minute of his term of office, he is entitled to exercise the powers given to him under the Constitution. As the Senator knows so well, being a student of foreign and international affairs, the Constitution designates the President of the United States as that individual who is our chief foreign policy advisor, negotiator, the home realm authority that goes with the Presidency.

I don't wish to be critical, but I will be factual. The President simply did not, in the course of his administration, avail himself of the opportunity to do the indepth type of study that I and other colleagues think is necessary before any decision of the type the Senator describes be made.

As the Republican candidate, George W. Bush said he would move in some of the directions President Clinton has indicated in terms of trying to seek that level of reduction to the lowest level that still protects the security interests of this country. But George W. Bush would only do that after he had received the advice and counsel of the Department of Defense, and presumably his own Secretary. But Members of the Joint Chiefs would still be carrying forward, a number of them, from one administration to the other, and he would carefully counsel with them as he moved forward.

My point is, that study cannot be done in 30, 60, or 90 days, in my judgment, nor should it be done. Let's face it; we have elections coming this November. We have the heat that accompanies any election from the debates that take place between the candidates and, most specifically, the Presidential candidates. To try to overlay a decision of that magnitude and try to have a report generated in 30, 40, 60, 90 days is not, in my judgment, the wise thing to do.

Mr. KERREY. I appreciate that, but there is nothing in the Senator's amendment that would prevent——

Mr. WARNER. I beg your pardon?

Mr. KERREY. Let's say Governor Bush is elected and he comes into office and says I have Brent Scowcroft, Henry Kissinger, George Schultz, and Colin Powell. They have done a review from November to January and they have made a recommendation to go to lower levels. Does the amendment of the Senator allow a President-elect Bush to do that in short order?

Mr. WARNER. Mr. President, there is no constraint on the next President, be it President Bush or President Gore, within which time—I mean it is not next December. He can do it before next December.

Mr. KERREY. If that is the case, if it does not restrict the next President, it does not restrict this President. He could also do it. I have had a briefing on the review that was done in 1997, prior to the Helsinki meeting between President Clinton and President Yeltsin. That was a detailed review on the minimal deterrent level necessary, done by General Shalikashvili. I believe the chairman has had a briefing of that as well. That was a pretty indepth review, was it not? Do you regard that as a good review?

Mr. WARNER. I am not here to prejudge that review. I think it was done very carefully. But let me bring to the attention of my distinguished colleague, who spent great heroism in his career in the military himself, you should not try to make a decision with reference to the strategic capabilities of this country without reference, as needed in the quadrennial review, to the convention. In other words, you cannot just look at that in isolation. It has to be examined in the context of the totality of our military assets, and the quadrennial review has to be done and upgraded.

Mr. KERREY. I presume General Shalikashvili, in 1997, made that review.

Mr. WARNER. I am not in a position to say what he did or did not do.

Mr. KERREY. I would be very surprised, if the Chairman of the Joint Chiefs of Staff, in 1997, reviewing the minimal deterrent level, did not reference that minimal deterrent level to the rest of the conventional forces. This is a conventional Army officer who is the Chairman of the Joint Chiefs of Staff. My guess is that was a pretty detailed review. In fact, he came to the conclusion at that time that 2,500 is the minimal level that is necessary.

Mr. WARNER. The Senator repeatedly says he presumes. I am not here to act on presumptions. What I do know is the realities, and particularly the political realities that face this Nation of an election and a new President. In my opinion, it is the wiser course of action to defer such decisions as this until the next President is in office; he has his quadrennial review; he has his detailed study of our strategic arsenal. Then those decisions.

Mr. KERREY. Let me get this correctly. So the intent of this amendment is to prevent President Clinton from making any decision and to——

Mr. WARNER. We cannot block this President. Nor would we try.

Mr. KERREY. That is precisely what section 1302 does. Section 1302 says the President cannot go below the START I levels. For the first time, it restricted and tied the hands of a President in his own decisionmaking about strategic forces. That is what it did. I sought to strike it last year and was told the concern was the Duma might not ratify START II. They have done that.

It seems to me the language gives the President, this President—I am asking the question because it affects whether or not I simply just declare victory myself and support your second-degree amendment. If your second-degree amendment gives the President the flexibility to waive, if he says, ''I have already done that review and I will submit to Congress the review that was done by General Shalikashvili in 1997,'' it may be we have agreement here. But if you are saying the intent of the amendment is to say President Clinton, after having been Commander in Chief for 7 years, is not sufficiently prepared to make this decision, we need a further review before he can make it, then I couldn't support the second degree.

Mr. WARNER. I certainly cannot rely on a 1997 review as being up to date. Much has occurred in those 2 years, indeed over 2 years, to where we are today.

Let me give one example. The Russians are strapped financially. One of the principal motivations to go to a lower level, on behalf of the Russians, is they simply do not have the financial resources to maintain their existing arsenals—the readiness, the safety,

all aspects of those existing arsenals. That is the 1997 assessment. I would not accept that. I would not think President Clinton would want to accept it.

What I am telling the Senator is that I would like to reply in totality to the Senator's question by giving my statement and then we can perhaps continue this colloquy. Is that an option?

Mr. KERREY. That would be an option for me.

Mr. President, let me finish my statement, and I will yield to the Senator from Virginia.

Mr. WARNER. Fine.

Mr. KERREY. I am anxious to hear the statement. As I said, it may be—expecting that the chairman, the Senator from Virginia, after listening to last year's debate, would merely this year declare victory and allow this provision to be struck, it may be I should declare victory and accept this amendment, if it does not restrict the Commander in Chief who has had plenty of time to review it—and he may not. As I said, up to now he hasn't agreed that going to lower levels in exchange for ABM is a good strategy—and he may not. It may all be moot as far as I know. But if it does not restrict this President, or the incoming President, to make a determination prior to December 2001, it may be that I should declare victory and go home as well.

I want to repeat something I tried earlier to discuss. I do not think it is very well understood by many Members of Congress. I certainly do not think it is very well understood by the American people. I say that with great respect. It has been a voyage that has produced some surprising discoveries on my part as well. I am not suggesting I am smarter, more informed than anybody else. I am merely saying I spent time on this.

I am deeply concerned that the threat to the United States of America of an accidental and unauthorized launch from Russia goes up every single day that we maintain the force structure as high as we currently have. We have plenty of safety. We have plenty of redundancy. We have plenty of capacity to tell whether we are actually being attacked or whether the signals are false.

The Russians do not have any of that or they have a declining amount of it. We are forcing them to maintain at levels, in my view, that are increasing the danger to the people of the United States of America. The danger is enhanced as a consequence of our sort of presuming maybe there is no real risk.

I put these numbers out. This is the minimal level. This is what the Pentagon said in 1997. It is what the Pentagon is currently saying is still valid: That the minimal level we need in the number of warheads is 2,500. The reason we need 2,500 is, according to the people who do the targeting—again, they are doing the targeting based upon a Presidential directive, presumably evaluated by the Congress after we do the directing and tell them what needs to be done—there are 2,260 vital Russian nuclear targets.

These are on active alert. We are ready to attack. We are not talking about the kinds of missiles that might miss by a couple of miles. These things are going to hit. They are very accurate; they are very sophisticated; and they are very reliable. We have 1,100 nuclear targets. That is to say the Russians hold nuclear weapons. So 1,100 of our nuclear warheads —and we do not have one under 100 kilotons—are going to be targeted on 1,100 Russian nuclear sites.

Then there are conventional sites, conventional weapons sites—500 targets; 500 targets. I urge my colleagues to get a map out of Russia and try to come up with 500 targets on top of 1,100 targets of nuclear weapon sites. Part of this debate needs to be done in the open so we can do a commonsense check as to whether or not we have more than we actually need, again forcing the Russians to maintain more than they can control.

Mr. President, 160 leadership targets. These are the guys to whom we talk. We have a meeting with them: President Putin, would you agree to modify ABM? And oh, by the way, we have 160 nuclear weapons of 100 kilotons or more targeted on you and all the rest of the Russian leadership. Try to come up with 160 targets. Get a Russian map out and put 160 targets up, or 500 targets, on something called war-supporting industry. This is all published accounts. This is not me coming out of the Intelligence Committee or some top secret briefing; this is now published accounts of this targeting. It is vital for the American people to understand that; otherwise they are going to say to the Congress: Just keep doing what you are doing; it seems to be working.

The longer we continue doing what we are doing, the more likely it is that the horrible, unimaginable disaster occurs and that is an accidental unauthorized launch against the United States of America on the people of America and that the people suffer as a result.

I have no idea if President Clinton would do an expedited review and say: I am going to try to strike a deal with President Putin that will allow us to go to lower levels of ABM to solve the stalemate we have over missile defense. He may not take the option.

Whether he takes the option or not, I believe it is unwise for us to be tying the hands of President Clinton. I think it would be unwise to tie the hands of President Gore, President Bush, or any President in this fashion. We had never done it up to 1998. There may have been a compelling argument prior to the Duma's ratification of START II, but there is no longer a compelling argument, in my view, and it would be a mistake for us to have this continuing limitation.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Virginia.

Mr. WARNER. I thank the distinguished Presiding Officer.

Mr. President, I am thoroughly enjoying this opportunity. It is an important amendment. Let me start by allowing those who are following the amendment to understand what it is our distinguished colleague wishes to do. By his amendment, he wishes to repeal the limitation on retirement or dismantlement of strategic nuclear delivery systems in excess of military requirements. ''Section 1302 of the National Defense Authorization Act for fiscal year 1998 is repealed.''

The thrust of what he is trying to repeal limits the President of the United States to certain levels of strategic systems. Are we agreed on that? Does the Senator have a copy?

Mr. KERREY. My amendment simply says:

Strike section 1017 and insert the following:

Sec. 1017. Repeal of Limitation on Retirement or Dismantlement—

Mr. WARNER. Does the Senator have a copy of section 1017 he can print in the RECORD?

Mr. KERREY. It is 1017 of the authorization—

Mr. WARNER. I understand that. The repeal of the limitation in a previous authorization act of 1998—does the Senator have a copy of 1998?

Mr. KERREY. Section 1302 of the Defense Authorization Act.

Mr. WARNER. Section 1302 of 1998. I left mine in the office inadvertently.

Mr. KERREY. Staff is searching, trying to get an answer. I do have it.

Mr. WARNER. My distinguished ranking member is always prepared. We want to make sure the Senator from Nebraska has a copy.

Mr. KERREY. The answer is yes. The Senator from Virginia and I are looking at, I believe, the same thing.

Mr. WARNER. That is correct. We are looking at the conference report for the 1998 authorization bill on page 330, section 1302, ''Limitation on Retirement or Dismantlement of Strategic Nuclear Delivery Systems.''

Mr. KERREY. I am looking at the public law.

Mr. WARNER. It is the same thing.

Mr. KERREY. My guess is it is pretty close.

Public Law 105–85 says:

(a) Funding Limitation.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B–52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

I note that under current law, I believe you have given flexibility to go from 18 to 14; at least you have allowed it to happen.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

All of which total, by my rough calculation, slightly more than 6,000, which is the START limitation.

Mr. WARNER. Wouldn't the distinguished colleague from Nebraska say that there Congress expressed its will and put limitations on the powers of the President?

Mr. KERREY. Yes, I do.

Mr. WARNER. Fine, and that is precisely what the Senator wants to take out.

Mr. KERREY. Yes.

Mr. WARNER. Let us frame the argument from that. Congress has already done it. The question is: Should we continue, if we put this into permanent law now, so it is permanent? Am I not correct on that?

Mr. KERREY. The Senator is correct.

Mr. WARNER. The Senator from Virginia comes along and says there could be merit in waiving this and a future President should have the option to waive it, provided he does certain preliminary steps as outlined in the amendment of the Senator of Virginia. Are we agreeable with that interpretation?

Mr. KERREY. No, I would be agreeable if the Senator from Virginia says——

Mr. WARNER. We may not agree, but do we understand that is what I am endeavoring to do?

Mr. KERREY. That may be what you are endeavoring to do, but I am not sure your amendment does it. You are saying with your amendment that you want to make certain President Clinton cannot do it but future Presidents could.

Mr. WARNER. What I am saying, practically speaking, is I do not think President Clinton can do it in a judicious and effective way, given the time limitations between now and the end of his term of office.

Mr. KERREY. That is an interpretation on which perhaps we should have a colloquy. If we can reach a conclusion that the President could do an effective review in short order, it may be, as I said, that I am going to declare victory and go home and maybe support your second-degree amendment.

Mr. WARNER. In the first place, the law of the land is still intact until the Senate and, indeed, the House are in conference and the President signs this bill. At the moment, the law of the land precludes him from doing that.

What I am trying to offer is a relevant course of action whereby the next President has the opportunity to address this situation in the context of a fresh QDR and a fresh up-to-date analysis of all the strategic threats, what the other nations possess, and the like. That is effectively what I am trying to do.

Mr. KERREY. By effectively doing that, you are also saying that the current QDR, the current evaluation, is not valid; that the analysis that was done in 1997 by General Shalikashvili is not valid?

Mr. WARNER. I say it is outdated. Mr. President, 1994 is when the last assessment was made.

Mr. KERRY. Will my colleague permit a question?

Mr. WARNER. Mr. President, I also owe the Senator an answer on a procedural matter which I am prepared to, regrettably, give, but I will give it to him.

Mr. KERRY. I thank the distinguished Senator.

I want to follow up on what the Senator from Nebraska said, and I strongly support what the Senator from Nebraska is trying to achieve. I ask the Senator from Virginia if he will agree that START II was signed by the United States of America and was ratified.

Mr. WARNER. Factual.

Mr. KERRY. And the Senator agrees that now START II has also been ratified by the Russian Duma.

Mr. WARNER. But with certain appendages thereto.

Mr. KERRY. I agree. I understand.

The Senator is correct. The Russian Duma ratified START II with the understanding that they had to have the successor states to the ABM Treaty ultimately recognized by the United States, and there are a series of bilateral agreements they want us to ratify, and because the Senator from North Carolina, the chairman of the Foreign Relations Committee, is fundamentally opposed to these changes, we are stuck. But the larger interests of the United States of America are to make the world and this country safer.

We decided, as a matter of policy, I say to the Senator from Virginia, that the world will be safer if we move to reduce weapons to the levels of START II. In fact, it is the policy of the United States of America now to engage in negotiations toward START III, but no one whom I know, who is rational at least—and I absolutely include the distinguished chairman of the Armed Services Committee as among the most rational and most thoughtful people on this subject—nobody is suggesting that we would not want to reduce from the level of 6,000-plus warheads and try to move in the direction of START II. I assume the Senator agrees.

Mr. WARNER. I simply say to my distinguished colleague, before this Senator expresses a view on that, I want to see a new quadrennial review, as well as a new analysis of our strategic system. I will not commit to any numbers at this time until I see that. That is essentially what our candidate George W. Bush has said.

Mr. KERRY. I interpret what the candidate, George W. Bush, said somewhat differently, and I read his speech closely the other day.

It was my understanding he said he is prepared to unilaterally reduce weapons no matter what the Russians do. He also wants to accompany that with a fairly robust national missile defense system.

I again say to my colleague, I think the Senator from Nebraska is on target. Look, the former Soviet Union, what remains of it, Russia, has an extraordinarily weak command and control system.

As a current member of the Intelligence Committee, and the Senator from Virginia shares that, we know full well that one of the greatest single threats to the United States of America today is threat reduction efforts. To suggest that the United States, that our citizens, are safer with more warheads and more active missiles being left in place, with an army that is not being paid, with command and control that is disintegrating and degrading, is a very hard thing for me to understand.

Mr. WARNER. Mr. President, if I might reply, I raised that issue earlier. One of the reasons, motivations for the Russians to drive to lower figures as soon as they can possibly get there is the inability fiscally to maintain their own structure in a readiness posture, which equates to what they have had in years past.

Mr. KERRY. I agree.

Mr. WARNER. That is a risk.

Mr. KERRY. But I ask my colleague, if you understand their economic need, because they cannot maintain the warheads properly, and we are worried about accidental launch, how can you then want to prohibit the President of the United States from conceivably making us safer by wanting to mutually move to a level where we are both safer because we have a number of missiles that are able to be maintained properly and the balance of power is correct?

Mr. WARNER. I give to my colleague two responses: No. 1—and I am not trying to be critical of this President's administration—why didn't they do that several years ago? Because the deterioration of the infrastructure and the financial situation in Russia has been an ongoing situation for several years. It commenced under Yeltsin.

Mr. KERRY. Absolutely.

Mr. WARNER. Why didn't your President take those initiatives several years ago?

What I am saying to you now is, before this President or any other President begins to make an assessment of a magnitude such as this, they better have in place an up-to-date analysis. That is essentially what I am saying.

For the record, I would like to read from the George W. Bush statement:

> As President, I will ask the Secretary of Defense to conduct an assessment on our nuclear posture and determine how best to meet our security needs. While the exact number of weapons can come only from such an assessment, I will pursue the lowest possible number consistent with our national security.

Mr. KERRY. Mr. President, it is ironic that a Democrat would be here interpreting the words of the putative Republican nominee. But let me say to my colleague, he very clearly talked about unilateral reductions. His father, President Bush, also was supportive of and negotiated the policy of START II and wanted to move in that direction.

Now START II takes us down to 3,000 warheads. I do not know anybody in

the world of nuclear assessments—you look at the SIOPs. I think there are public targeting figures that do not violate classification. But I will be careful with this because I do not want to violate it.

Let me just say that the Senator well knows that the SIOPs plans of the United States have a number of targets that are well taken care of by the current levels of START II, which is why the Joint Chiefs of Staff, the Pentagon, and everybody signed off on it.

In today's world, in a non-cold-war world, the greatest threat is a rusty freighter hobbling its way into New York Harbor, or nearby, and has the potential to launch a cruise missile at us, or the greater threat is some group of terrorists assembling in New York the multiple parts of a nuclear weapon and holding us hostage, or, as we saw in Japan with the sarin gas attack, terrorists who want to cripple the community through chemical or biological warfare.

Those threats chill me far more than the concept of reducing to 3,000 weapons over the course of the next years. It is going to happen. No matter what the Senator from Virginia says about the next quadrennial review, I am willing to bet my seat in the Senate that this country is going to move, together with others, to reduce the levels of weapons to at least 3,000. The debate today is not whether we ought to be at 3,000. The debate today is whether or not 1,000, 1,500, 2,200 to 2,500 are the appropriate levels.

So why on Earth we would want to hobble the ability of the President of the United States to make this country safer by reducing to the level already agreed upon by Republican and Democrat negotiators alike is absolutely beyond me.

Mr. WARNER. Mr. President, I simply say to my colleague, the Congress has done it. Why do we want to hobble? They did it. Last year our colleague brought up the amendment, vigorously argued it, and it was defeated. So Congress did it again.

Mr. KERRY. There was a reason, Mr. President. It is because the Russian Duma had not ratified. Everybody understood the rationale for that. But now they have ratified it. And the only restraint on our moving to a safer world is the fact that the Senate Foreign Relations chairman is unwilling to bring it to the floor.

Mr. WARNER. I am not going to single out the Foreign Relations chairman, but I make the following observation. That is, this is the law of the land. We are giving the opportunity to the next President to do the necessary studies.

Supposing President Clinton took such actions, which under the Constitution I presume he can—except that the law is pretty explicit here, unless it is repealed—and laid down a set of numbers which the next President, whomever it may be, finds unacceptable after he does the requisite studies, not only of the nuclear posture but also the conventional. You have to do them together. Then what happens?

The next President is faced with the dilemma of trying to refute what President Clinton did. That would be the worst of both worlds.

Mr. KERRY. May I ask the distinguished Senator from Virginia, with all his years of experience—he has been on the inside of these negotiations; there is nobody with a stronger career with respect to this—can he really say to me, in this current climate, with the problems of the Russians in reducing and maintaining their current weapons, he can really envision the scenario which would require us to reverse a builddown to the 3,000 level?

Mr. WARNER. First, I thank my colleague for his comments with regard to me. But, No. 1, I never commented on SIOPs. I think that is a classification that should not in any way be breached.

Mr. ALLARD. Will the Senator from Virginia yield?

Mr. WARNER. Let me finish. Then, not addressing the SIOPs in any way—I think you understand why we should not do that—I believe that it is unwise, given the current posture of the studies and the fact that on the face they are not up to date—certainly there has been no revelation that these studies are up to date—that we should be making decisions with regard to numbers at this time. I simply will not put my finger on any particular number. Your assumption is reasonable, but I am not going to accede to it.

Mr. KERRY. Let me say to my friend, he talks about the law of the land. When you sign a treaty and the Senate has ratified it, it is the law of the land. Technically speaking, under international law, it is the law of the land when you sign it. When it is ratified, it is even more so the law of the land.

I realize that technically speaking the SALT II does not, in effect, go into full effect until we pass on the codicils. But that is such a technicality in the context of what we are trying to achieve in the world. We are the leader of the free world. We used to be the most important force in the world for nonproliferation efforts. We used to make the most important efforts to try to encourage other countries to toe the line on nuclear weapons.

If we are now going to suggest that having put into law and ratified a treaty, we are unwilling to reduce these levels of nuclear weapons at a time we know Russia is growing more and more unsafe in its capacity to maintain them, we are not acting in the interests of the American people and making them safer.

I say respectfully to my friend from Virginia, in the next 6 months there is ample opportunity for any President to step in, a new President, and say: I do not want to continue these levels. But we have an opportunity here to make the law of the land on this bill in effect carry through properly. I strongly hope my colleagues will do so because it is the right thing to do.

I thank the Senator from Nebraska.

Mr. WARNER. Mr. President, I have enjoyed my colloquy with my distinguished colleague from Massachusetts.

I would like to present my amendment at an appropriate time. Has the presentation of the presenter, the distinguished Senator from Nebraska, concluded?

Is this an appropriate juncture, because I don't want to encroach on the opportunity for him to fully give his presentation?

Mr. KERREY. The Senator is not encroaching. I stand by and look forward to his argument.

Mr. WARNER. I see the distinguished chairman of the subcommittee on strategic affairs seeking some recognition. I would like to accommodate him. I have had more than adequate opportunity to debate these points.

Mr. ALLARD. Mr. President, I want to point out that the Strategic Subcommittee, which I chair, has been realizing that times are changing and we need to reevaluate and reassess our nuclear forces. In fact, if you look in the bill, we have set up a couple of studies: a revised nuclear posture review in section 1015. Another is a plan for a long-term sustainment of modernization of U.S. strategic nuclear forces in section 1016.

We recognize that times are changing. But this is very serious business. When you are talking about a balance of power between the United States and the rest of the world—and in this particular case, Russia, the former U.S.S.R.—we are talking about very serious business. I don't think this decision should be made by one person. That is why we have set up this posture review process. We suggested it in the bill we have introduced in the full committee and now it is part of the bill. Apparently, this sort of mantle was picked up by Presidential candidate George W. Bush. An important part of his comments is that there be a posture review, a careful analysis of where we are with our nuclear forces. I think your amendment is carrying forward with what the Strategic Subcommittee suggests and the Armed Services Committee and even candidate for the Presidency George W. Bush.

I support the chairman in his amendment to ask for a posture review before we move forward. If I am not a cosponsor on that amendment, I will ask that I be added because I think it is very important. No matter who is President, I don't think one single person should be making these decisions without a careful review from those people who know what they are doing in the Department of Defense.

As I understand the chairman's amendment, it does call for that very careful review. There is one thing I would like to comment on before I yield. The Warner substitute amendment, as I understand it, would provide

authority for the President to waive the limitations in current law regarding the retirement of strategic nuclear delivery systems once the Secretary of Defense has completed the Nuclear Posture Review required by section 1015, which I referred to earlier in my comments. The amendment of the Senator from Nebraska, as I understand it, would not be consistent with the policy enunciated by Governor Bush, nor would it satisfy the concerns that Congress has raised for the last 5 years. It would lead to misguided and uninformed reductions, in my view, rather than a force posture based on careful review of all our strategic requirements and how these relate to our overall national military policy. I think the chairman is headed in the right direction.

Mr. WARNER. Mr. President, if I may, I will make one observation and then I will step back. This provision in the bill that is currently before the Senate was done in, first, the subcommittee of which the Senator is chairman.

Mr. ALLARD. That is correct.

Mr. WARNER. It was brought to a markup, at which time any Senators on that side of the aisle could have objected to it. There was no objection. In fact, as I have looked at the record, it was accepted and voted on unanimously by the entire committee, recognizing the importance of having such a review done timely before any analysis could be made as to future levels of weaponry; am I not correct?

Mr. ALLARD. That is correct. This issue was not brought up in subcommittee or full committee that I recall.

Mr. LEVIN. If the Senator will yield on that narrow point, this language was significantly amended in committee, if I may say so. It wasn't offered in that form. It was amended. This language here is not the issue. The issue is that the amendment of the Senator from Virginia says that this President and the next President cannot take an action until after a certain action is taken at the end of 2001. That was never discussed in committee. It is not part——

Mr. WARNER. Any time before. It doesn't limit it to the end of 2001. It could be done earlier on.

Mr. LEVIN. Oh, it can be?

Mr. WARNER. With the next President.

Mr. KERREY. Mr. President, if the Senator will yield on that, the language of the Senator's amendment doesn't say that. That was the question I was going to ask the Senator from Colorado. It doesn't preclude the President from doing a review before December 2001. The Senator from Virginia was saying so long as it is GORE or Bush, it is OK; but if it is Clinton, it is not.

This is June 6, the day Franklin Delano Roosevelt, while going through a Presidential campaign, authorized the landing on the beaches of Normandy. There was bipartisan support for it. He was running against Dewey at the time, and he was courageous enough to say we were going to have a bipartisan foreign policy.

The thing that concerns me is that we are losing that. We are saying President Clinton can't do it. If it is Bush or GORE, fine, they can do it, but Clinton can't. I think that is a signal that we are not willing—for example, the Senator said earlier President Bush signed START II after the November election and authorized troops to go to Somalia late in his term. We understood it was late in his term and that he might not have won the election, but, by gosh, the President had the authority to make these decisions right up to the end of his term. This amendment seems to be saying, although I think the language of the amendment—I am trying to ascertain whether or not I should vote for this amendment because it appears the language would allow the President to do an expedited review. It doesn't say he can't have it done earlier. It may be that the Senator's intent is to prevent President Clinton from doing it. But I don't believe the language of the amendment does that.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ALLARD. I thought the Senator from Virginia was controlling the time.

Mr. KERREY. I ask the Senator from Colorado, is it his understanding that this language would prevent a President Bush from doing a review that could be done in 60 days from, let's say, either the time of his election or the time he is sworn in as President? Would it prevent an expedited review? Say he has Colin Powell or former National Security Adviser Brent Scowcroft and Henry Kissinger and George Shultz advising him, and the four of them say we believe he ought to go to 5,000, and the Secretary of Energy is going to notify Bush on February 1; would your amendment preclude that?

Mr. ALLARD. In my view, and the way I read the amendment—and I think you are missing the main point of the amendment—is that you have a careful review before making a decision. From a practical standpoint, hopefully, it is not going to be an easy decision arrived at. If you are using February as an example, I think it may be possible, because if you look into it, it says after the quadrennial review of 2001.

Mr. KERREY. No. It says concurrent, which, as I read the language of this amendment, would cause me not to vote for it. It doesn't preclude President Clinton or Bush or GORE from saying we can finish that part of the review faster than the rest of the review and have the Secretary of Energy submit it to Congress for congressional consideration. By the way, you can strike this provision and there is no guarantee at all that President Clinton is going to take any action. He hasn't thus far. He hasn't asked for authority.

Mr. ALLARD. The important point is that we have careful review of our nuclear posture. I think it should be done with a lot of consultation with a lot of different people, other than only the President and his immediate surrounding staff. I think the amendment of Senator WARNER does that. I think it is certainly compatible and consistent with what the committee has been thinking in terms of the studies they think are necessary, both in long-term as well as short-term posturing with the nuclear forces. Personally, I think probably there is going to be an opportunity for us to reduce some of our nuclear forces. But it has to be done with a lot of forethought and careful study. I don't think we are going to solve that on the Senate floor. I think it is going to take people who know and understand all the details of the program—both ours as well as throughout the world—to make this decision. I don't think it can be made quickly.

Mr. KERREY. The Senator's answer is yes, for a new President. He could do it as long as he is satisfied with the definition of ''careful review.'' He could do it prior to December of 2001. According to this amendment, it has to be submitted by 2001. So a careful review could be done before December 2001.

I am trying to get the Senator to talk me into voting for his amendment. That is what I am attempting to do here. If the answer is yes, as it appears to be, you may not want President Clinton to make the decision. By the way, I think it is unlikely that he will. He hasn't thus far.

I just think it would not be a good thing for us to say that we are going to put a restriction on this President that we are not going to put on the President-elect, whoever that happens to be.

Mr. ALLARD. I would like to respond to that. On page 4 of the Warner amendment, it says after submission of a report, consult with the new Congress in subsection (c).

I think if those positions are met, we can move forward.

Mr. WARNER. Mr. President, if I might interject myself, as this is drawn, I can easily amend it so that the next President can bring about the necessary infrastructure of studies and have them completed on a timetable to accelerate it so it is not tied to December. The way this is drawn, it is due in December. But I do not interpret that to preclude an earlier assessment by the next President.

What I say to the Senator most respectfully is, practically speaking, under the current administration you have several years in which to do this work and bring it up to date. It simply has not been done.

I just think, practically speaking, this President would be ill-advised to try in the remaining period of a few months to do this type of important thing and to have these studies suddenly brought up.

Mr. KERREY. First of all, I think it would be a very unwise thing to do.

Again, as I indicated earlier, President Bush took action on START II after the election of 1992. President Bush committed troops to Somalia late in his term without getting my objection to do it. I wasn't going to draw a line in the sand late in his term if he saw a threat to this Nation. And if he had a policy, I would agree with that policy. I was not going to prevent him from doing it simply because it would be late. I think that would be inadvisable.

I look at the language of the amendment. I don't see any need to do in the amendment what the Senator is saying. It seems to me that the language of the amendment says it has to be submitted by December 2001, but also there is language in there precluding President Clinton, if he could, to accelerate a review if he chose to.

I am trying to get the Senator to talk me into voting for his amendment because it seems to me the language of his amendment would allow the President, if he chose to, to do the review just as President-elect Bush or President-elect GORE could do.

Mr. WARNER. I think the Senator from Nebraska has carefully pointed out that some clarification of this December timeframe is desirable. I will begin to draft it immediately and hope he can accept some.

Mr. KERREY. Mr. President, it is not desirable, if the Senator from Virginia seeks to get additional support. I am saying that as long as he keeps the language the way it is right now, I can interpret this in a way that allows President Clinton to do so if he chooses. Again, I say to my good friends on that side that President Clinton hasn't indicated any desire to do so.

Why would we want to draft this amendment so that it prevented an existing President from doing something that a new President could do if the existing President hasn't demonstrated any willingness to do so in the first place?

It seems to me if Congress is saying we just do not trust this particular President, and we are not going to allow him to do that, it is a very bad signal. It signals to people that may have a bad intent toward the United States of America that they might be able to get away with things. They might be able to do things in this current environment as a consequence of Congress not willing to allow what normally the Commander in Chief would be allowed to do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. Mr. President, as a cosponsor of the Warner amendment, maybe I can offer a little solace to my colleague from Nebraska, which I think is consistent with the intent of the chairman of the Armed Services Committee.

First of all, as the Senator from Colorado pointed out, the primary point of the Warner amendment is to ensure that two specific studies are done; that this cannot be done just on the certification of the President. That is the primary distinction between this amendment and the amendment from the Senator from Nebraska.

With respect to those two studies, one of them is the quadrennial review. That is the review that Congress now requires of the President every 4 years. It is a very long set of requirements that take all of the defense needs of the country into account in a coordinated, structured way.

It is in that context that I believe, incidentally, Governor Bush would probably want to have this review done. I can't speak for Governor Bush. But I am certain after having talked to him that he has in mind approaching our defense structure generally in a somewhat different way than the past administration has. He has some different strategies in mind.

My guess is that he would want the nuclear review to be done consistent with the quadrennial review so that the Nuclear Posture Review would be coordinated with the quadrennial review. That is precisely what the Warner amendment calls for. It says:

> The secretary of defense shall submit to Congress in unclassified and classified forms as necessary a report on the result of the Nuclear Posture Review concurrently with the Quadrennial Defense Review due in December of 2001.

The Senator from Nebraska is quite correct. That report would be accelerated some. As a practical matter, however, it is not going to be accelerated to the point that would occur in the year 2000, and as a result it would, in fact, occur during the next administration—not this administration, the way the amendment is written, at least as I read it.

While it does not tie the Nuclear Posture Review to a specific date, it does say that it should be submitted concurrently with the QDR, whenever that happens to be submitted.

I think that is the answer to the Senator's question. I think this is a very reasonable approach. I hope the Senator will support the amendment for that reason.

I again go back to primarily the point that was made, and that is that we have two different approaches. One relies on just the certification of the President that he thinks this is a good thing to do. The other specifically requires him to do the Nuclear Posture Review and the quadrennial review and to submit those two concurrently. Then the President can, if need be, bring the force structure down.

I would like to make one other point, if I could. If the Senator from Nebraska wishes to interrupt me, that is fine.

The second point I want to make is this: There is a tendency to speak in just sort of hypothetical terms about numbers: Well, 6,000 is a lot or 3,000 seems more reasonable.

What everyone really needs to understand is that we are talking about one of the most complex sets of interrelated considerations that exist in our defense strategic posture.

The Senator from Nebraska, as the vice chairman of the Intelligence Committee until very recently, appreciates this point as well as anyone. I know that. Among the things that have to be considered, for example, in bringing the number of warheads down, are two things: First, though we all talk in terms of warheads, the Senator from Nebraska knows and the chairman of the Armed Services Committee knows that isn't what we really count. We count delivery systems. Those delivery systems include ICBMs, missiles on submarines, and bombers, which are the three legs of the triad that deliver the warheads.

Here is just one consideration that goes into this equation. The United States has a need to project its conventional forces. We are the superpower of the world. We try to keep peace in parts of the world when other nations cannot do so because among other things, we have the reach to get to those places. We recently involved those forces in Kosovo, and before that we did it in the gulf war. In both cases we used our bomber forces.

Some of these bomber forces, such as the B–2 bomber, clearly count in terms of strategic warheads. If we were to bring the strategic warheads down too far, the result of that would be to take out of service bombers which we need not just for strategic purposes but for conventional purposes as well.

That is why this gets to be a pretty complicated matter and why it shouldn't be done quickly. It certainly shouldn't be done merely for political reasons. I am not suggesting that any President would do that.

That is why clearly a Nuclear Posture Review is critical to any proposal that the President would make in this regard or any decision he would announce. Because you are talking about the interrelationship between conventional and strategic forces, you should tie this to the QDR as well.

That is why the Warner amendment very wisely says the Nuclear Posture Review, and the quadrennial review should be submitted concurrently, and that when they are, the President could make a decision to reduce our warheads below that called for by this agreement.

One more point in response to a point that the Senator from Massachusetts made earlier. The inference of his remarks was now that START II has been ratified by both the United States and Russia, there is no reason why we can't bring these warhead numbers down. But that is not true. START II has not been ratified unconditionally by the Duma. The Duma in Russia ratified START II with conditions, and until those conditions are satisfied, Russia will not submit its articles of ratification. They will not become effective. Until they are deposited with the appropriate international body, and I believe it is Geneva, Switzerland,

the Duma ratification of START II is not effective. It is conditional upon two things that the U.S. won't approve: the so-called multilateralization agreement and another agreement which limits the way in which our tactical missile defenses could be arrayed.

We are at a stalemate in terms of START II. That is why it is inaccurate to argue that since both countries have now ratified START II, the President might as well bring the numbers down. That is not true. There may be good reason to bring those numbers down irrespective of START II, but it is not an argument that because both countries have ratified START II, now the President should bring the warhead numbers down. In point of fact, START II has not yet been legally ratified by Russia.

The bottom line is I agree with President Bush. I take it, to some extent based upon what I know of Senator KERREY's comments, that we ought to make a determination which makes sense for America. The world is different now than it used to be. The President ought to, upon proper review, determine the size of our nuclear strategic forces.

Where I think perhaps we may have a disagreement, although perhaps he now is convinced, is that rather than simply saying the President can have that authority and can exercise it irrespective of what the Congress did last year in passing the law that said no, rather than taking that approach, it makes much more sense to ensure that the President makes this decision with the calm, cool reflection of the quadrennial review and the strategic nuclear posture review having been done. When those two things are done and submitted concurrently, it will be an appropriate time for the President then to make this decision.

Mr. KERREY. First, I appreciate very much the statement of the Senator from Arizona. We have been together on a number of occasions before the intelligence committee and in the public environment talking about the threat of the missiles, especially from rogue states. I have enjoyed those associations very much.

He is quite right; the systems are extremely complicated. We do talk about warheads and we ought to focus on the platforms. One of the problems is that it is very rare we have a chance to focus on any of these. It is debated too little, in my view. These are not bullets; these are very complicated systems. If you are the STRATCOM, you have a Presidential directive that tells you what you are supposed to do. Again, that is where it all begins, with a Presidential directive and a PPD 60 that was updated during the Clinton administration. You set forth talents. You are the CINC in charge of this. You have ICBMs, submarine launch ballistic missiles; you have your bombers at your disposal; and you are calculating whether they will be reliable, whether they are available, whether they will be able to do what that Presidential directive says you have to do. I am challenging the Presidential directive, the policy itself.

As I understand it, I thought earlier we could have some flexibility in this amendment. I am uncomfortable tying this thing to quadrennial review. I don't want to speak for the administration. I am not on the Armed Services Committee so I haven't been there when they made the presentations, but I have, as a consequence of being provoked to do so, requested a briefing from STRATCOM that was given to General Shalikashvili in 1997 and was presented to the Armed Services Committee. I believe both the chairman and ranking member received that briefing, as well. I am satisfied that is a current analysis. I am satisfied that it needs relatively little attention.

I don't agree with what the chairman has said, saying that the President has not been evaluating this over the last 7 years. He has arms control negotiators. In fact, he has resisted pressure from this side of the aisle to do the very thing I am talking about right now. He has been unwilling to do it; he has been unwilling to go lower, to do the thing that President Bush did in 1991.

I am not certain, even if this section were stricken, that the President would take any action, but I am not willing to accept that there hasn't been a sufficient amount of review done on this, and I think it would be unwise, as I hear now, not only restricting President Clinton but restricting President-elect Bush or President-elect GORE.

Earlier in a colloquy with the author of the amendment, it seemed there was some flexibility. But I hear the Senator from Arizona saying, no, there is not; it would have to be submitted concurrent with the quadrennial review, which is expected in December of 2001, and it may not be done 2001. It could take longer than December of 2001. We are saying that the current President and future Presidents could not, if they got an attractive offer from the Russians to accept the kind of modifications in ABM that permit a vigorous deployment of missile defense along the lines of what Governor Bush is talking about, this would prohibit Governor Bush from doing that unless we came in and changed the law again.

I think we should not be tying the hands of the President in these kinds of negotiations. What current law does, as modified by the Senator from Virginia, is to untie it slightly, but as I understand it now and if the Senator from Virginia agrees regarding the explanation of the Senator from Arizona in an earlier evaluation, that could not be done, but only submitted concurrent with the submission of the quadrennial review.

Mr. LEVIN. Will the Senator yield?

Mr. KERREY. I yield.

Mr. LEVIN. My understanding is the Senator from Arizona and the Senator from Virginia would have to make a decision on this because it is his amendment. But my understanding is that the decision of the President to lower the force structure—what he negotiates is a totally different issue. We are not limiting what the President can negotiate in terms of a treaty which will then be submitted to the Senate.

We are talking about a force structure which has to be maintained, subject to being changed either by treaty when ratified becomes the law of the land, or by a subsequent law.

What this language does, as I understand it, and I think I partly agree with the Senator from Arizona, is that he could not lower the force structure until that Quadrennial Defense Review and Nuclear Posture Review are submitted. I think that is the way the amendment reads.

However, I think I agree with what the Senator from Virginia suggested before, which is if that Quadrennial Defense Review and Nuclear Posture Review is submitted before December of 2001, at that point this waiver could be exercised by a President.

Mr. KYL. That is exactly my understanding, too. That is precisely the way I think it reads.

Mr. LEVIN. Will the Senator yield for a question?

Mr. KERREY. I am pleased to yield.

Mr. LEVIN. What is interesting to me is that there has been an argument from the Senator from Virginia and our good friend from Arizona that there should be a review; until there is a review, there should not be a reduction in our force from START I levels.

Mr. WARNER. That is correct.

Mr. LEVIN. There was a review in 1994—1994. In 1994, the START II level was deemed to be adequate by the chiefs. There was a nuclear posture review in 1994.

Then, in 1996, we come along and say you can't go to START II levels. You have to stay with START I levels, we said, by law—by law.

So we had this thoughtful Nuclear Posture Review that took place in 1994, but we won't let a Commander in Chief implement that Nuclear Posture Review, which was thoughtfully carried out and which supported the START II levels in 1994 because we came along a year and a half later and said you have to stick with the START I levels.

Now the chiefs are very much opposed to that requirement in law that restricts us to START I levels, the higher levels, and doesn't allow a Commander in Chief to go to the START II levels. They have written us, and they have testified. Here is General Shelton:

> I would definitely oppose inclusion of any language that mandates specific force structure levels.

General Shelton:

> The Service Chiefs and I feel it is time to consider options that will reduce the strategic forces to the levels recommended by the Nuclear Posture Review.

That was 1994. He went on:

> The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

So we required that they stick at START I levels, in 1996. And then some of us now are critical of the Commander in Chief for not going to a different force structure. We are saying: Well, that's the law. We passed the law. We require him to stay at the START I levels. And now some of us criticize him for trying to do something precipitously, without adequate study.

There was an adequate study. It was called a Nuclear Posture Review in 1994, which said the START II levels were adequate for the security of this country. We will not let him go to the START II levels. Then, as my good friend from Nebraska points out, in 1997 there was an additional review. I do not think any of us want to suggest the chiefs did not do a thoughtful review in 1997, saying we could safely go, in a START III agreement, to a lower level than START II. But we are stuck at START I. We are at START I levels. Now we are saying we will let the next President go to a lower level than START I, but not this, because we want it to be thoughtful, when we had a thoughtful review in 1994. We will not let them go on. We had a thoughtful review in 1997 to which we won't let him go.

Of course, it should be thoughtful. We have had two of them right in the RECORD, right before us, that we are saying, in the Kerrey amendment, to which we ought to allow a Commander in Chief to go. We have the Chiefs saying they want the option to go to the START II levels. Unless we say the chiefs do not act thoughtfully—and I do not think anybody in this Chamber wants to take that position—then it seems to me we should allow a Commander in Chief to go to the thoughtful Posture Review level of 1994 and the thoughtful 1997 level.

So the first thing we need to do is interpret what this amendment means. I do not know if Senator WARNER agrees with this, but I think Senator KYL has suggested the way I phrased that interpretation was accurate. I would be asking a question, even though Senator KERREY has the floor, of Senator WARNER, whether he agrees with Senator KYL's interpretation of the Warner amendment.

Mr. KERREY. Let me ask Senator WARNER the question.

Mr. WARNER. I ask my colleague to restate his position for clarity, and then I will clearly indicate.

Mr. KERREY. In answering the question of the Senator from Michigan, that portion that was directed to me at least, first of all I say you are right. I think the question is, Do we need an additional review, more than we have already had, to support a President if the President decides to go at lower levels? That is what this amendment says. This amendment says we need additional review and it needs to be more thoughtful than we have had thus far.

I am prepared to say, with the little I know—you know more than I on this subject—that we have had thoughtful and serous review done. What the amendment does is it ties the hands of a President, this President and the President-elect, if we have to wait for it to be submitted concurrently with the quadrennial review, and it weakens him as a consequence. It says to the people who are negotiating with him, if an offer is put on the table by this President that is different from what the current law allows, he cannot do it. He can't sit down and negotiate with President Putin to go to lower levels in exchange for a modification of ABM because the law prevents him from doing it.

It weakens an incumbent President. That is exactly what it does. I think that is what it is intended to do. That is what it will successfully accomplish. I don't think—in fact, I know—from my experience of the Senator from Virginia that is precisely the opposite of the sort of thing he would want. He would avoid it. I am going to listen to the answer of the Senator from Virginia and then come back in the morning to hear even more.

But in the spirit of bipartisanship, I understand the Senator from Virginia is going to be offering later, perhaps, an amendment that would provide some resources for the operation of a World War II memorial.

Mr. WARNER. That is my intention.

Mr. KERREY. I would like to be added as a cosponsor of that.

Mr. WARNER. At long last, he is joining me. I am going to do that as soon as the opportunity presents itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I believe the question of the Senator from Michigan through the Senator from Nebraska to the Senator from Virginia is whether he agreed with me.

My interpretation is simply the language of the amendment which says that the Nuclear Posture Review shall be submitted concurrently with the quadrennial review, which is due in December——

Mr. WARNER. No later than.

Mr. KYL. No later than December 2001. It could be, therefore, submitted prior to that date. It all depends upon when the QDR would be submitted. But it does have to be at the same time.

If I could just make one other point, I am advised by staff that the last quadrennial review did not include a review of the nuclear posture. So the last Nuclear Posture Review was in fact in 1994.

Mr. WARNER. Mr. President, my colleague is correct on that. I can verify that. And I agree with his interpretation of my amendment. It is as simple as that.

Mr. LEVIN. I think I did say the Nuclear Posture Review of 1994, which was a thoughtful review which supports START II levels. The Commander has been precluded from going to that by our law.

Mr. WARNER. It comes down to a very practical application, that we believe strongly—and this amendment recites it—that certain steps should be taken before any President makes such important decisions with regard to the numbers in our future arsenals.

Mr. President, under the unanimous consent agreement, this debate can continue tomorrow. I think we have had an excellent debate. I think we have narrowed, for the benefit of the Senate, where the differences are on the two sides.

Unless my colleague from Colorado has further to say on this amendment, I will proceed to do another amendment at this time.

Mr. LEVIN. Will the Senator yield for just one procedural question?

Mr. WARNER. Yes, of course.

Mr. LEVIN. Is it the intention, then, of the Senator from Virginia to modify his pending amendment?

Mr. WARNER. I thank the Senator from Michigan. It is not my intention to modify the amendment of the Senator from Virginia at the desk at this time.

Mr. LEVIN. The modification I was referring to was not a technical modification to comply with the unanimous consent agreement. The modification I was referring to is whether the Senator from Virginia is intending to modify any of the language relative to that 2001 date.

Mr. WARNER. At this time I do not think it is necessary. I will ask the Chair, for the purposes of clarity, is the amendment of the Senator from Virginia in order?

The PRESIDING OFFICER. Yes, it is.

Mr. WARNER. There was some concern, technically, heretofore that it was not.

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, we will lay aside this amendment for the time being.

The PRESIDING OFFICER. The unanimous consent agreement we are operating under at the present time does not contemplate any additional amendments, so it would require unanimous consent.

Mr. WARNER. That is correct. I am simply at this point in time asking my colleague for unanimous consent that I can send to the desk an amendment relating to the World War II veterans memorial.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, we just need a few minutes to look at it. We just received it.

Mr. WARNER. Why don't we put in a brief quorum call, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

AMENDMENT NO. 3189

(Purpose: To require the disposal of a certain quantity of titanium from the National Defense Stockpile)

Mr. WARNER. Mr. President, I have consulted with my distinguished colleague, and I am going to now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. LEVIN, Mr. THURMOND, Mr. INOUYE, Mr. HOLLINGS, Mr. STEVENS, Mr. ROTH, Mr. HELMS, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. GORTON, Mr. AKAKA, and Mr. KERREY, proposes an amendment numbered 3189.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 613, after line 12, insert the following:

SEC. 3403. DISPOSAL OF TITANIUM.

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the President shall, by September 30, 2010, dispose of 30,000 short tons of titanium contained in the National Defense Stockpile so as to result in receipts to the United States in a total amount that is not less than $180,000,000.

(b) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of titanium under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of titanium; or

(2) avoidable loss to the United States.

(c) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of titanium under subsection (a) shall be applied as follows: $174,000,000 to defray the costs of health care benefit improvement for retired military personnel; and $6,000,000 for transfer to the American Battle Monuments Commission for deposit in the fund established under section 2113 of title 36, United States Code, for the World War II memorial authorized by section 1 of Public Law 103–32 (107 Stat. 90).

(d) WORLD WAR II MEMORIAL.—(1) The amount transferred to the American Battle Monuments Commission under subsection (c) shall be used to complete all necessary requirements for the design of, ground breaking for, construction of, maintenance of, and dedication of the World War II memorial. The Commission shall determine how the amount shall be apportioned among such purposes.

(2) Any funds not necessary for the purposes set forth in paragraph (1) shall be transferred to and deposited in the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

Mr. WARNER. Mr. President, our beloved former colleague, former majority leader, Senator Dole, and others have been very active in raising funds to build a memorial to those who served in World War II. I have been in consultation with him, as have other Members of the Senate, with regard to the success of this memorial effort.

It has been successful. Today Senator Dole was proud to receive a donation from the private sector in excess of some $14 million. What a fitting day, the 56th anniversary of D-Day. I called Senator Dole, after consultation with a number of my colleagues, most specifically those colleagues in addition to myself who served in World War II, to get their concurrence in a decision that I had made sometime earlier to the effect that I thought Congress should participate in the funding of a portion of this memorial, a relatively small portion that remains to be raised to reach the goal. I asked Senator Dole to come today, which he did several hours ago. We met. We reached concurrence on the following language, which I will address to the Senate.

This is becoming a campaign to build this memorial. It is all America. It is extraordinary. I was very heavily involved in the funding, the legislation and other aspects of the Vietnam Veterans Memorial, spent 2 or 3 years before, in fact, or more working with the courageous group that envisioned that magnificent memorial. I can remember when it was just a glimmer in our eyes, the Vietnam Veterans Memorial. I think there were 10,000 different designs that came in. I remember going out to Andrews Air Force Base where all the designs for the Vietnam Veterans Memorial were posted. We had a group of experts examine them.

Finally, the experts came down on the design which is the current wall. It was designed by a young architectural student or just a graduate, 21 years old. It was as if the hand of providence reached down and touched those individuals who started that campaign, who saw it through at times when we didn't have $5 in the bank and we worked to rescue it. Then this brilliant woman, Maya Lin, created the design out of 10,000 submissions. So much for that history.

I have a very modest association with Senator Dole and others who are working on this, but I am happy to present this to the Senate tonight as America's campaign. Citizens across our land, corporations, foundations, veterans groups, civic, fraternal, professional organizations and State legislatures, yes, indeed, State legislatures, have generously contributed to this important cause. Hundreds of thousands of individual Americans, young and old, are rallying behind the opportunity to say thank you to a generation of Americans from the World War II generation. It is to the military men and women who wore the uniforms, but I, as a young person who went into the service in January 1945, remember the war was raging, the Battle of the Bulge had not been completed yet. The campaign in Iwo Jima was about to start. The whole of America was involved in that war, whether you were in uniform or whether you were on the home front.

This is a recognition of the contribution of millions of Americans, upwards of 16 million who wore the uniform in that period, and treble that amount at home were involved in the industrial base, all of the activities to support those who were on the battlefronts in the Pacific and in Europe.

So it was America's generation of uniformed and those civilians here at home who fought courageously and sacrificed in so many ways to make victory assured against tyranny.

The memorial campaign currently is progressing toward raising the $139.6 million needed to build this lasting memorial to the generation that conquered tyranny in the 20th century. While the campaign is very close to the goal, we in the Congress now have an opportunity to show our support and add our shoulder to the wheel.

The site on The National Mall has been chosen, preliminary design approved, and the intent is to break ground on Veterans Day weekend, this November. Since the private sector is generously donating the funds needed to design, construct, and maintain the memorial—over $120 million as of today—I believe it is appropriate for Congress also to support the memorial campaign.

The amendment I introduce tonight, together with my distinguished colleague from Michigan, Mr. LEVIN, will show the support of Congress for this important project. Specifically, the amendment provides for $6 million to the American Battle Monuments Commission from the revenues of sale of titanium from the national defense stockpile—nonappropriated funds, Mr. President. The $6 million should be used to complete all necessary requirements for the design of, groundbreaking for, construction of, maintenance of, and dedication of the World War II memorial.

The Commission plans to complete construction and dedicate the memorial on Veterans Day, 2002. We cannot wait a moment longer to show our support for this project. It is astonishing that over 1,000 men and women each day who proudly wore the uniform, of that 16 million total, are passing on to their great rewards—1,000 a day who die. Now it is the hour for Congress to act and put our shoulder to the wheel to give our expression, along with all other Americans, for this great project.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I congratulate and thank the Senator from Virginia for his leadership in this matter. This is a relatively small contribution from the people, acting through its Congress. The private sector is funding 95 percent of this effort. This is really symbolic almost, but it is an important contribution. It symbolizes where the heart of this institution, this Congress, is, and reflects where the American people are because they would, I think, applaud what the good

Senator from Virginia is doing here tonight, and I am happy to join. I thank him. He points out many things that I won't amplify, given the hour, except to say it is surely the right day today, this 56th anniversary of D-Day.

When he talks about how the American people who participated in that effort are all being honored, surely first and foremost are our veterans, but all the American people who are behind them; it is such an important point for all of us to remember.

I remember as a kid the minute, little contribution we kids were making, going around the streets looking for wrappers that we could peel off the foil, put it together in a little ball of metal, and then, with all the little balls of metal, put together a tank or an airplane. But first and foremost, obviously, it is the veterans, those who didn't come back and those who did.

I thank the Senator from Virginia for doing this. I don't know if he listed all the cosponsors.

Mr. WARNER. I was about to do that. It is so hard for the current generation of people to remember that period. Both of us do. I happen to have been in uniform. I remember where we had a little book of stamps, savings bonds, and you put your quarter stamps in. You were rationing butter, meat, shoes and clothing. We never thought about it. It was our way of backing the men and women in uniform. I remember it was 3 gallons, I think, a week of gasoline that you had. My father was a doctor, and I remember that doctors had an additional allocation of gasoline so they could make hospital calls and visit homes. It was just an extraordinary hour in America, the way there was a total effort.

Mr. LEVIN. All the way down to the kids.

Mr. WARNER. Yes. I remember picking up little bits off the cigarette packs and the tin foil.

Mr. LEVIN. We used to flatten cans. After we were done with a can of food, we would take off the other end that hadn't been opened, put it in a box, flatten the can, and carry in the boxes of tins.

Mr. WARNER. Mr. President, does the Senator remember the collection of scrap metal? I will never forget it. In those days, the Nation's Capital, where we lived, had great big trash trucks, and the trucks ran overtime. They would come down the street, and people would come out and put all kinds of scrap metal in the trucks. I remember the person who lived across from me came out with an armful of magnificent guns—shotguns and rifles that belonged to her husband—and the trash guys looked at them and just threw them in the truck. I don't know that those guns ever got to the scrap heap, but I remember that as if it were yesterday.

Mr. LEVIN. I saw letters of President Roosevelt the other day thanking people for their donations—I think it was of telescopes; I am not sure. It was something which people just put into the war effort, either scrapped or used in some way.

This is a special tribute to those of our colleagues, including yourself, who were in World War II. I know you are going to list them. But as this honor roll of heroes is read by the Senator from Virginia, I think we are all going to stand very proud that we have so many Members still in this body who served in World War II and, of course, many who did serve in this body who served in World War II who are also being honored. Senator Dole, of course, is very much in the lead in this effort, but so many others came before us who are currently in this body who served.

How many are there who served in this body?

Mr. WARNER. I have spoken to every one of them today. I will read their names in the order of seniority of the Senate: Senator THURMOND, who crossed the beaches on D-Day. He did it in a glider, and it crashed, he was injured, but he went on and took up his duties despite that. Senator INOUYE is one of the most highly decorated Members of the Senate. The President upgraded his decoration from the Distinguished Service Cross to the Medal of Honor; is that correct?

Mr. LEVIN. That is correct. It will be presented in a ceremony this month at the White House. That was something Senator INOUYE was not even aware of until he read about it.

Mr. WARNER. No. There is not a more modest Member of the Senate.

Mr. LEVIN. So true.

Mr. WARNER. What a great strength he has been to national defense in the 22 years we have worked on this.

FRITZ HOLLINGS was in the European campaign. Senator STEVENS was an Air Corps pilot, before there was an Air Force; he flew in the Pacific. Senator BILL ROTH was in the Army. Senator HELMS was in the Navy. Senator MOYNIHAN was in the Navy, and he was proud to call me Secretary of the Navy. I was just a petty officer third class. Senator LAUTENBERG served. Senator GORTON served in the Army right at the end. Senator AKAKA served. I was a young sailor, and we were trained during the invasion of Japan, and the war ended very precipitously.

Mr. LEVIN. Senator Bob KERREY also wanted to be added as a cosponsor.

Mr. WARNER. Senator Robert KERREY is a Medal of Honor winner. We will add him as a cosponsor. I ask unanimous consent that they all be made cosponsors, along with myself and Senator LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3189) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank my distinguished colleague for joining me and for his kind remarks about our colleagues.

Mr. President, we have made some accomplishments today. The hour is 8 o'clock, and we started promptly at about 2:45. I thank all who participated in moving this. We have an order for tomorrow which lays out the work.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE ASSOCIATION'S CONGRESSIONAL CHARTER

Mr. THURMOND. Mr. President, it is with a great deal of professional pleasure and personal pride that I rise today to honor an organization in which I am a life member and served as the 21st national president nearly 50 years ago. The organization of which I speak is our neighbor across First Street, the Reserve Officers Association of the United States, though it is perhaps best known simply by its initials—ROA. The association was organized in 1922, at the instigation of General of the Armies John J. Pershing, who was then serving as the Army's Chief of Staff. Like many others who served in uniform in World War I, General Pershing was convinced that the war could have been significantly shortened or avoided altogether if an adequate pool of trained officers had existed at the time. Taking his sentiments to heart, 140 Reserve officers met at Washington's Willard Hotel and organized the Reserve Officers Association. It was largely through the dedicated efforts of this voluntary organization and its members that the United States established its Officer Reserve Corps, which was to supply the great majority of America's trained officers in the days leading up to World War II. It is appropriate for the Senate to note that these first ROA members were citizen-soldiers who clearly saw the approaching storm clouds. They pushed the nation toward an unprecedented level of prewar preparedness that arguably saved lives and formed the very foundations of the great victories of democracy that were to follow.

With the end of the war, the ROA resumed its normal operations, raising and maintaining the nation's awareness of the role and contributions of its military forces in the uneasy post-war

world. It was in these tense days, in June 1950, that the Congress granted the ROA the formal charter that established the association's object and purpose. That formulation was clear and direct, unambiguous and unequivocal: ROA was ''to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof.''

For 50 years, the ROA has followed that guidance, and taken the lead in rigorously advocating a strong and viable national defense posture for our nation. The ROA has worked to support concepts that have strengthened our ability to preserve our freedom and to advance our national interests across the world. It worked to revitalize and fund the Selective Service System, support our Cold War allies, and focus the weight of public opinion in favor of our national commitment during the Gulf War and expanding NATO. It has played a major role in persuading the Congress to provide more than $15 billion in critically needed equipment for our nation's Reserve components. In addition, the ROA has also clearly understood that not all ideas are good ideas. It successfully opposed efforts to combine the Army Reserve and National Guard, and to disestablish the Coast Guard, and Air Force Reserves, as well as the Selective Service System and the commissioned officer corps of the National Oceanic and Atmospheric Administration.

Mr. President, the ROA has, for the past 78 years, proven itself to be a strong and articulate voice in the halls of Congress and the corridors of government for all our service members. It has lived up to its charter and supported the cause of national defense in seasons when it has not been popular to do so. It has established an enviable reputation for nonpartisan expertise and even-handed advocacy, a reputation that has grown and flourished as defense issues have become ever more complex in these days of the Total Force Policy. The ROA enjoys the confidence of the Congress and of the Department of Defense. Its successful legislative efforts have made it a valued partner in the formulation and development of the annual defense bills and in building broad, bipartisan support for our men and women in uniform. Over the years I have learned that serious debate on any issue dealing with our Reserve forces is not complete until we have heard from the ROA. As the number of members of Congress with personal military experience has declined, the importance of ROA's contribution to developing our military policy has increased exponentially. The ROA has played and will continue to play a crucial role in shaping the debate over the appropriate roles and missions of our Armed Forces. The nation is most fortunate to have such an asset to call upon. We should all be grateful.

Mr. President, I urge all Senators to join me in congratulating the Reserve Officers Association of the United States on the fiftieth anniversary of the granting of its congressional charter.

TRIBUTE TO LIEUTENANT GENERAL PHILLIP J. FORD, USAF

Mr. KERREY. Mr. President, I rise today to pay tribute to a life of service devoted to defending the values and ideals of our nation. On July 1, 2000 the country will lose to retirement its Deputy Commander in Chief of the United States Strategic Command, Lieutenant General Phillip J. Ford, USAF. Through his leadership, General Ford has taken the United States and U.S. Strategic Command into a new world environment. During his career, his guidance and foresight helped see the U.S. Military into the new millennium.

Throughout a career that spans four decades, General Ford has commanded the 8th Air Force, the 384th Bomb Wing, and the 524th Bomb Squadron. As commander of the 384th at McConnell Air Force Base, Kansas, he transformed and entire installation to bring in and support a new B–1 bomber wing. General Ford has also served as commandant of the Air Command and Staff College and held key staff positions at the Headquarters of the U.S. Air Force, Military Airlift Command, Air Mobility Command and Strategic Air Command.

As the nation's top bomber commander supporting the United States Central Command, General Ford directed an unprecedented global power strike against Iraq during Operation DESERT FOX. Despite tactical and weapon system limitations, his bombers succeeded in retargeting their air launched cruise missiles while airborne and en route to their targets. His forces delivered their weapons on time and on target, guaranteeing mission success.

As Deputy Commander in Chief of the United States Strategic Command, and as a strong proponent of an enduring, stable, strategic relationship with Russia, General Ford championed the Defense Department's cooperative threat reduction activities, to include military-to-military contacts. General Ford's historic military-to-military exchanges with senior Russian nuclear commanders built a legacy of respect, mutual understanding and cooperation. The general's insight in planning and evaluating the command's communication capabilities assured the nation that the communication between the President, Secretary of Defense, Joint Chiefs and men and women at the helm of ballistic missile submarines, intercontinental ballistic missiles and nuclear bombers remained intact despite Y2K concerns. His efforts will have an enduring, positive impact on strategic stability for many years to come.

Lieutenant General Ford and his wife, Kris leave the military after a distinguished 34 year career serving their nation. The people of the United States salute General Ford and Mrs. Ford and wish them well as they begin a new chapter of their lives after military service.

RECOGNITION OF CHANCELLOR ROBERT KHAYAT'S INDUCTION INTO THE MISSISSIPPI SPORTS HALL OF FAME

Mr. LOTT. Mr. President, I rise today to congratulate my close friend, Robert Khayat. On March 9, 2000, Chancellor Khayat was inducted into the Mississippi Sports Hall of Fame. I want to recognize Chancellor Khayat not just because of his recent induction into this prestigious group, but also for his dedication to the State of Mississippi.

Robert Khayat played college baseball and football at our mutual alma mater, the University of Mississippi. Playing catcher for Ole Miss, he led the team to two consecutive SEC Baseball Championships. A two-time All SEC player, Bob Khayat earned three letters in his sophomore, junior, and senior years.

During Bob Khayat's college football career he demonstrated a definitive leadership role. At the position of place-kicker, ''Golden Toe,'' as he was called, led the Rebels' extraordinary football team to many a victory. His name is forever in the University of Mississippi's history books as one of the greatest place kickers to set foot on the Ole Miss campus. Coach John Vaught's team secured many victories because of Bob Khayat's athletic ability. He was selected as the place-kicker on the Ole Miss Team of the Century.

After graduating from Ole Miss, Bob Khayat played professional football for the Washington Redskins. In his time with the Redskins he scored 204 points, tied the all-time Redskins record for most field goals made in a single game, and was voted into the Pro Bowl. In recognition of his great achievements, the NFL presented Bob Khayat with the 1998 Career Achievement Award for his accomplishments on and off the field.

While performing in the NFL, Robert Khayat pursued his law degree at the University of Mississippi Law School. After graduating third in his class and earning his Juris Doctorate degree in 1966, Bob Khayat entered private practice in Pascagoula, Mississippi. In 1969 he became a law professor at Ole Miss.

From 1980 to 1981, Bob Khayat took a leave of absence to pursue a Masters of Law degree, which he received from Yale Law School. Returning to teach at Ole Miss Law School, he was promoted to Associate Dean before serving as Vice Chancellor for University Affairs in 1984. In 1994 he served as interim athletic director before becoming the University of Mississippi's 15th Chancellor.

Chancellor Robert Khayat plays an instrumental role for the State of Mississippi. He is known for his tireless leadership which he has exemplified as a student, an athlete, a professor and

finally as Chancellor of the University of Mississippi. Chancellor Khayat's character is a tremendous asset to Ole Miss. As a person, he is a role model for all who know him.

Mr. President, on behalf of my fellow Mississippians, I would like to commend Chancellor Khayat for his leadership, his accomplishments, and his continued dedication to making our home state a better place. While I am recognizing Chancellor Khayat for his induction into the Mississippi Sports Hall of Fame, his many talents and abilities distinguish him in countless other areas as well.

IN MEMORY OF DR. WALTER WASHINGTON

Mr. LOTT. Mr. President, today I rise to remember an admirable person and a devoted educator, Dr. Walter Washington. Dr. Washington served as a classroom teacher, assistant principal, Dean of Utica Junior College, President of Utica Junior College for twelve years, and served as President of Alcorn State University from 1969 to 1994. Dr. Washington retired as President of Alcorn State University on June 30, 1994, and was subsequently named President Emeritus by the Mississippi Board of Trustees of State Institutions of Higher Learning.

During his tenure as both an educator and administrator, Dr. Washington was a leader in the State of Mississippi and throughout the country. He was a mentor to all who met him, and he set a high standard for his successors. His impact on Mississippi was evident in his work as a representative of the state on several national commissions.

As a man of many talents, he served on the Advisory Council of the National Urban League's Black Executive Exchange Program and the U.S. President's Advisory Council on Historically Black Colleges and Universities. In 1982, he was awarded the Outstanding Presidential Cluster Citation by President Ronald Reagan.

Dr. Washington was a member of several professional organizations, including Kappa Delta Phi, Phi Delta Kappa, and Alpha Kappa Mu Honor Society. He served as president of the Mississippi Teachers Association and held membership in the Mississippi Association of Educators and the national Education Association.

Dr. Washington married his college sweetheart, the former Carolyn Carter, in 1949. In addition to his devotion to his wife, he was involved in many community organizations. Dr. Washington received the Silver Beaver Award from the Boy Scouts of America, the Distinguished Service Award and Distinguished Alumni Award from Peabody College, and the Service to Humanity Award from Mississippi College. He was listed among Ebony's 100 Most Influential Black Americans in 1974, 1975, and 1976, and was selected Mississippi Man-of-the-Year in Education in 1981.

Dr. Washington passed away on December 1, 1999, but his legacy will live on as an eternal flame. I was deeply saddened to hear the news of his death.

Dr. Washington's reputation for hard work and academic excellence set an example which will continue to inspire greatness in the men and women of Mississippi. Such a reputation is the greatest tribute to a man's life. His insight on predicting the needs of future students helped to mold Alcorn State University into one of Mississippi's great universities.

Mr. President, Mississippians and Americans are grateful for Dr. Washington's public service, and I commend him for his leadership and accomplishments.

ACCESS TO INNOVATION FOR MEDICARE PATIENTS ACT

Ms. MIKULSKI. Mr. President, we are so fortunate to live in an era when modern medical breakthroughs are an almost common occurrence. Every day brings new research and insight into the human body and diseases that, unfortunately, affect our friends, families, co-workers, and ourselves. For example, there are several wonderful new therapies that help people with chronic diseases like rheumatoid arthritis, multiple sclerosis, and Hepatitis C live more active and pain-free lives. I am proud to be an original co-sponsor of the Access to Innovation for Medicare Patients Act (S. 2644), which would extend Medicare coverage to new self-injected biological therapies for these chronic diseases.

One of the most important things I do as a United States Senator is listen to the people and the stories of their lives. The story of one of my constituents, Judith Levinson of Rockville, Maryland, is a compelling example of the power of these new therapies. Judith was diagnosed with rheumatoid arthritis (RA) when she was 40 years old. At first, her fingers and toes swelled up and sent sharp pains into her arms and shoulders. Over the next few years, she had multiple surgeries to place artificial knuckles in her fingers, to fuse her thumbs, and to replace both of her wrists with steel rods. Her feet have also been affected. Judith had six surgeries on her feet because bone deterioration made walking very difficult and painful. She now wears a size 2 shoe because so much bone has been removed from her feet. Unfortunately, Judith's suffering did not end with the surgeries. During recovery, her hands had to be placed in cages in order to heal properly—which made her completely dependent on others for daily activities. On a scale of 1 to 10, Judith rated her daily pain as an 8.

In January of 1999, Judith's doctor prescribed a new self-injectable drug called Enbrel, which had just been approved by the Food and Drug Administration (FDA) for the treatment of advanced RA. I am proud to add that the Johns Hopkins University's Division of Rheumatology was instrumental in the development of this breakthrough therapy as one of its clinical trial sites. Judith says that, within five weeks, she had less swelling in her fingers and she had more energy. As she puts it, she is in ''go mode.'' I am happy to report that Judith has resumed writing, takes daily walks with her family without stopping at every street corner, and truly believes that this treatment has changed her life.

Judith is fortunate in that her insurance plan covers the cost of Enbrel, with a small co-payment. Medicare, on the other hand, does not allow coverage of self-administered injectable drugs. It covers only drugs that are administered in a physician's office. That means that many Medicare beneficiaries are going without treatment because they can't afford it themselves, or that they are treated with a therapy that is covered but may not be the most appropriate or effective treatment. That doesn't make sense. I am very proud that most of the breakthroughs in medicine today were invented in the United States. But breakthroughs alone aren't enough—I believe that every American ought to have access to those breakthroughs. Medicare patients are certainly no exception.

It is gratifying that this legislation is supported by a broad range of women, senior, minority, religious, rural, and health professional organizations like the Alliance for Aging Research, the American Public Health Association, the National Farmers Union, the Older Women's League (OWL), the National Hispanic Council on Aging, and more than a dozen other organizations. OWL, the only national membership organization that works on the issues unique to midlife and older women, has stressed the importance of access to innovative medical treatments for older women and urged Congress to recognize that ''73% of women on Medicare have two or more concurrent chronic conditions, which often lead to limitations in the activities of daily living and the need for long-term care. In order to improve the health of women suffering with chronic diseases . . . Congress should extend Medicare coverage to self-administered injectables.''

Mr. President, we must ensure that Medicare beneficiaries have access to promising and innovative new therapies. This legislation will help thousands of people living with chronic conditions like RA, MS, and Hepatitis C live better, happier, and more productive lives. I urge my colleagues to join Senators GORTON, MURRAY, myself and the other co-sponsors in supporting it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 5, 2000, the Federal debt stood at $5,642,401,863,301.59 (Five trillion, six hundred forty-two billion, four hundred one million, eight hundred sixty-three thousand, three hundred one dollars and fifty-nine cents).

Five years ago, June 5, 1995, the Federal debt stood at $4,903,928,000,000 (Four trillion, nine hundred three billion, nine hundred twenty-eight million).

Ten years ago, June 5, 1990, the Federal debt stood at $3,127,410,000,000 (Three trillion, one hundred twenty-seven billion, four hundred ten million).

Fifteen years ago, June 5, 1985, the Federal debt stood at $1,776,269,000,000 (One trillion, seven hundred seventy-six billion, two hundred sixty-nine million).

Twenty-five years ago, June 5, 1975, the Federal debt stood at $522,954,000,000 (Five hundred twenty-two billion, nine hundred fifty-four million) which reflects a debt increase of more than $5 trillion—$5,119,447,863,301.59 (Five trillion, one hundred nineteen billion, four hundred forty-seven million, eight hundred sixty-three thousand, three hundred one dollars and fifty-nine cents) during the past 25 years.

ADDITIONAL STATEMENTS

A RETROSPECTIVE ON RACE

• Mr. GRAMM. Mr. President, I wish to share with my colleagues a moving autobiographical article written by Ward Connerly. Mr. Connerly's intelligence and personal experience with racism blend together into a truly insightful analysis and I encourage my colleagues to read about Mr. Connerly's uniquely American story.

Mr. President, I ask that the article which appeared in the June 2000 edition of The American Enterprise be printed in the RECORD.

LAYING DOWN THE BURDEN OF RACE

(By Ward Connerly)

Not long ago, after I'd given a speech in Hartford, Connecticut, I saw a black man with a determined look on his face working his way toward me through the crowd. I steeled myself for another abrasive encounter of the kind I've come to expect over the past few years. But once this man reached me he stuck out his hand and said thoughtfully, ''You know, I was thinking about some of the things you said tonight. It occurred to me that black people have just got to learn to lay down the burden. It's like we grew up carrying a bag filled with heavy weights on our shoulders. We just have to stop totin' that bag.''

I agreed with him. I knew as he did exactly what was in this bag: weakness and guilt, anger, and self-hatred.

I have made a commitment not to tote racial grievances, because the status of victim is so seductive and so available to anyone with certain facial features or a certain cast to his skin. But laying down these burdens can be tricky, as I was reminded not long after this Connecticut meeting. I had just checked into the St. Francis Hotel in San Francisco to attend an annual dinner as master of ceremonies. After getting to my room, I realized that I'd left my briefcase in the car and started to go back to the hotel parking garage for it. As I was getting off the basement elevator, I ran into a couple of elderly white men who seemed a little disoriented. When they saw me, one of them said, ''Excuse me, are you the man who unlocks the meeting room?''

I did an intellectual double-take and then, with my racial hackles rising, answered with as much irritation as I could pack into my voice: ''No, I'm not the man who unlocks the rooms.''

The two men shrank back and I walked on, fuming to myself about how racial profiling is practiced every day in subtle forms by people who would otherwise piously condemn it in state troopers working the New Jersey Turnpike. As I stalked toward the garage, I didn't feel uplifted by my righteous anger. On the contrary, I felt crushed by it. It was a heavy burden, so heavy, in fact, that I stopped and stood there for a minute, sagging under its weight. Then I tried to see myself through the eyes of the two old men I'd just run into: someone who was black, yes, but more importantly, someone without luggage, striding purposefully out of the elevator as if on a mission, dressed in a semi-uniform of blazer and gray slacks.

I turned around and retraced my steps.

''What made you think I was the guy who unlocks the meeting rooms?'' I asked when I caught up with them.

''You were dressed a little like a hotel employee, sir,'' the one who had spoken earlier said in a genuinely deferential way. ''Believe me, I meant no insult.''

''Well, I hope you'll forgive me for being abrupt,'' I said, and after a quick handshake I headed back to the garage, feeling immensely relieved.

If we are to lay this burden down for good, we must be committed to letting go of racial classifications—not getting beyond race by taking race more into account, as Supreme Court Justice Harry Blackmun disastrously advised, but just getting beyond race period as a foundation for public policy.

Yet, I know that race is a scar in America. I first saw this scar at the beginning of my life in the segregated South. Black people should not deny that this mark exists: it is part of our connection to America. But we should also resist all of those, black and white, who want to rip open that scar and make race a raw and angry wound that continues to define and divide us.

Left to their own devices, I believe, Americans will eventually merge and melt into each other. Throughout our history, there has been a constant intermingling of people—even during the long apartheid of segregation and Jim Crow. It is malicious as well as unreasonable not to acknowledge that in our own time the conditions for anger have diminished and the conditions for connection have improved.

We all know the compelling statistics about the improvements in black life: increased social and vocational mobility, increased personal prestige and political power. But of all the positive data that have accumulated since the Civil Rights Act of 1964—when America finally decided to leave its racial past behind—the finding that gives me most hope is the recent survey showing that nearly 90 percent of all teenagers in America report having at least one close personal friend of another race.

My wife Ilene is white. I have two racially mixed children and three grandchildren, two of whose bloodlines are even more mixed as a result of my son's marriage to a woman of half-Asian descent. So my own personal experience tells me that the passageway to that place where all racial division ends goes directly through the human heart.

Not long ago, Mike Wallace came to California to interview Ilene and me for a segment on ''60 Minutes.'' He seemed shocked when I told him that race wasn't a big topic in our family. He implied that we were somehow disadvantaging the kids. But Ilene and I decided a long time ago to let our kids find their way in this world without toting the bag of race. They are lucky, of course, to have grown up after the great achievements of the civil rights movement, which changed America's heart as much as its laws. But we have made sure that the central question for our children, since the moment they came into this world, has always been who are you, not what are you. When we ignore appeals to group identity and focus instead on individuals and their individual humanity, we are inviting the principles of justice present since the American founding to come inside our contemporary American homes.

I won't pretend this is always easy. While a senior at college, I fell in love with an effervescent white woman named Ilene. When Ilene's parents first learned how serious we were about each other, they reacted with dismay and spent long hours on the phone trying to keep the relationship from developing further. Hoping for support from my own relatives, I went home one weekend and told Mom (the grandmother who had raised me) about Ilene. She was cold and negative. ''Why can't you find yourself a nice colored girl?'' she blurted out. I walked out of the house and didn't contact her for a long time afterward.

Ilene and I now felt secretive and embattled. Marrying ''outside your race'' was no easy decision in 1962. I knew that Ilene had no qualms about challenging social norms, but I was less sure that she could deal with exclusion by her family, which seemed to me a real possibility. Nonetheless, she said yes when I proposed, and we were married, with no family members present.

I called Mom the day after and told her. She apologized for what she'd said earlier. Ilene's parents were not so quick to alter their position. For months, the lines of communication were down. Sometimes I came home from work and found Ilene sitting on the couch crying.

Finally her parents agreed to see her, but not me. I drove her up to their house and waited in the car while she went in. As the hours passed, I seethed. At one point I started the engine and took off, but I didn't know the area and so, after circling the block, came back and parked again. When Ilene finally came out of the house, she just cried for nearly the entire return trip.

Today, people would rush to hold Ilene's parents guilty of racism.

But even when I was smoldering with resentment, I knew it wasn't that simple. These were good people—hard working, serious, upstanding. They were people, moreover, who had produced my wife, a person without a racist bone in her body. In a sense, I could sympathize with my new in-laws; there were no blacks in their daily life, and they lived in a small town where everyone knew everything about everyone else. Our marriage was a leap nothing in her parents' lives had prepared them to take.

But their reaction to me still rankled. After having to wait in the car that afternoon I vowed never to go near their house again.

For a long time we didn't see Ilene's parents. But we did see her Aunt Markeeta and Uncle Glen. They were wonderful people. Glen, dead now, was a salt-of-the-earth type who worked in a sawmill, and Markeeta had a personality as piquant as her name. They integrated us into their circle of friends, who became our friends too. In those healing days, we all functioned as an extended family.

If I had to pick the moment when our family problems began to resolve themselves if would be the day our son Marc was born.

Not long after, we were invited to come for a visit. This time I was included in the invitation. I remember sitting stiffly through

the event, which had the tone of the recently released film, *Guess Who's Coming to Dinner*? I was supremely uncomfortable, but I also sensed that the fever had broken. And indeed, a peace process was in place. The visits became more frequent. The frigid tolerance gradually thawed into welcome.

There was no single dramatic moment that completed the reconciliation; no cathartic conversation in which we all explored our guilt and misconceptions. Instead, we just got on with our lives, nurturing the relationship that had been born along with my son. It grew faster than he did. Within a year we were on our way to becoming what we are now—a close-knit, supportive family. Today, my relationship with my in-laws could not be better. I love them very much, and they let me know that the feeling is mutual.

The moral is clear. Distance exaggerates difference and breeds mistrust; closeness breaks down suspicion and produces connection. My life so far tells me that our future as a nation is with connection.

Most people call me a black man. In fact, I'm black in the same way that Tiger Woods and so many other Americans are black—by the ''one drop of blood'' rule used by yesterday's segregationists and today's racial ideologues. In my case, the formula has more or less equal elements of French Canadian, Choctaw, African, and Irish American. But just reciting the fractions provides no insight about the richness of life produced by the sum of the parts.

A journalist for the New York Times once described my bloodline as being right out of a Faulkner novel. He was right. And my family was always trying to understand how the strands of DNA dangling down through history had created their individual selves. They had their share of guilty secrets and agonized over the consequences of bad blood, whatever its racial origin. But in their actions, they, like Faulkner's characters, treated race and other presumed borders between people as being permeable.

I grew up with my mother's people. My maternal grand-father was Eli Soniea, a mixed-blood Cajun born in the tiny Louisiana town of Sulphur. He eventually settled in Leesville, not far from the Texas border, a sleepy town with hazy foothills stretching behind it like a movie backdrop.

Eli died ten years before I was born, and I never knew him. But photographs of him have always intrigued me. He was light skinned, had straight black hair, and a serious look. I've been told he spoke a pidgin French and English and was an ambitious man. He worked as a carpenter, sometimes ran a construction gang, and amassed enough money to buy some land and build a restaurant and bar in Leesville, He was evidently a no-nonsense type who didn't like anyone, especially his own kin, putting on airs.

Eli's wife, my grandmother Mary Smith—or ''Mom,'' as I always called her—was half Irish and half Choctaw. This latter element was clearly evident in her high cheekbones and broad features, and in the bloom of her young womanhood she was sometimes referred to as an ''Indian Princess.'' Mom was born and raised in Texas. She married Eli Soniea as a result of an ''arrangement'' brokered by her parents, after which he brought her to Louisiana.

In their early life together, the two of them lived in that part of Leesville known as ''Dago Quarters'' because of the large number of Italian immigrants. After Eli's early death—when I was growing up you didn't ask why or how someone died; the mere fact of it ended all discussion—Mary's only income was from the restaurant and bar he had built, which she leased to people who did business with the servicemen from the nearby Army base. Because money was tight, she moved the family to a less expensive neighborhood, the predominantly black ''Bartley Quarters.''

The complexions of Mom's own six children ranged from light to dark. (William, for instance, was always known as ''Red,'' because of this Indian look and coloring.) But whatever their exact coloration or facial characteristics, they all had ''colored'' on their birth certificates. In Louisiana in those days, being ''colored'' was not just a matter of blood; it was also a question of what neighborhood you lived in and what people you associated with. ''Colored'' is on my birth certificate.

The Sonieas' race problem came not only from whites but from blacks too. Leesville's social boundaries were reasonably porous, but if you were falling down through the cracks rather than moving up, as the Sonieas were doing after Eli died, you attracted notice. My grandmother often recalled how her new neighbors in Bartley Quarters called her and her children ''high yellers,'' a term coined by white Southern racists but used with equal venom by blacks too. In fact, Mom's kids had so much trouble that officials tried to convince them to transfer out of the school to escape the racial animosity. This experience left some of my relatives with hard feelings that never really went away. During the campaign for California's Proposition 209, for instance, when I was being accused of selling out ''my people,'' my Aunt Bert got annoyed one day and said, ''When we lived back in Leesville, they didn't want to be our ''brothers and sisters'; they didn't own us as 'their people' then; so why do they think we owe them something now because of skin color?

My biological mother Grace, Bert's little sister, was the youngest of Mom's children. I wish I had more memories of her. I have only one sharp image in my mind: a face resting in satin in a casket. Old photographs show my mother as a beautiful woman with a full, exotic face. But she wasn't beautiful lying there with a waxy, preserved look, certainly not to a terrified four-year-old dragged up to the front of the church to pay his last respects. I still remember standing there looking at her with my cousin Ora holding my hand to keep me from bolting as the pandemonium of a Southern black funeral—women yelling, crying, fainting, and lying palsied on the floor—rose to a crescendo all around me.

According to family legend, she died of a stroke. But I suspect that this claim was really just my family's way of explaining away something infinitely more complex. Two other facts about my mother's life may have had something to do with her early passing. First, she had been in a serious car accident that left her with a steel plate in her head. And secondly, she had been physically abused by my father.

I didn't find this out until I was in my fifties. The information accidentally escaped during a conversation with my Aunt Bert, who said, when the subject of my father came up, ''You know, your Uncle Arthur once said, excuse the expression, 'That son of a bitch once took out a gun and shot at me!' ''

I asked her why.

''Because Arthur told your father that if he ever beat your mother again he'd kill him, and your father got out a gun.''

I guess Roy Connerly was what they called a ''fancy man'' back then. Judging from his photos, he was quite handsome, with light skin and a wicked smile, and a reputation as a gambler, a drinker, and a womanizer. He worked odd jobs, but it seems that his real profession was chasing women. I've been told so many times about the day he got tired of me and my mother and turned us in at my grandmother's house that it has come to feel like my own legitimate memory.

He arrived there one afternoon with the two of us and with his girlfriend of the moment, a woman named Lucy. My Aunt Bert was watering the lawn when he walked into the yard.

''Is Miss Mary here?'' my father asked.

Bert said yes.

''Go get her,'' he ordered.

Bert went in to get Mom, who appeared on the porch wiping her hands on her apron.

''I'm giving them back to you, Miss Mary,'' Roy said, gesturing at my sobbing mother and at me, the miserable child in her arms. ''I want to be with Lucy.''

Always composed in a crisis, Mom looked at him without visible emotion and said, ''Thank you for bringing them.''

A few days later he brought my red wagon over. Then Roy Connerly vanished from my life.

Later on I learned that Roy Connerly eventually got rid of Lucy and, at the age of 39, entered a relationship with a 15-year-old girl named Clementine and had a couple of kids by her. But nothing more than that for over 50 years. Then, just a couple of years ago, a writer doing a profile on me for the New York Times called one day.

''Are you sitting down?'' he asked melodramatically.

I asked him what was up. He said that in his research about my background he had discovered that my father was still alive, 84 years old, and living in Leesville. The writer gave me his phone number.

I didn't do anything about it for a long time. Then, in the fall of 1998, I was invited to debate former Congressman William Gray at Tulane University in New Orleans. One of the things that made me accept was how close it was to Leesville. But I didn't actually decide to go there until after the speech. I came back to the hotel, rented a car, and got directions from the concierge.

It was a four-hour drive in a dreary rain. I warned myself not to surrender to counterfeit sentiment that would make a fool of both me and my father.

I stopped on the outskirts of town and called from a convenience store. My father's wife Clementine answered. I told her who I was and asked if I could come by and see him. There were muffled voices on the other end of the line, then she came back on and said that I should stay put and she'd send someone out to lead me to the house.

A few minutes later, a couple of young men in a beat-up blue car came by and motioned at me. I followed them down the main street and over railroad tracks to a run-down neighborhood of narrow houses and potholed roads without sidewalks.

We got out of the car and went into a tiny, shuttered house whose living room was illumined only by a small television set. I introduced myself to Clementine, and we talked about my father for a minute or two. She emphasized that the man I was about to meet was very old, quite ill, and easily confused.

When she led me into the bedroom, I saw him, sunk down in the mattress, a bag of bones. His hands and feet were gnarled and knobby with arthritis, but in his face I saw my own reflection.

I touched his arm: ''How are you feeling today?''

He looked up at me uncomprehendingly: ''All right.''

''You know who I am?''

Seeing that he was lost in a fog, Clementine said, ''It's Billy,'' using my childhood nickname. He looked at her, then at me.

''Oh, Billy,'' the voice was thin and wavering. ''How long you're staying?''

I told him I couldn't stay long.

There was an awkward silence as I waited for him to say something. But he just stared

at me. We looked at each other for what seemed like a very long time. Finally, a lifetime's worth of questions came tumbling out.

''Did you ever care how I was doing?'' I asked him.

''No,'' he replied uncertainly.

''Did you ever try and get in touch with me?''

''No,'' he looked at me blankly.

''Did you ever even care what happened to me?''

''No.''

At this point Clementine intervened: ''I don't even think he knows what you're asking.''

I stood there a moment, resigning myself to the situation. I would never get an explanation for his absence from my life. Then Joseph, one of the young men who'd guided me to the house and who I now realized was my half-brother, beckoned me out of the room. In the hallway, he asked if I'd like to visit some of my other relatives living nearby. I said yes and he took me outside. We crossed the street to a narrow house where an elderly woman was waiting for us. Joseph introduced her to me as my Aunt Ethel. She cordially invited us in.

Ethel had married my father's brother and served as the family's unofficial archivist and historian. As we talked, she asked if I knew anything about my father's family. I said no. Ethel showed me some photos. She told me that his mother, born in 1890, was named Fannie Self Conerly, and that they spelled it with one n then. She said that Fannie's mother was Sarah Ford Lovely, who had died at the age of 98, when I was a boy. This woman, my great-grandmother, had been born a slave.

After I walked back to my father's house and sat for a while beside him. I stood and said, ''I've got to be going. You take care of yourself.''

''You too,'' he said to me. ''You ever coming back this way again, Billy?''

I smiled and waved and left without answering, and without asking him the one question that was still on my mind: Did you beat my mother like they say? Did you hasten her death and thus deprive me of both of you?

On the drive back to New Orleans I thought about my discoveries—this sickly old man who was my life's most intimate stranger; the fact that his blood and mine had once been owned by another human being. I felt subtly altered, but still the same. My father's gift to me, if you could call it that, was a deeper realization that it is not the life we're given that counts, but the life we make of the life we're given.●

DELAWARE RT. 52—KENNETT PIKE, NATIONAL SCENIC BYWAY DESIGNATION

● Mr. BIDEN. Mr. President, I rise today to offer my continued endorsement for the Federal Highway Administration's National Scenic Byways Program, and to express my support for the Kennett Pike Preservation Committee's efforts to seek both state and federal scenic byways designation for Route 52, the Kennett Pike, in New Castle County, Delaware.

The National Scenic Byways Program recognizes roadways that exhibit outstanding examples of scenic, historic, recreational, cultural, archeological or natural qualities along their routes. The Kennett Pike boasts a number of cultural, scenic, historic and recreational values that I believe make it an excellent candidate for federal designation as a national scenic byway.

Originally constructed in the 1700's and named Doe Run, the Kennett Pike maintains much of its original character, despite more than 200 years of steady development in the area. During the Revolutionary War, General George Washington and his troops were thought to have marched along the road, and, during the Civil War, soldiers settled at Camp Brandywine, now the location of an intersection on the Pike.

Along its route, not only will you find world renown tourist attractions, including Winterthur Museum, Hagley Museum and Longwood Gardens, but also historic villages, numerous inns, farms, parks and mills. Within the Kennett Pike Corridor, over 30 sites are already listed on the National Register of Historic Places, with many more sites in the corridor also eligible for the historic designation.

In addition to its historic and cultural relevance, the Kennett Pike has been designated a greenway by the State of Delaware. A ride along the Pike reveals a beautiful landscape of rolling hills, forests and a state park. The Kennett Pike is truly a gem among the ever increasingly populated suburban landscape of the middle Atlantic region.

In the Fall of 1999, the State of Delaware received a grant from the Federal Highway Administration, in the amount of $140,000, to establish a state scenic byways program. A roadway can only be nominated for a national scenic byway designation after it has been designated on the state level.

It is my hope that the State will act quickly and implement its scenic byways program, so I can continue my efforts to see that Route 52, the Kennett Pike, is designated the first national scenic byway in the State of Delaware.●

A TRIBUTE TO LAW ENFORCEMENT OFFICERS

● Mr. ABRAHAM. Mr. President, on June 9, 2000, at the annual State Conference of the Fraternal Order of Police in Lansing, Michigan, there will be a memorial service honoring seventy-four law enforcement officers who have died over the past year, four of whom died in the line of duty. I rise today in their memory, and to thank them posthumously for their many courageous efforts.

There is perhaps no greater sign of dedication to a community than risking one's life to protect it. Law enforcement officers do this on a daily basis. They risk their lives to ensure that our streets and our neighborhoods are safe. We must not let ourselves forget the incredible dedication that these men and women have to the people they protect. Theirs should not be a thankless job.

Mr. President, the comfort, the protection, and the safety that we enjoy often comes at a very high price to the law enforcement officers themselves. Last year, in the State of Michigan, four officers were killed in the line of duty. In the name of protecting our communities, and our families, they left behind their own communities, and their own families.

As a tribute to these four officers, Mr. President, I would like to have their names inserted into the CONGRESSIONAL RECORD:

Officer Leslie (Les) Keely of the Flint Police Department, Trooper Frederick Hardy, Michigan State Police, Detroit Post, Trooper Rick Lee Johnson, Michigan State Police, Paw Paw Post, Officer Gary Priess, DeWitt Township Police.

I do this not only on behalf of myself, but on behalf of all of my constituents, as a symbol of our appreciation and our gratitude for the work that law enforcement officers do every day throughout the State of Michigan. While this is a small gesture, I hope it will hold some meaning to their families and their fellow officers.●

TRIBUTE TO JOHN P. SPUTZ

● Mr. LAUTENBERG. Mr. President, it is a distinct honor for me to pay tribute to John P. Sputz on the occasion of his retirement from BAE Systems North America.

Mr. President, for more than four decades, John has devoted his life to serving this country's defense needs. Under John's leadership, he and I worked together to further the efforts of the Link-16 program. This program, which includes systems that use secure, anti-jam, line-of-sight data radio communications, has moved from the research phase in 1971 to a major Defense Department program in the 1990s. Thanks to John, this program is about to go into service for the Army, Navy and Air Force as well as for our allies in NATO and elsewhere.

John was also responsible for developing and expanding programs like the F–22 advanced tactical fighter program, the Joint Striker Fighter Program and the programmable digital radio technologies that will one day replace all legacy radios with cost-effective and flexible communications systems.

Mr. President, John's commitment to BAE Systems North America is unsurpassed. Even after retiring, John will continue serving his company as President of MIDSCO, a multi-national joint venture company which helped manage the development of the MIDS Program. I hope the example that John set will inspire BAE Systems North America to achieve even higher goals. I know I speak for everyone who knows John when I thank him for his dedication to our country and wish him the very best in the future.●

AMERICAN SPORTFISHING ASSOCIATION LIFETIME ACHIEVEMENT AWARD

• Mr. ASHCROFT. Mr. President, I am pleased to recognize the winner of the American Sportfishing Association's Lifetime Achievement Award, Mr. Johnny Morris, who is also a friend of mine. This award is being given to Johnny today in recognition of his outstanding lifetime contribution to sportfishing.

Johnny Morris is the founder of Bass Pro Shops, which offers anglers and sportsmen the same equipment that the tournament professionals use. His business has expanded from its original store to include eight additional shops, a catalog, a line of Bass Pro products and a wholesale operation that supplies more than 7,000 independent sporting goods stores in the United States and several foreign countries.

Since 1970, Johnny has provided a place for sportsmen, and the entire family, to outfit their outdoor and sporting activities. Because of my love for the outdoors and fishing, the Bass Pro Shops has long been one of my favorite places in Springfield to visit. I am not alone. The Bass Pro Shops is one of Missouri's top tourist sites, attracting over three and a half million visitors a year.

In addition to outfitting anglers, Johnny donates ten percent of Bass Pro Shops' earnings to conservation efforts, which benefit fishing areas far beyond Missouri's borders. Johnny believes ''the future of the sport and of our business depends more on conservation and how we manage our natural resources than absolutely anything else.'' To further that belief, Johnny is an outspoken supporter of not-for-profit and youth organizations that support or raise awareness of conservation issues. Organizations such as the Missouri Beautification Association, which helps clean up trash along Missouri's roadways and riverbanks, and ''Operation Game Thief,'' a program launched to curb poaching in Missouri, have benefitted from Johnny Morris' support. In March 1998, the first ever World's Fishing Fair was hosted by Bass Pro Shops, and the proceeds were given to Missouri forests and fisheries. I personally have witnessed Johnny's commitment to his community through the many educational events which Bass Pro Shops hosts. Great Outdoors Day, for example, brings together families to learn more about hiking, fishing, archery, shooting and conservation through hands-on experience. He also hosts Kids' Fishing Fun Day in Springfield, an event that brings thousands of young participants to a local pond to try their hand at sportfishing. His efforts show that individual initiative to preserve one's local environment for future generations is not only responsible citizenship but just plain good sense.

I commend Johnny Morris both for receiving this award and for his efforts to enrich the fishing experience for all Americans and to promote conservation through the Bass Pro Shops.•

A TRIBUTE TO LAW ENFORCEMENT OFFICERS

• Mr. ABRAHAM. Mr. President, on June 9, 2000, at the annual State Conference of the Fraternal Order of Police in Lansing, Michigan, there will be a memorial service honoring 70 active and associate members of the F.O.P. In addition, four law enforcement officers who gave the ultimate sacrifice, dying in the line of duty, will also be honored. I rise today in their memory, and to thank them posthumously for their many courageous efforts.

There is perhaps no greater sign of dedication to a community than risking one's life to protect it. Law enforcement officers do this on a daily basis. They risk their lives to ensure that our streets and our neighborhoods are safe. We must not let ourselves forget the incredible dedication that these men and women have to the people they protect. Theirs should not be a thankless job.

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TRIBUTE TO MARC KOENINGS

• Mr. SARBANES. Mr. President, I rise today to pay tribute to an accomplished and respected steward of our National Park System, Marc Koenings, Superintendent of Assateague Island National Seashore. Marc has recently been selected to head Gateway National Recreation Area in New York and New Jersey and I want to wish him well with this important new assignment and thank him for the terrific job he did in managing Assateague over the past seven years.

Throughout his 29-year career in public service, Marc Koenings has distinguished himself as a leader in natural and cultural resource management and conservation at the local, national and international levels. Beginning with the Peace Corps in 1971, Marc also served for nine years in a variety of positions with the Heritage Recreation and Conservation Service before joining the National Park Service. He quickly advanced to top management jobs in four Parks including Golden Gate National Recreation Area, Point Reyes National Seashore and Virgin Islands National Park where he made substantial contributions to improving park facilities, protecting park resources and developing highly professional work forces.

I came to know Marc in 1993 shortly after he came to Maryland from Virgin Islands National Park. I had invited Interior Secretary Bruce Babbitt to join me on a tour of Assateague Island and to officially dedicate the Beach-to-Bay Indian Trail as a National Recreational Trail. Marc served as host and Master of Ceremonies for the visit and I was immediately impressed not only by his professionalism, but by the knowledge and vision which he had for Assateague after such a short period on the job. Over the past seven years, I have had the opportunity and privilege to work closely with Superintendent Koenings and members of his staff at Assateague in efforts to restore the north end of the island, construct a new pedestrian/bicycle bridge, protect the seashore from encroaching development, and develop the new Coastal Ecology Teaching and Research Laboratory. I know from personal experience that these initiatives would not be taking place, but for his persistent efforts, energy and innovation. In addition to these projects, under Marc's leadership, Assateague's barrier island visitors center was expanded and improved, a new Administrative facility was constructed, and new partnerships were formed to develop water trails and promote other eco-tourism opportunities in the area.

The efforts of Marc Koenings throughout his career in the National Park Service have had a lasting effect not only on the parks he has worked to protect, but on the people with whom he has come in contact. He has earned the respect and admiration of his colleagues in the Park Service as well as the visitors and citizens in the local communities surrounding the parks. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Marc Koenings has exemplified a steadfast commitment to meeting this demand. I want to extend my personal congratulations and thanks for his many years of hard work and dedication to the principal conservation mission of the National Park Service and join with his friends and coworkers in wishing him and his family well with his new endeavors.•

TRIBUTE TO KENTUCKY'S TOYOTA MOTOR MANUFACTURING TEAM MEMBERS

• Mr. MCCONNELL. Mr. President, I rise today to express congratulations to all of the team members at the Toyota assembly plant in Georgetown, Kentucky, on being recognized by J.D. Power and Associates for the high quality of vehicles which they have produced.

It is my understanding that the Georgetown assembly plant is the only plant in North America to win this award this year. Moreover, I understand that all of the cars produced at the Georgetown plant have been ranked best in their category in this year's J.D. Power and Associates survey of the best cars and trucks. Not only is it an outstanding achievement to be chosen by J.D. Power—whose rankings are widely considered to be the industry standard for new car quality—to receive a Gold Plant Quality Award in recognition of outstanding vehicle quality, but to receive this honor for the fourth time in ten years is a truly remarkable accomplishment. I commend you and all of your hard work in earning this award.

News of the announcement by J.D. Power of the Georgetown plant's award follows closely on the announcement by Toyota that the company hit a milestone with a record-breaking production of 1 million vehicles in North America. A significant amount of the credit for this accomplishment, too, belongs to the hard-working folks at the Georgetown facility, and I want to congratulate you on this achievement, as well.

I am proud of the relationship between Toyota Motor Manufacturing and the Commonwealth of Kentucky. Since Kentucky made its original investment in Toyota in 1986, the state has realized a 36.8 percent annual rate of return, and has benefited greatly from the more than $5 billion which Toyota has invested statewide. Most of all, though, I am proud of the work being done by the Kentuckians who work at the Toyota plant. On behalf of myself and my colleagues in the United States Senate, congratulations again on your significant achievement.•

10TH ANNIVERSARY OF THE ADOPT-A-SCHOOL PROGRAM

• Mr. ABRAHAM. Mr. President, in May of 1990, the Second Grace United Methodist Church of Detroit and the First United Methodist Church of Northville collaborated to ''adopt'' a Detroit Public School, Dixon Elementary School. On June 16, 2000, the two churches, one metropolitan and one suburban, will celebrate the tenth anniversary not only of the Adopt-a-School Program, but also of their unique relationship. I rise today to commemorate this occasion.

The primary emphasis of the Adopt-a-School Program is the mentoring plan. Adults from both of the churches, as well as the local community, provide tutoring and role modeling for the students. In addition to weekly one-on-one sessions, the mentoring plan also includes a toastmasters club, in which students practice speaking in front of audiences, and a great books program, which introduces students to famous books and authors.

In its ten years, the program has experienced continual expansion, as additional activities have been added for the students. There is an awards dinner each year at Second Grace to recognize students who have attained high levels of academic achievement. Christmas and Easter parties are held each year, as well as the Dixon School Spring Cleanup and Flower Planting Day. Church members also participate in school functions, including career day and musical programs. Finally, what began as a summer field trip has evolved into monthly Saturday field trips for the mentors and their pupils.

Mr. President, the partners are pleased with how the Adopt-a-School Program has developed in the last ten years. The program has touched the lives of over 300 students at Dixon Elementary School, and there is no measure for success like that. The partners look forward to its continued development in the coming years. In addition, efforts will be made by the two churches, along with Dixon Elementary School, to develop a training program to share the Adopt-a-School program with other faith-based communities interested in serving our children in urban schools.

Mr. President, I applaud the efforts of the many people whose hard work over the last ten years has made this birthday celebration possible. Each year, when the partners renew their commitment to this program, it is a testament to the bridges that can be built when people simply reach out to one another. On behalf of the entire United States Senate, I would like to wish the Adopt-a-School Program a happy 10th Anniversary, and continued success in the future.•

SMURFIT-STONE CONTAINER'S MISSOULA MILL NAMED PLANT OF THE YEAR

• Mr. BURNS. Mr. President, I rise today to bring your attention to the fact that the Smurfit-Stone Container Plant in Missoula, Montana has received the Jefferson Smurfit Group Worldwide Award as plant of the year.

As you know, Montana's wood products industry has been hit extremely hard with federal regulation and the lack of available federal fiber to keep our mills running. Despite these hardships, our mill workers and managers continue to take great pride in their work and continue to do the best with the hand they have been dealt.

The result is that Missoula's Smurfit-Stone Container employees have ensured that their mill rose above the other 563 Smurfit facilities world wide and defined themselves as being able to increase productivity and reduce operating costs while actually improving safety and the quality of production.

These accomplishments were worker driven and accompanied a 20% reduction of OSHA incidents last year. Some times efficiency comes at the expense of safety or environmental responsibility. This is not the case at the Missoula plant. In addition to reducing injuries, the plant was able to increase paper efficiency while reducing waste, energy consumption and maintenance costs. While Montana's wood products industry relies on renewable natural resources, we are keenly aware that these resources must be conserved and used responsibly. Smurfit-Stone container consistently looks for ways to make the fiber available to them go as far as possible. It makes sense from both a business and an environmental standpoint, and it is a goal that makes them one of the top employers in Montana.

As I mentioned, Montana has been hit extremely hard by federal restrictions on the wood products industry. As a result we have lost 17 mills in Montana over the last decade. These mills provided jobs for thousands of families and numerous communities. While times are extremely tough, Montanans involved in the industry still take great pride in what they do. This is reflected in the honor recently bestowed on the Missoula Smurfit-Stone Container paper mill. Clearly, this mill deserves recognition not only by their parent group, but by Congress as well.•

NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS GREATER DETROIT CHAPTER CELEBRATES ITS 20TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to recognize the National Association of Women Business Owners Greater Detroit Chapter, which tonight will celebrate its 20th Anniversary. Since 1980, members of the Greater Detroit Chapter have maintained their commitment not only to helping fellow women business owners throughout Michigan, but also to helping the communities in which these businesses reside.

In its twenty years, the Greater Detroit Chapter, originally the Michigan Chapter, has done much to publicize the efforts of women business owners, and to create alliances between women business owners in the State of Michigan. In 1982, chapter members organized the first statewide conference for women business owners, during which awards were given to women business owners in the following categories: Pioneer, Innovator, Dedication to Women Business Owners and Community Service.

In bringing women business owners together from throughout the state,

the chapter makes it easier for members to work together on a local level. In 1994, NAWBO North, a networking group of Northern Oakland County members, was formed. In the years since, following the successful model of NAWBO North, satellites have been established in Plymouth, Detroit, Sterling Heights, Brighton, Southfield and Ann Arbor. Involvement in a satellite allows chapter members to work with one another to benefit the community. Currently, 89 percent of chapter members donate money to charities, 76 percent volunteer their time to local organizations, 65 percent serve on local boards, and 61 percent mentor other women.

The Greater Detroit Chapter of the NAWBO has also established many programs to assist women owned businesses. In 1990, the Greater Detroit Chapter helped to launch the EXCELI (The Initiative for Entrepreneurial Excellence) Project in Detroit, along with corporate partner Deloitte and Touche, the Small Business Administration, NAWBO's National Foundation and the YWCA. In 1994, the chapter took over sole responsibility of this program.

In 1993, Huntington Banks of Michigan entered into a partnership with the chapter to offer market-rate financing to chapter member companies through a special lending process for service businesses. And in June of 1996, Comerica Bank announced its Power Perks Program, in which ideas, resources, and benefits are provided exclusively to NAWBO members. Over the next two years, Comerica invested approximately $10 million in the program.

Mr. President, women-owned small businesses are the fastest growing segment of the business community. By the year 2010, they will make up more than one-half of all businesses in the United States. Traveling through the State of Michigan I know that women business owners are working very hard to be successful. The twentieth anniversary of the National Association of Women Business Owners Greater Detroit Chapter is certainly evidence of this.

And this incredible growth has been accomplished in spite of some disadvantages. For example, it is clear that the federal government does not do business with a representative percentage of women-owned businesses. This issue was brought to my attention by NAWBO members at a Small Business Committee meeting I held last August in Troy, Michigan.

Mr. President, in 1994, the Federal Acquisition Streamlining Act established a modest five percent goal of federal procurement dollars for women-owned businesses. Last year, though, women-owned businesses received only 2.4 percent of the total dollar value of all prime federal contracts.

Mr. President, these standards have to change. There are too many women in this nation working too hard, only to not find the proper support from Washington. Earlier this week, I cosponsored Senate Resolution 311, a resolution urging the President to adopt a policy in support of the five percent federal procurement goal, and to encourage the heads of the federal departments and agencies to undertake a concerted effort to meet this five percent goal before the end of the fiscal year 2000. I strongly hope that this action on my part and the part of my colleagues will lead to an increased procurement for women owned businesses this fiscal year.

Mr. President, I applaud the many members of the National Association of Women Business Owners Greater Detroit Chapter on the great work they are doing for women business owners throughout the State of Michigan. I feel that there is much more we can do here in Washington to support them, and I hope that changes will be made, and followed through upon, in this regard. On behalf of the entire United States Senate, I wish the greater Detroit Chapter a happy 20th Anniversary, and continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED ON MAY 30, 2000

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered during the adjournment of the Senate, announced that the Speaker has signed the following enrolled bills:

H.R. 4489. An act to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2645. A bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

H.R. 3244. An act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9119. A communication from the Oklahoma City National Memorial Trust transmitting, pursuant to law, the report of a final rule entitled ''Rules and Regulations for Oklahoma City National Memorial'', received May 22, 2000; to the Committee on Energy and Natural Resources.

EC–9120. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (SPATS No. IN–147–FOR), received May 23, 2000; to the Committee on Energy and Natural Resources.

EC–9121. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Regulatory Program'' (SPATS No. OK–027–FOR), received May 23, 2000; to the Committee on Energy and Natural Resources.

EC–9122. A communication from the Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Revisions and Clarifications to the Export Administration Regulations; Commerce Control List'' (RIN0694–AB86), received May 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9123. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency transmitting, pursuant to law, the report of a final rule entitled ''Privacy of Consumer Financial Information'' (RIN1557–AB77), received May 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9124. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Milk in the New England and Other Marketing Areas; Order Amending the Orders; Correction'' (Docket Number DA–97–12), received May 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9125. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999–2000 Marketing Year'' (Docket Number FV00–985–3 FIR), received May 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9126. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Benzoic Acid, 3,5-

dimethyl1 - (1,1 ,-dimethylethyl) -2 - (4-ethylbenzoyl) hydrazide; Pesticide Tolerance'' (FRL # 6555–1), received May 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9127. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Canon City'' (FRL # 6706–5), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9128. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, South Coast Air Quality Management District, San Diego County Air Pollution Control District, and Monterey Bay Unified Air Pollution Control District'' (FRL # 6585–9), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9129. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''National Emission Standards for Hazardous Air Pollutants for Source Categories'' (FRL # 6706–1), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9130. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''National Emission Standards for Hazardous Air Pollutants for Source Categories'' (FRL # 6706–2), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9131. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators; Correction'' (FRL # 6705–7), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9132. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; Ohio; Designation of Areas for Air Quality Planning Purposes, Ohio'' (FRL # 6701–8), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9133. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Removal of the Maximum Contaminant Level Goal for Chloroform from the National Primary Drinking Water Regulations'' (FRL # 6705–4), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9134. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Approval and Promulgation of Implementation Plans; Oregon'' (FRL # 6601–1), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9135. A communication from the Federal Trade Commission transmitting a report entitled ''Privacy Online: Fair Information Practices in the Electronic Marketplace''; to the Committee on Commerce, Science, and Transportation.

EC–9136. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (44); Amdt. No. 1989 (5–4/5–18)'' (RIN2120–AA65) (2000–0027), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9137. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (127); Amdt. No. 1990 (5–4/5–18)'' (RIN2120–AA65) (2000–0026), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9138. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (87); Amdt. No. 1992 (5–18/5–22)'' (RIN2120–AA65) (2000–0028), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9139. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia; Docket No. 2000–7340 (5–16/5–18)'' (RIN2120–AH01), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9140. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Legal Description of the Hayward Air Termination Class D Airspace Area, CA; Docket No. 00–AWP–4 (5–2/5–22)'' (RIN2120–AA66) (2000–0115), received May 22, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By. Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1507: A bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes (Rept. No. 106–306).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 2669. A bill to amend title 10, United States Code, to extend to persons over age 64 eligibility for medical care under CHAMPUS and TRICARE; to extend the TRICARE Senior Prime demonstration program in conjunction with the extension of eligibility under CHAMPUS and TRICARE to such persons, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS:

S. 2670. A bill to amend chapter 8 of title 5, United States Code, to require major rules of agencies to be approved by Congress in order to take effect, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ASHCROFT:

S. 2671. A bill to amend the Internal Revenue Code of 1986 to promote pension opportunities for women, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2672. A bill to provide for the conveyance of various reclamation projects to local water authorities; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2673. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2674. A bill to amend title 5, United States Code to provide for realignment of the Department of Defense workforce; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. 2675. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. ENZI, Mr. HAGEL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. KYL, Mr. NICKLES, Mr. HELMS, Mr. ALLARD, Mr. SMITH of New Hampshire, and Mr. INHOFE):

S. 2676. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. FEINGOLD, and Mr. HELMS):

S. 2677. A bill to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself, Mr. MURKOWSKI, Mr. REID, and Mr. ALLARD):

S. 2678. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar, in the same manner as stocks and bonds for purposes of the maximum capital gain rate for individuals; to the Committee on Finance.

By Mr. DASCHLE (for Mr. BREAUX):

S. 2679. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2680. A bill to authorize such sums as may be necessary for a Balkan Stabilization Conference as convened by the United States and to express the sense of Congress that the president should convene such a conference to consider all outstanding issues related to the execution of the Dayton Accords and the peace agreement with Serbia that ended Operation Allied Force; to the Committee on Foreign Relations.

By Mr. DASCHLE (for Mr. BREAUX):

S. 2681. A bill to suspend temporarily the duty on stainless steel rail care body shells; to the Committee on Finance.

By Mr. BIDEN (for himself and Mrs. BOXER):

S. 2682. A bill to authorize the Broadcasting Board of Governors to make available to the Institute for Medial Development certain materials of the Voice of America; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 2683. A bill to deauthorize a portion of the project for navigation, Kennebunk River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 2684. A bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S.J. Res. 46. A joint resolution commemorating the 225th Birthday of the United States Army; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S.J. Res. 47. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. LIEBERMAN, and Mr. SESSIONS):

S. Con. Res. 119. A concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 2669. A bill to amend title 10, United States Code, to extend to persons over age 64 eligibility for medical care under CHAMPUS and TRICARE; to extend the TRICARE Senior Prime demonstration program in conjunction with the extension of eligibility under CHAMPUS and TRICARE to such persons, and for other purposes; to the Committee on Armed Services.

LEGISLATION REGARDING MEDICARE-ELIGIBLE MILITARY RETIREES

Mr. WARNER. Mr. President, today I am introducing a bill, S. 2669, to afford members the opportunity to examine the issues related to the complicated military medical program. We desire to change the existing program to encompass, in the future, retirees over age 65.

Beginning in World War II promises were made to military members that they and their families would be provided health care if they served a full career. Subsequent legislation was enacted which cut off medical benefits at age 65, leaving them to depend on the Medicare system, which has provided to be inefficient. This is a breach of promise made on behalf of our country to retirees who devoted a significant portion of their lives with careers in service to their country. I recognize with profound sorrow how we broke this promise to these retirees.

I have gone back and carefully examined these issues. There is no statutory foundation providing for entitlement to military health care benefits. It does not exist. It is a myth. But good faith representation was made to these members. Who made the commitment is irrelevant. I know personally that these representations were made. I served in the military and heard the same promises.

My Committee has made a determination, a bipartisan decision, that we would fix the issue of health care for our older retirees, this year. We have started with a series of bills, strengthening them as we went along, listening to those beneficiaries who use the system. The legislation I bring to the floor today repeals the restriction barring 65 and older military retirees and their families from continued access to the military health care system. If enacted, this legislation will provide an equal benefit for all military health care system beneficiaries, retirees, reservists, guardsmen and families. This puts all beneficiaries in the same class. It is fairly expensive, but we need to do it.

The legislation is a quantum leap over the provisions included in the Committee markup of the annual Defense bill. While the markup includes a comprehensive drug benefit regardless of age, the legislation goes further and provides uninterrupted access to complete health care services.

As a result of my initiatives, all military retirees, irrespective of age, will now enjoy the same health care benefit.

In Town Hall meetings, I have listened carefully to the health care concerns of military retirees—particularly those over age 65 who have lost their entitlement to health care within the current military health care system. The constant theme that runs through their requests is that, once they reach the point at which they are eligible for Medicare, they are no longer guaranteed care from the military health care system. This discriminatory characteristic of our current system—that has been in effect since 1964—reduces retiree medical benefits and requires a significant change in the manner in which health care is obtained at a point in the lives of our older military retirees when stability and confidence are most important. This bill, in effect, repeals the 1964 law.

The bill that I am proposing today would eliminate the current discrimination based on age and would permit military retirees and their dependents to be served by the military health care system throughout their lives. Under my proposal, it would not matter whether the military retiree is 47 years old or 77 years old. He or she will be covered by the military health care system while on active duty and throughout their retirement. No new systems will be required, although the existing military system may require assistance from the Congress to strengthen its ability to serve all retirees. This bill eliminates the confusing and ineffective transfer of funds from Medicare to the Department of Defense. Military retirees will not be required to pay the high cost of additional basic or supplemental insurance premiums to ensure their health care needs are met. Military readiness will not be adversely impacted and our commitment to those who served a full career will be fulfilled.

In order to permit the Department of Defense to plan for restoring the health care benefit to all retirees, my bill would be effective on October 1, 2001. While some may advocate an earlier effective date, it is simply not feasible to expand the medical coverage to the 1.8 million Medicare-eligible retirees overnight.

What is apparent to me is that the will of the Congress, reflecting the will of the Nation, is that now is the time to act on this issue. My bill would eliminate the discriminatory practice that caused concern among our military retirees and will restore full benefits of the military health care system to all retirees.

Access to military health care has reached a crisis point. With the reduction in the number of military hospitals and with the growth in the retiree population, addressing the health care needs of our older retirees has become increasingly difficult. These beneficiaries should be assured that their health care needs will be met. They were promised a healthcare benefit, they served to earn a benefit, and our country needs to fulfill the commitments that were made to them.

I am well aware of the legislative alternatives that have been proposed to address military retiree health care needs. I have struggled to examine the most acute needs of these beneficiaries and have struggled to develop a plan that equally benefits all our retirees, not just those fortunate enough to live near a military medical facility, or those fortunate enough to be selected through some sort of lottery to be allowed to participate in the various pilot programs now underway. My goal is to provide health care through a means that is available to all beneficiaries, in an equitable and complete manner.

As I have made it clear throughout the year, improving the military health care system has been the Committee's top quality of life initiative this year. My Committee has held hearings and listened to a variety of beneficiary representatives. I have traveled throughout my state and listened to the concerns of retirees. I conducted an extensive town hall meeting in Norfolk in March. I have met with many retirees and their representatives at my office, during my travels, and even in social settings. I have listened.

This extensive review has allowed me to examine carefully how to approach this issue. The number one priority I

heard from retirees was the importance of access to pharmaceuticals. This inspired me to develop S. 2087, which provided a mail order pharmacy benefit for all military beneficiaries, including—for the first time—all Medicare eligible retirees. S. 2087 also addressed a number of other issues with the military health care system including some critical improvements to the TRICARE program for both active duty and retirees and their family members. I appreciate the bipartisan support of so many of my colleagues in crafting and introducing this critical first step.

In my many meetings with retirees, and through discussions with my colleagues, I came to understand the need to further enhance S. 2087. I proposed amendments to the budget resolution to increase the funding available to address retiree health care needs. Then, again with bipartisan support, I crafted a new piece of legislation which improved and enhanced the pharmacy provisions of the original legislation. With special assistance from Senator SNOWE and Senator KENNEDY, the new S. 2486 included an enhanced pharmacy benefit with no enrollment fees, that included both retail and mail order programs. This improved legislation addressed the major unmet need of retirees, access to pharmaceuticals, and provides an equitable benefit, one that is not discriminatory based on age. This legislation was included during Committee consideration of the Fiscal Year 2001 National Defense Authorization Bill, with the overwhelming support of Committee members.

The bill now before the Congress compliments my earlier efforts and those of the Committee. This bill, in conjunction with the provisions in the Defense Authorization Bill, would provide a complete health care benefit for all military retirees. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the bill and my statement be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

''(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

''(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2002''.

(c) REPEAL OF RELATED DEMONSTRATION PROGRAM.—Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C. 1079 note) is repealed.

(d) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

By Mr. THOMAS:

S. 2670. A bill to amend chapter 8 of title 5, United States Code, to require major rules of agencies to be approved by Congress in order to take effect, and for other purposes; to the Committee on Governmental Affairs.

THE CONGRESSIONAL REGULATORY REVIEW REFORM ACT OF 2000

● Mr. THOMAS. Mr. President, I rise today to introduce legislation to curb Federal over-regulation by the executive branch of Government and to restore congressional accountability for the regulatory process.

The annual regulatory costs of the Federal Government on the private sector have been estimated to be $200–$800 billion annually. The pace and scope of over-regulation has accelerated under the Clinton Administration. For example, the IRS has tried to raise taxes administratively, the EPA has exceeded its authority with the Clean Water Action Plan and the National Park Service is trying to eliminate snowmobile use in our national parks, all without congressional authorization. Increasingly, we have found that this administration tries to advance through regulation and executive order an agenda it cannot get done through the normal legislative process. In fact, there are currently 137 major regulations in the works that will each have at least a $100 million cost. That means these new regulations will impose at least a $13.7 billion yearly impact on the economy.

Unfortunately, Congress has allowed this to happen. For years Congress has delegated its most fundamental responsibility—the creation of laws—to the executive branch. Consequently, rather than just enforce laws, these unelected bureaucrats now also write the laws. These regulatory bureaucracies have often been called the fourth branch of Government. This fourth branch has misinterpreted, undercut and directly contradicted the will of Congress time and time again. It is well past time to end this ''regulation without representation.''

As many of my colleagues know, Congress passed the Congressional Review Act in 1996 in an attempt to slow the executive regulatory machine. For the first time, this law established a process by which Congress can review and disapprove virtually all federal agency rules. Unfortunately, the promise of the Act has not been fulfilled.

Between 1996 and 1999, 12,269 nonmajor rules and 186 major rules were submitted to Congress by federal agencies. Only seven joint resolutions of disapproval were introduced, pertaining to five rules. None passed either House. In fact, none have even been debated on the floor of either House.

The legislation I introduce today will address the flaws in the Congressional Review Act and restore the proper balance between the congressional and executive branches when it comes to rule-making. The Congressional Regulatory Review Reform Act will require all major rules (those with a $100 million annual impact as defined by the Office of Management in consultation with GAO) to be approved by Congress before they take effect. If Congress disapproves a rule, an agency will be precluded from proposing the same or similar rule for a period of 6 months. A rule may be given interim effectiveness if the President determines and certifies that a rule should take effect because of an imminent threat to health and safety or emergency (this decision is not judicially reviewable). Finally, the president is authorized to establish, by executive order a program for the systematic review of agency rules.

I believe that congressional review and accountability for federal regulations will improve efficiency and lessen federal government intervention in the daily lives of the American people. Congress cannot allow the Executive Branch to continue to legislate through rules and regulations. Congress must be responsible. Congress must take back its constitutionally granted authority over the rule-making process.

This is not a partisan issue. Supreme Court Justice Stephen Breyer suggested this idea as long ago as 1984. Nor is the purpose of this legislation to overturn a great number of rules submitted by agencies. It is intended to increase incentives regulators have to respond to the views of the general public, rather than narrow interests and to make Congress and the president more politically accountable for the resulting rules.

Mr. President, I am hopeful my colleagues will join me in supporting this commonsense, good government reform.●

By Mr. ASHCROFT:

S. 2671. A bill to amend the Internal Revenue Code of 1986 to promote pension opportunities for women, and for other purposes; to the Committee on Finance.

THE PENSION OPPORTUNITIES FOR WOMEN'S EQUALITY IN RETIREMENT ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce the Pension Opportunities for Women's Equality in Retirement (POWER) Act of 2000. This legislation is important because the current tax code often fails to give women—especially women who take time off to raise children—sufficient opportunities to earn a large enough pension to guarantee their financial security in retirement.

The facts demonstrate that women need help in building pensions for their future. In America today, two-thirds of women over 65 have no pension other than Social Security. This translates into 300,000 women in my home state of Missouri and 14 million women nationwide. At the same time, the median income from assets for women age 65 and over is only $860 a year. Retirement is often compared to a three-legged stool, with the three legs being pensions, savings, and Social Security. Now, everyone knows what happens to a three legged stool when one of the legs is missing: it falls over. But these statistics shows that many, too many, American women are trying to manage their retirements on only one leg of the stool.

As a result of the lack of pensions and relatively low savings among American women, older women are twice as likely as older men to be living near or below the federal poverty threshold. Further, the poverty rates for widows, divorced women, and never-married women are significantly higher than the rate for all elderly women. The 20 million elderly American women—including 440,000 in Missouri—carry an extremely high risk of poverty.

The causes for this risk can be found in the tax code and pension rules. One of the key elements of pension building is called vesting. Employees cannot build pension assets until they vest, or serve at a particular job for a redetermined amount of time, often 5 years. Employers have a perfectly good reason for vesting requirements—they want to encourage job stability—and there is no inherent bias in these requirements. But the effect of these requirements is to make it harder for women to build up pension assets. The reason for this is that the median job tenure for women is 3.8 years, well below the median job tenure for men, as well as the 5 years most pension plans require for vesting.

Another problem women face is that 59 percent of women have not figured out how much they need to save for retirement. When workers, men and women alike, are younger, they are frequently not thinking of how much they need to save for retirement. Younger workers are concerned with mortgages, school loans, children's needs. When these workers get older, and start thinking about retirement, they often increase the amount of money they will put away for retirement. Unfortunately women, who have often spent less time in the workplace, have less time in which to make the required 'catch-up' contributions that will help create a stable and secure retirement. This process is made even harder by existing rules that limit the amounts of the catch-up contributions.

Given the difficulties women, especially unmarried women, face in their retirement years, I believe that it is time for the Congress to step up and to ensure that retirement security law provides for higher contribution limits for working women, easier catch-up to make up for years women missed in the labor force, and increased portability of pensions.

The POWER Act of 2000 will do three major things: First, the bill will increase contribution limits, allowing workers to contribute more money to retirement accounts during their working years, thereby ensuring that their retirements will be more secure.

For workers who are over fifty, the bill allows additional pension contributions of up to 50 percent more than allowed under current law. This provision is particularly helpful to women who leave the labor force to raise their children, and then want to ''catch-up'' when they are older by increasing their contributions in the years leading up to retirement. This bill also requires employers to vest employees earlier, so that women, who have shorter average job tenures, can accrue pension benefits earlier.

The bill's third section eases portability of pensions among workers who switch jobs. The bill eases rollovers and requires that rollovers apply to all retirement plans. In addition, the bill extends pension rollovers to include post-tax as well as pre-tax distributions, and calls for the post-tax distributions to be accounted for separately.

These provisions are not controversial. They have all passed both the Senate and the House of Representatives as part of the Taxpayer Refund and Relief Act. President Clinton vetoed that earlier bill. I disagree with the President, but he is entitled to his opinion. On these provisions, however, it is impossible to claim that these female-friendly provisions will cost too much money. The provisions in this bill will help all workers save more for retirement, and develop larger pensions for their golden years.

This bill will particularly help women, who face a much greater risk of poverty. While the POWER Act will help both women and men save for retirement, it will correct specific pension inequalities in the current law that particularly hurt women. Missouri's nearly 900,000 working women certainly will benefit through enhanced opportunities to create financial security for retirement. In Missouri, 65 percent of working age women are in the paid labor force. According to the Missouri Women's Council, only 26 percent of older women receive a pension, compared with 47 percent of men. In addition, the pensions that women do receive are significantly less than those of men—$4,200 for women, on average, compared with $7,800 for men.

I hope that the Senate will take quick action on this matter, to help American women provide for safe and secure retirements.

By Mrs. FEINSTEIN:

S. 2672. A bill to provide for the conveyance of various reclamation projects to local water authorities; to the Committee on Energy and Natural Resources.

THE SUGAR PINE DAM AND RESERVOIR CONVEYANCE ACT

• Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today which will provide for the transfer of the Sugar Pine Dam and Reservoir Project in the Central Valley Project to the Forest Hills Public Utility District. I continue to support the transfer of the Bureau of Reclamation projects to the local water districts which operate and benefit from them.

This bill is important in one other way. The language in this bill will correct the financial inequity that affects CVP beneficiaries. Some of the costs of constructing Bureau of Reclamation projects have been allocated to other CVP contractors even though the projects have never been operationally integrated into the CVP. Thus, Irrigation and Municipal and Industrial (M&I) contractors such as Contra Costa Water District, East Bay MUD, Santa Clara Valley Water District, Sacramento MUD, City of Fresno and a number of others have incurred substantial costs without ever receiving any benefit.

This bill has the bipartisan support of Congressman GEORGE MILLER and JOHN DOOLITTLE in the House. And I can think of no opposition to assisting Forest Hills Public Utility District and other M&I contractors with this legislation.•

By Mr. REID:

S. 2673. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, to the Committee on Energy and Natural Resources.

THE EUREKA COUNTY CEMETERY CONVEYANCE ACT

Mr. REID. Mr. President, I rise today to introduce the Eureka County Cemetery Conveyance Act.

The settlement of Beowawe, Nevada was destination and home to pioneers that settled the isolated high desert of the central Great Basin. The inhabitants of this community set aside a specific community cemetery to provide the final resting place for friends and family who passed away. The early settlers established and managed the cemetery in the late 1800's. The Beowawe cemetery is on land currently managed by the Bureau of Land Management (BLM).

The site of these historic cemetery was established prior to the creation of the BLM as an agency. The BLM was created in 1946. Under current law, the agency must sell the encumbered land at fair market value to this community. My bill provides for conveyance of this cemetery to Eureka County, at no cost. It is unconscionable to me that this community would have to buy their ancestors back from the Federal government.

I sincerely hope that members of Congress recognize the benefit to the local community that the conveyances would provide and pass this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as ''Maiden's Grave Cemetery'' in Beowawe, Nevada, predates incorporation of the land on which the cemetery is situated within the jurisdiction of the Bureau of Land Management; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) CONVEYANCE.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Secretary''), shall convey, without consideration, subject to valid existing rights, to Eureka County, Nevada (referred to in this section as the ''county''), all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of public land (including any improvements on the land) known as ''Maiden's Grave Cemetery'', consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(c) USE OF LAND.—

(1) IN GENERAL.—The county shall continue the use of the parcel conveyed under subsection (a) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has discontinued the use of the parcel conveyed under subsection (a) as a cemetery, title to the parcel shall revert to the Secretary.

(d) RIGHT-OF-WAY.—At the time of the conveyance under subsection (a), the Secretary shall grant the county a right-of-way allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2674. A bill to amend title 5, United States Code to provide for realignment of the Department of Defense workforce; to the Committee on Governmental Affairs.

THE DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE REALIGNMENT ACT OF 2000

• Mr. VOINOVICH. Mr. President, the Federal Government is facing a little-known, yet serious problem that jeopardizes its ability to provide services to the American people—a crisis in human capital. The federal workforce has endured years of downsizing, hiring freezes, and inadequate investment in the dedicated men and women who comprise the federal civil service. As a result, the Federal Government is ill-equipped to compete with the private sector for a new generation of technology-savvy workers to replace the nearly 900,000 ''baby boomers'' who will be eligible for retirement from the civil service in the next 5 years.

To meet that challenge, I rise today to introduce legislation, along with my friend and colleague from Ohio, Senator MIKE DEWINE, that will help one critical department of our Federal Government—the Department of Defense—get a head start in addressing its future workforce needs. Our bill, the ''Department of Defense Civilian Workforce Realignment Act of 2000,'' provides the Department of Defense with greater flexibility to adequately manage its civilian workforce and align its human capital to meet the demands of the post-cold-war environment.

During the last decade, the Department of Defense underwent a massive civilian workforce downsizing program that saw a cut of more than 280,000 positions. In addition, the Defense Department—like other federal departments—was subject to hiring restrictions. Taken together, these two factors have inhibited the development of mid-level career, civilian professionals; the men and women who serve a vital role in the management and development of our nation's military. The extent of this problem is exhibited in the fact that right now, the Department is seriously understaffed in certain key occupations, such as computer experts and foreign language specialists. The lack of such professionals has the potential to affect the Defense Department's ability to respond effectively and rapidly to military threats to our nation.

The need to address the pending human capital crisis in the federal workforce is increasingly apparent, as more and more leaders acknowledge that our past policies did not consider future federal workforce needs. Indeed, in testimony before the Oversight of Government Management Subcommittee, which I chair, the head of the General Accounting Office, Comptroller General David Walker, stated, ''(I)n cutting back on the hiring of new staff in order to reduce the number of their employees, agencies also reduced the influx of new people with the new competencies needed to sustain excellence.''

The bill that Senator DEWINE and I are introducing today will help respond to these concerns by giving the Department of Defense the assistance it needs to shape the ''skills mix'' of the current workforce in order to address shortfalls brought about by years of downsizing. Our bill will also help the Department meet its needs for new skills in emerging technological and professional areas.

Another area of concern for the Department of Defense—as well as many other federal agencies—is the serious demographic challenges that exist in its workforce. The average Defense Department employee is 45 years old, and more than a third of the Department's workforce is age 51 or older. In the Department of the Air Force, for example, 45 percent of the workforce will be eligible for either regular retirement or early retirement by 2005.

Wright-Patterson Air Force Base in Dayton, OH, is an excellent example of the demographic challenge facing military installations across the country. Wright-Patterson is the headquarters of the Air Force Materiel Command, and employs 22,700 civilian federal workers. By 2005, 60 percent of the Base's civilian workforce will be eligible for either regular retirement or early retirement. Although a mass exodus of all retirement-eligible employees is not anticipated, there is a genuine concern that a significant portion of the Wright-Patterson civilian workforce, including hundreds of key leaders and employees with crucial expertise, could decide to retire, leaving the remaining workforce without experienced leadership and absent essential institutional knowledge.

This combination of factors poses a serious challenge to the long-term effectiveness of the civilian component of the Defense Department, and by implication, the national security of the United States.

Military base leaders, and indeed the entire Defense establishment, need to be given the flexibility to hire new employees so they can begin to develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

That is the purpose of the legislation we are introducing today. The Department of Defense Civilian Workforce Realignment Act addresses the current imbalance between the federal workforce and the skills needed to run the Federal Government in the 21st century, as well as the age imbalance between new employees and the potential mass retirement of senior public employees in the next 5 years. If we wait for this ''retirement bubble'' to burst before we begin to hire new employees, then not only will we be woefully understaffed in a number of key areas, but we will have fewer seasoned individuals left in the federal workforce who can provide training and mentoring.

The provisions in our bill will allow the Defense Department to conduct a smoother transition by bringing new employees into the Department over

the next 5 years. The new employees will have the opportunity to work with and learn from their more experienced colleagues, and invaluable institutional knowledge will be passed along.

While this proposal does not address all of the human capital needs of the Defense Department, it will help ensure that the Department of Defense recruits and retains a quality civilian workforce so that our Armed Forces may remain the best in the world. It is extremely important to the future vitality of the Department's civilian workforce and the national security of the United States that we address the human capital crisis while we have the opportunity. I urge my colleagues to support this legislation.

Thank you, Mr. President. I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense Civilian Workforce Realignment Act of 2000''.

SEC. 2. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 3. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2005''.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after ''transfer of function,'' the following: ''restructuring of the workforce (to meet mission needs, to achieve one or more strength reductions, to correct skill imbalances, or to reduce the number of high-grade, managerial, or supervisory positions),''.

(c) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) shall be paid in a lump-sum or in installments;'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government as described in subsection (g)(1).''.

SEC. 4. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment, as determined by the Secretary of Defense.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar criteria that the Secretary of Defense determines appropriate.

''(4) The determinations necessary for establishing the eligibility of a person for an immediate annuity under paragraph (2) or (3) shall be made in accordance with regulations prescribed by the Secretary of Defense.

''(5) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment, as determined by the Secretary of Defense.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar criteria that the Secretary of Defense determines appropriate.

''(4) The determinations necessary for establishing the eligibility of a person for an immediate annuity under paragraph (2) or (3) shall be made in accordance with regulations prescribed by the Secretary of Defense.

''(5) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or (j)'' in the first sentence and inserting ''(j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and '', (b)(1)(B), or (d)''.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

SEC. 5. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.''.

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking ''if necessary'' and all that follows through the end and inserting ''if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

''§ 4107. Restrictions''.

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

''4107. Restrictions.''.

SEC. 6. STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of the authorities provided or extended by the amendments made by this Act. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DOD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.●

Mr. DEWINE. Mr. President, today Senator VOINOVICH and I are introducing the Department of Defense Civilian Workforce Realignment Act of 2000. This legislation is designed to give the Department of Defense some of the administrative flexibility it needs to shape the civilian workforce to meet the tremendous national defense challenges that face our nation well into this century.

My colleague from Ohio and I, along with our Ohio colleagues in the House, Mr. HOBSON and Mr. HALL have been working on this issue for almost two years. What has fostered this bipartisan unity is the current workforce situation at Wright-Patterson Air Force Base in Dayton, Ohio. What we have seen there is a rather large microcosm of a current and growing problem that affects the civilian workforce throughout our defense infrastructure. At Wright-Patterson, this problem threatens to diminish significantly the pool of talented experts in critical research and development fields. As I have often said, Wright-Patterson is the brain power behind our air power, and is the central reason why our Air Force is second to none in technological and aeronautical superiority.

Wright-Patterson has already lost a significant number of people who constituted that brain power as a result of Cold War downsizing. In the last decade alone, 8,000 positions at Wright-Patterson have been lost. For the entire Department of Defense, approximately 280,000 positions were lost during the same period. At the same time we were downsizing, hiring restrictions prevented the Defense Department from establishing a foundation of younger innovators. In short, the combination of downsizing, retirement, and a hiring freeze has left a shallow talent pool of young skilled workers.

The statistics tell the story. Today, for example, nearly one out of 10 civilian workers at Wright-Patterson's Aeronautical Systems Center are under the age of 35, while more than one-third of the workforce is over the age of 50. In less than five years, more than half of this workforce will be eligible for retirement, but only 2.5 percent will be under the age of 35. This trend is typical for all civilian functions at Wright-Patterson.

The Department of Defense Civilian Workforce Realignment Act would extend, revise and expand the Defense Department's limited authority to use voluntary incentive pay and voluntary early retirement. Our bill would allow for the Department to utilize the added authority to restructure the civilian workforce to meet missions needs and to correct skill imbalances. Given the significant numbers of eligible federal retirees the Department will face in just a few short years, this legislation would give the Department the ability to better manage this extraordinary transition period. Just as important, this smoother transition period would allow for better and more effective development of our younger workers, who will have a better chance to learn and gain from the expertise of the older generation of innovators.

The legislation we are introducing, fundamentally for Wright-Patterson Air Force Base, is about maintaining technological superiority. That superiority is the foundation of future Air Force dominance in the skies. It's that simple. Weakening that foundation places the lives of our pilots and the security of our nation at risk. Our legislation is a positive step toward rebuilding and strengthening that foundation with an investment in those who will make tomorrow's discoveries and breakthroughs that will keep our pilots safe and our nation secure.

I am pleased that the Department of the Air Force and the Department of Defense have expressed the need for workforce realignment legislation. I believe the legislation Senator VOINOVICH and I are introducing today will meet the concerns they have expressed not just to us, but also to other members of the House and Senate.

I want to thank Senator VOINOVICH for his efforts and leadership on his legislation, and also want to extend my appreciation to his staff, especially Aric Newhouse and Andrew Richardson, for their hard work. The Miami Valley community also has been of great help in demonstrating the importance of this issue not just to Wright-Patterson but also to the entire region and the nation.

I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. 2675. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

WOMEN'S HEALTH OFFICE ACT OF 2000

● Ms. SNOWE. Mr. President, I rise today to introduce the Women's Health Office Act of 2000 and I am pleased to be joined on this legislation by my friend and colleague, Senator BARBARA MIKULSKI. Companion legislation to this bill has been introduced in the House by Congresswomen CONNIE MORELLA and CAROLYN MALONEY.

The Women's Health Office Act of 2000 provides permanent authorization for offices of women's health in five federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration (HRSA); and the Food and Drug Administration (FDA).

Currently, only two women's health offices in the federal government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health (NIH) and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration (SAMHSA).

For too many years, women's health care needs were ignored or poorly understood, and women were systematically excluded from important health research. One famous medical study on breast cancer examined hundreds of men. Another federally-funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is the leading cause among women.

Today, members of Congress and the American public understand the importance of ensuring that both genders benefit equally from medical research

and health care services. Unfortunately, equity does not yet exist in health care, and we have a long way to go. Knowledge about appropriate courses of treatment for women lags far behind that for men for many diseases. For years, research into diseases that predominantly affect women, such as breast cancer, went grossly underfunded. And many women do not have access to reproductive and other vital health services.

Throughout my tenure in the House and Senate, I have worked hard to expose and eliminate this health care gender gap and improve women's access to affordable, quality health services. Ten years, ago, as co-chairs of the Congressional Caucus for Women's Issues (CCWI), Representative Pat Schroeder and I, along with Representative HENRY WAXMAN, called for a GAO investigation into the inclusion of women and minorities in medical research at the National Institutes of Health.

This study documented the widespread exclusion of women from medical research, and spurred the Caucus to introduce the first Women's Health Equity Act (WHEA) in 1990. This comprehensive legislation provided Congress with its first broad, forward-looking health agenda designed to redress the historical inequities that face women in medical research, prevention and services.

Three years later Congress enacted legislation mandating the inclusion of women and minorities in clinical trials at NIH through the National Institutes of Health Revitalization Act of 1993 (P.L. 103–43). Also included in the NIH Revitalization Act was language establishing the NIH Office of Research on Women's Health—language based on my original Office of Women's Health bill that was introduced in the 104th Congress.

And yet, despite all the progress that we have made, there is still a long way to go on women's health care issues. Last month, the GAO released a report—a ten-year update—on the status of women's research at NIH (''NIH Has Increased Its Efforts to Include Women in Research,'' published on May 2, 2000). This report found that since the first GAO report and the 1993 legislation, NIH has made significant progress toward including women as subjects in both intramural and external clinical trials.

However, the report notes that the Institutes have made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. The GAO found that NIH researchers will include women in their trials—but then they will either not do analysis on the basis of sex, or if no difference was found, they will not publish the sex-based results.

NIH has done a good job of improving participation of women in clinical trials, but our commitment to women's health this is not about quotas and numbers. It is about real scientific advances that will improve our knowledge about women's health. At a time when we are on track to double funding for NIH, it is troubling that the agency has still failed to fully implement both its own guidelines and Congress's directive for sex-based analysis. And as a result, women continue to be shortchanged by federal research efforts.

The crux of the matter is that NIH's problems exist despite the fact that it has an Office of Women's Health that is codified in law. If NIH is having problems, imagine the difficulties we will have in continuing the focus on women's health in offices that don't have this legislative mandate, and that may change focus with a new HHS Secretary or Agency Director.

Offices of Women's Health across the Public Health Service are charged with coordinating women's health activities and monitoring progress on women's health issues within their respective agencies, and they have been successful in making federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

Codifying these offices of women's health is important for several reasons: First, it re-emphasizes Congress's commitment to focusing on women's health. Second, it ensures that Agencies will enact Congress's intent with good faith. Finally, it ensures that appropriations will be available in future years to fulfill these commitments.

By statutorily creating Offices of Women's Health, the Deputy Assistant Secretary for Women's Health will be able to better monitor various Public Health Service agencies and advise them on scientific, legal, ethical and policy issues. Agencies would establish a Coordinating Committee on Women's Health to identify and prioritize which women's health projects should be conducted. This will also provide a mechanism for coordination within and across these agencies, and with the private sector. But most importantly, this bill will ensure the presence of enduring offices dedicated to addressing the ongoing needs and gaps in research policy, programs, and education and training in women's health.

Improving the health of American women requires a far greater understanding of women's health needs and conditions, and ongoing evaluation in the areas of research, education, prevention, treatment and the delivery of services. I urge my colleagues to join Senator MIKULSKI and me in supporting this legislation, to help ensure that women's health will never again be a missing page in America's medical textbook.●

● Ms. MIKULSKI. Mr. President, I rise to join my good friend and colleague, Senator SNOWE, to introduce the Women's Health Office Act of 2000. I'm pleased to join Senator SNOWE in introducing this bill because it establishes an important framework to address women's health within the Department of Health and Human Services (DHHS).

Historically, women's health needs were ignored or inadequately addressed by the medical establishment and the government. It is really only in the last ten years that the health of women has begun to receive more attention. A 1990 General Accounting Office (GAO) report acknowledged the historical pattern of neglect of women in health research, and especially the exclusion of women as research subjects in many clinical trials. This was unacceptable. Women make up half or more of the population and must be adequately included in clinical research. That's why I fought to establish the Office of Research on Women's Health (ORWH) at the National Institutes of Health (NIH) ten years ago. We needed to ensure that women were included in clinical research, so that we would know how treatments for a particular disease or condition would affect women. Would men and women react the same way to a particular treatment for heart disease? We had no way of knowing because women were not being included in clinical trials.

While the ORWH began its work in 1990, I wanted to ensure that it stayed at NIH and had the necessary authority to carry out its mission of ensuring that women were included in clinical research. That's why I authored legislation in 1990 and 1991 to formally establish the ORWH in the Office of the Director of NIH. These provisions were later enacted into law in the NIH Revitalization Act of 1993.

Last year, Senator HARKIN, Senator SNOWE, and I requested that GAO examine how well the NIH and ORWH was carrying out the mandates under the NIH Revitalization Act of 1993. The results were mixed. While NIH had made substantial progress in ensuring the inclusion of women in clinical research, it had made less progress in encouraging the analysis of study findings by sex. This means that women are being included in clinical trials, but we are not able to fully reap the benefits of inclusion because analysis of how interventions affect men and women is not being done. While the NIH is taking steps to address this, we are missing information from research done over the last few years about how the outcomes of the research varied or not for men and women.

NIH is but one agency in the DHHS. Other agencies in DHHS do not even have women's health offices. How are these other agencies addressing women's health? Only NIH and the Substance Abuse and Mental Health Services Administration (SAMHSA) have statutory authorization for offices dedicated to women's health. Other

agencies in HHS have a hodgepodge of women's health offices or advisors/coordinators, some of whom have experienced cuts in their funding. For example, funding for the Food and Drug Administration's (FDA) Office of Women's Health has decreased from $2 million in Fiscal Year 1995 to $1.6 million in Fiscal Year 2000. In addition, funding for the Centers for Disease Control and Prevention's (CDC) Office of Women's Health was cut more than 10% between Fiscal Year 1999 and Fiscal Year 2000.

I believe we need a consistent and comprehensive approach to address the needs of women's health in the DHHS. This bill that I join Senator SNOWE in introducing today would do just that. The Women's Health Office Act of 2000 would provide authorization for women's health offices in DHHS, CDC, the FDA, the Agency for Healthcare Research and Quality (AHRQ), and the Health Resources and Serivces Administration (HRSA).

This legislation establishes an important framework and build on existing efforts. The HHS Office on Women's Health would take over all functions which previously belonged to the current Office of Women's Health of the Public Health Service. The HHS Office would be headed by a Deputy Assistant Secretary for Women's Health who would also chair an HHS Coordinating Committee on Women's Heath. The responsibilities of the HHS Office would include establishing short and long-term goals, advising the Secretary of HHS on women's health issues, monitoring and facilitating coordination and stimulating HHS activities on women's health, establishing a national Women's Health Information Center to facilitate exchange of and access to women's health information, and coordinating private sector efforts to promote women's health.

Under this legislation, the Offices of Women's Health in CDC, FDA, HRSA, and AHRQ would be housed in the office of the head of each agency and be headed by a Director appointed by the head of the respective agency. The offices would assess the current level of activity on women's health in the agency; establish short-term and long-term goals for women's health and coordinate women's health activities in the agency; identify women's health projects to support or conduct; consult with appropriate outside groups on the agency's policy regarding women; serve on HHS' Coordinating Committee on Women's Health; and establish and head a coordinating committee on women's health within the agency to identify womens' health needs and make recommendations to the head of the agency. The FDA office would also have specific duties regarding women and clinical trials. All the offices, including the HHS Office beginning no later than Jan. 31. 2002, would submit a report every two years to the appropriate Congressional committees documenting activities accomplished. In addition, the bill authorizes appropriations for all the offices through 2005

I believe that this bill will establish a valuable and consistent framework for addressing women's health in the Department of Health and Human Services. It will help to ensure that women's health research will continue to have the resources it needs in the coming years. This bill is a priority of the Women's Health Research Coalition. The Coalition is comprised of nearly three dozen academic centers, voluntary health associations and membership organizations with a strong focus on women's health research and gender-based biology. I encourage my colleagues to join Senator SNOWE and myself in supporting and cosponsoring this important legislation for women.●

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. ENZI, Mr. HAGEL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. KYL, Mr. NICKLES, Mr. HELMS, Mr. ALLARD, Mr. SMITH of New Hampshire, and Mr. INHOFE):

S. 2676. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION REGARDING INFLATION ADJUSTMENTS TO MANDATORY JURISDICTION THRESHOLDS OF THE NATIONAL LABOR RELATIONS BOARD

● Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INFLATION ADJUSTMENTS TO MANDATORY JURISDICTION THRESHOLDS OF NATIONAL LABOR RELATIONS BOARD.

Section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)) is amended to read as follows:

''(c)(1)(A) MANDATORY JURISDICTION.—The Board shall assert jurisdiction over any labor dispute involving any class or category of employers over which it would assert jurisdiction under the standards prevailing on August 1, 1959, with the financial threshold amounts adjusted for inflation under subparagraph (B).

''(B) INFLATION ADJUSTMENTS.—The Board, beginning on October 1, 2000, and not less often than every 5 years thereafter, shall adjust each of the financial threshold amounts referred to in subparagraph (A) for inflation, using as the base period the later of (i) the most recent calendar quarter ending before the financial threshold amount was established, or (ii) the calendar quarter ending June 30, 1959. The inflation adjustments shall be determined using changes in the Consumer Price Index for all urban consumers published by the Department of Labor and shall be rounded to the nearest $10,000. The Board shall prescribe any regulations necessary for making the inflation adjustments.''.

[From the Dallas Morning News, Apr. 28, 2000]

MIKE HUCKABEE: GOVERNMENT'S FLAWED PURSUIT OF MICROSOFT

(By Mike Huckabee, Governor of Arkansas)

As a lifelong Southerner, I am proud our region is known for its hospitality and common sense. It seems the Justice Department could use a little of both in the handling of its antitrust suit against the Microsoft Corp.

When Federal Judge Thomas Penfield Jackson recently issued his ruling, he gave credence to the flawed logic upon which the government has built its case.

That flawed logic should have precluded the federal government from bringing the case in the first place. Washington bureaucrats shouldn't be in the business of choosing winners and losers in the private sector. That responsibility belongs to consumers.

The government's theory behind the case is that America's high-technology industry has been victimized by Microsoft's stifling competition and squelching innovation. Every piece of the federal government's theory is an insult to the free-enterprise system and the will of consumers.

First, there is no more competitive industry in the world than America's high-tech market. That is as true today as it was before the federal government's five-year, $30 million attempt to regulate free enterprise. There are thousands of companies selling software products today, far more than at the start of the trial.

And in the time since the federal government and 19 state attorneys general filed their suit, America's technology industry has produced one-third of the nation's economic growth.

Those facts hardly would support the government's characterization of the information technology industry as a shell of its former self.

As for innovation, consider the change in the simple matter of personal computing since 1995. In 1995, the personal computer was just starting to have its potential realized with the development—among other innovations—of Windows 95. Just as Windows 95 has since been rendered obsolete by Microsoft itself, so now is the debate beginning about the future of the personal computer as we know it. Many believe the PC soon will be replaced by Internet-based appliances in phones, televisions and hand-held computing devices. The technology industry in 2000 looks nothing like it did in 1995.

Just as many of the technologies of the mid-'90s now are obsolete, so are the issues the government has raised in this case. The high-tech market has moved—and will continue to move—too quickly for any government to keep tabs on it through regulation. By the time federal bureaucrats get around to fixing rules, the market will change them. That is the way of the new economy, built on competition, innovation and customer service.

The federal government's case against Microsoft attacks all three principles.

Instead of the self-regulating competition that has enabled Microsoft to lead the technology industry to its current heights, the government favors either breaking up the company or regulating away its freedom to innovate and compete. The federal government's ''remedy'' would insert bureaucrats into the technology market in ways never before imagined. Those Washington bureaucrats would be involved in questions of product design and marketing. That would empower pencil-pushing Beltway bureaucrats to second-guess innocent computer programmers and entrepreneurs. The new arrangement would enable regulators to pick winners and losers in the marketplace, stripping consumers of their rights.

In a free market, it is consumers, not bureaucrats, who should control the destinies of individual industries and companies. In response to consumers' influence over the market, companies have lowered prices, created new products and focused on customer services. The government's scheme would negate those market forces. It also would preclude the industry and the government from working together to bridge the digital divide, since the industry probably would be forced to raise prices to account for new regulatory compliance costs. Higher prices would prohibit low-income families from enjoying newer technologies, so poor families would remain behind the technological curve.

The Justice Department has wasted the taxpayers' money and attacked the interests of consumers, from the case's inception to the intentional failure of government lawyers to settle the case to the reckless breakup scheme it hatched to punish Microsoft. The suit is a deliberate attempt by the government to circumvent the economic authority of consumers and entrepreneurs in the free market. It seems the least the federal government could show the American people would be a little bit of hospitality and common sense on this issue.•

By Mr. FRIST (for himself and Mr. FEINGOLD):

S. 2677. A bill to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on Foreign Relations.

LEGISLATION TO PROMOTE POLITICAL AND ECONOMIC REFORM IN ZIMBABWE

• Mr. FRIST. Mr. President, on its surface, the turmoil and death toll of Zimbabwe's brutal farm invasions is an economic and racial battle. At its core, it is an engineered effort to distract from the government's assault on a besieged democratic opposition movement. The crisis in Zimbabwe has profound implications for Africa far beyond the killings and lawlessness necessary to sustain it. It has the potential to fundamentally compromise the future of the entire region and the United States' most basic interests there. But it is a crisis which we are ill-prepared to address, and time is not on our side.

President Robert Mugabe's orchestration and blessing of the invasions of predominantly white-owned commercial farms—the backbone of Zimbabwe's export economy—by so-called war veterans is actually a shrewd maneuver to disguise behind the veil of a racial drama his relentless attack on the democratic institutions and rule of law in Zimbabwe. By successfully casting the issue as one of race rather than his own lawlessness. President Mugabe has paralyzed the very forces which should otherwise call his bluff.

Most notable among the paralyzed are other African heads of state—and Kofi Annan. The deliberate introduction of a racial element to the controversy has left them in an untenable position: if they dare criticize behavior they find outrageous or even dangerous, they would seemingly side against black Africans on behalf of ''colonial'' whites. Thus neighboring heads of state—some of whom have shown great commitment to democracy and racial reconciliation in their own countries—are unhappily muted, even seemingly compelled to support President Mugabe's antics.

Yet the near paralysis of the United States is of greatest concern. Over 10,000 Zimbabwean troops from the thin green line which keeps Laurent Kabila in power in the Democratic Republic of Congo. The volatile Kabila, in turn, determines whether or not the war in Congo ends peacefully—a goal to which the administration has staked considerable political capital during ''the month of Africa'' at the United Nations. Thus, President Mugabe has presented us with a ludicrous choice between support for democracy in Zimbabwe and the chance to prevent Kabila from plunging Congo back into full scale war. The United States is frozen lest we provoke them.

Relatively small Zimbabwe's ability to direct the fate of Congo and the entire central African region is testament to its weight on the continent and why its internal chaos is reason for great concern. Zimbabwe can be a force for good or bad in southern Africa, the region which will in turn, drive either the progress or further demise of the entire continent south of the Sahara. Zimbabwe is currently a driving force for its demise. The best chance to reverse that is through support for the democratic forces challenging a leader whose increasingly destructive acts imperil the continent. The United States' policy imperative in Zimbabwe could not be clearer, but we are seemingly unprepared to take the necessary steps to aggressively defend democracy and our national interests.

First, the United States must be willing to ''decouple'' our support for democracy in Zimbabwe from the war in Congo. As in any hostage situation, you never let the captor dictate the terms. That will require commitment of considerable political capital and diplomatic muscle. It will require taking some necessary risks.

Second, the United States should not wait until after ballots are cast for parliament on June 24 and 25 to declare whether the elections were ''free and fair'' or even ''flawed but representative.'' The government's attempt to steal the election now through violence, intimidation, and brazen manipulation of procedures are in daily news reports. Silence on that point makes us accomplices in its attempts to maintain its grip on power and false pretense of democracy. More insidious, the world is helping to pave the way for the same deception and violence in the critical 2002 presidential elections by essentially demonstrating how little we expect when it comes to democracy in Africa. It stands in shameful contrast to our expectations and actions in South Africa in 1994.

Third, we must explicitly link international financial support and cooperation with Zimbabwe to the fate of its democratic institutions. With the virtual end of support from international lending institutions and economic aid, we have precious few ''sticks'' at our disposal. The ''carrots'' are real, through. We must use them to communicate that democracy brings immediate benefits and to entice and generously shore up any gains made, including progress on real land reform. In the 20 years since independence, land reform, which is broadly supported in Zimbabwe and among donors, has been slow and has benefitted ruling party insiders.

It is critical that the United States be clear about its support for peaceful democratic transition in Zimbabwe. That fact must be communicated to the Zimbabwean government in no uncertain terms, and to the Zimbabwean people. They should know that we back them in their struggle for democracy.

But it must be more than just words. The United States should be prepared to meet the needs of those fighting for democracy, and to be there to assist them should they have the opportunity to govern.

Mr. President, to that end, Senators FEINGOLD and HELMS have joined me in introducing the Zimbabwe Democracy Act. The legislation contains several critical democratic support mechanisms which we should act quickly to put in place.

First, it unequivocally states the policy of the United States is to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

It suspends bilateral assistance to the government of Zimbabwe; suspends any debt reduction measures for the government of Zimbabwe; and instructs the U.S. executive directors of the multilateral lending institutions to vote against the extension of any credit or benefits to the government of Zimbabwe until rule of law and democratic institutions are restored.

It includes explicit exceptions for humanitarian, health and democracy support programs. It authorizes a legal assistance fund for individuals and institutions which are suffering under the breakdown of rule of law. The legal fees for torture victims, independent media supporting free speech and other democratic institutions challenging election results or undemocratic laws can be paid from the funds.

It provides new authority for broadcasting of objective and reliable news to listeners in Zimbabwe.

It doubles next year's funding for democracy programs in Zimbabwe.

It expresses the sense of the Senate that the United States should support election observers to the parliamentary and presidential elections.

It prepares the United States to act decisively to support democracy. If the President certifies to Congress that rule of law has been restored, freedom of speech and association is respected,

free elections have been conducted, Zimbabwe is pursuing an equitable and legal land reform program, and the army is under civilian control, a series of programs to support democratic transition and aggressively promote economic recovery are initiated:

Suspended assistance is restored.

The Secretary of Treasury is directed to undertake a review of Zimbabwe's bilateral debt for the purposes of elimination of that debt to the greatest extent possible.

It directs the U.S. executive directors at the multilateral institutions to propose and support programs for the elimination of Zimbabwe's multilateral debt, and that those institutions initiate programs to support rapid economic recovery and the stabilization of the Zimbabwe dollar.

It allocates an initial US$16 million for alternative land reform programs under the Inception Phase of the Land Reform and Resettlement Program—including acquisition and resettlement costs.

It directs the establishment of a ''Southern Africa Finance Center'' in Zimbabwe which will serve as a joint office for the Export-Import Bank, the Overseas Private Investment Corporation, and the Trade Development Agency to pursue, facilitate and underwrite American private investment in Zimbabwe and the region.

Mr. President, the future stability of Zimbabwe is in the United States national interest. That future is dependent on the viability of the democratic legal and economic institutions in Zimbabwe which are currently under assault. It is clear that the United States must support those individuals and institutions, both during the current assaults and especially if they gain in elections.

This legislation offers clear support for democratic institutions and the rule of law now, and it provides aggressive future United States economic and institutional support for a transition to democracy, including real land reform based on equitable distribution and title to the land.

In the end, President Mugabe may simply dismiss all international and internal pressure. He has both the power to do so and increasingly seems to have the inclination, despite the costs. Even so, the United States cannot be intimidated or compromised. We must act decisively and quickly to support the democratic institutions upon which he is waging war. It is upon the fate of those institutions and individuals which so much of Africa's future depends.●

By Mr. BIDEN (for himself and Mrs. BOXER):

S. 2682. A bill to authorize the Broadcasting Board of Governors to make available to the Institute for Medial Development certain materials of the Voice of America; to the Committee on Foreign Relations.

LEGISLATION REGARDING THE VOICE OF AMERICA/AFRICA ARCHIVES

● Mr. BIDEN. Mr. President, today I am introducing, along with Senator BOXER, a bill to authorize the Broadcasting Board of Governors to make available to a private entity archival materials from the Africa Division of the Voice of America. This bill is also being introduced today in the other body by Representative CYNTHIA MCKINNEY, who initiated this proposal and asked me to introduce the Senate version of the bill.

The bill authorizes the Broadcasting Board of Governors to make available to the Institute for Media Development, a non-profit organization, archival materials of the Africa Division of the Voice of America (VOA). These materials, currently stored at the VOA in analog form, will be put into modern digital form and made available to scholars through the University of California, Los Angeles, and any other institution of higher learning approved by the Board.

I believe this is a very useful public-private partnership that will result in a positive benefit to scholars of African studies. As I am sure my colleagues are aware, the Voice of America is not broadcast in the United States. Programs which may be of interest to students and scholars of African politics, history, literature and foreign policy are often inaccessible. Moreover, there is no systematic means, much less the funds, to make such archival material available. And once the programs are aired, there is no guarantee that the analog tape on which they are recorded will be preserved. History may literally be lost, if news shows and interviews with prominent figures in various African countries are not preserved. Storing these recordings in a central archive should prove invaluable in years to come.

There will be no cost to the U.S. Government. The bill requires that the government be reimbursed for any expenses it incurs in making such materials available, and for the indemnification of the government in the event that the materials are used in a manner that violates the copyright laws of the United States. I would not anticipate that such copyright violations will occur, because the bill also makes clear that materials made available may be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

I am pleased that the chairman of the Committee on Foreign Relations has agreed to place this legislation on the agenda of the committee later this week. I hope the Committee, and then the full Senate, will give its approval.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this Act, the Broadcasting Board of Governors (in this Act referred to as the ''Board'') is authorized to make available to the Institute for Media Development (in this Act referred to as the ''Institute''), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this Act shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

SEC. 2. TERMINATION OF AUTHORITY.

The authority provided under this Act shall cease to have effect on the date that is 5 years after the date of enactment of this Act.●

By Ms. SNOWE:

S. 2683. A bill to deauthorize a portion of the project for navigation, Kennebunk River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 2684. A bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine;

to the Committee on Environment and Public Works.

LEGISLATION REGARDING MAINE RIVER NAVIGATION PROJECTS

• Ms. SNOWE. Mr. President, I rise today to introduce two bills that are important to my State of Maine. The first piece of legislation pertains to the Narraguagus River dredge in Milbridge and will reauthorize former Corps project areas so as to design a portion of the 11-foot channel as anchorage. The town has provided the Corps with harbor use data that indicates that the 11-foot channel need only be dredged to 9 feet.

I have already requested $30,000 for FY01 Energy and Water appropriations to complete plans and specifications for a maintenance dredge of the 11-, 9- and 6-foot channel from Narraguagus Bay to the town landings and the 6-foot anchorages in Milbridge. The project serves the important commercial fishing and lobstering fleet, acquaculture operations, and fish packing facility, and a small recreational fleet.

The second bill concerns the Kennebunk River in Kennebunkport that deauthorizes a small elongated section of the Federal Navigation Channel. Not only would this allow much needed moorings from a nearby marina to remain where they have been positioned, but most importantly, the deauthorization would be the last piece needed so that the important dredge project can go forward.

This is a very active channel, Mr. President, and the dredge is extremely important for the safe passage not only for fishermen, but also for the tour boats, transporting up to 150 people, which go in and out of the busy harbor area throughout the spring, summer and fall months. Anyone who has been to the ''Port'' during the heavy tourist season can tell you it is a very popular attraction, particularly the tour boat trips that take tourists out past the breakwater for a view of the Maine coastline. The New England District Corps has given its approval for the deauthorization as has the town and the Joint River Commission.

I look forward to the speedy passage of these two non-controversial bills separately and to support their inclusion into legislation reauthorizing the Water Resources Development Act, or WRDA, for which passage is being considered in this Congress.•

By Mr. THURMOND:

S.J. Res. 46. A joint resolution commemorating the 225th birthday of the United States Army; to the Committee on the Judiciary.

COMMEMORATING JUNE 6, 2000, AS THE UNITED STATES ARMY'S 225TH BIRTHDAY

Mr. THURMOND. Mr. President, today on the anniversary of D–Day, June 6th, 1944, I have the great privilege to introduce a joint resolution honoring the United States Army on its 225th birthday.

Before there was a United States of America, there was an American Army, born on June 14th, 1775. On the town square of Cambridge, Massachusetts, a small group of American colonists came together to form an army, under the authority of the Continental Congress. This June 14th, we will look back over those 225 years and see clearly that the forming of the colonial Army was the prelude to the birth of our nation. As the Army's slogan for this commemoration says, it was the ''Birth of an army and the birth of freedom.''

Like Members of this body, to be a soldier is to believe in something other than what we can achieve for ourselves as individuals. I am proud to help celebrate the Army birthday, marking more than two centuries of selfless service to the United States of America. More than 42 million Americans have raised their right hands to take an oath, both in times of crisis and in times of peace.

As I introduce this resolution, I ask that each of you please join me next month to extend the heartfelt thanks of this Congress to each and every soldier for their outstanding service to our nation!

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Mr. DURBIN. Mr. President, I want to take a moment to note that Senator THURMOND, who took the floor and introduced a joint resolution commending our Armed Forces, is someone who should also be commended personally today. This is the 56th anniversary of Senator THURMOND's landing in the D–Day invasion.

As we consider the construction of the museum in New Orleans, LA, to pay tribute to those soldiers and all those involved in the D–Day invasion, we should take a moment on the floor of the Senate to pay tribute to our colleague from South Carolina, who had such a distinguished career in the military. It is almost inconceivable to think he was there as a volunteer to fly a glider into the D–Day invasion—probably one of the more dangerous assignments of the men and women in uniform who made that invasion such a success. The fact that he is here today is a tribute to not only his longevity, but his continued dedication to this country.

On behalf of a generation—frankly, I wasn't born when that occurred but have been the beneficiary of that victory—I say to my colleague from South Carolina that we are in deepest debt to him for his personal service to this country, and for his courage in participating in that D–Day invasion. I commend not only him but also all of those who made that invasion such a success, and hope that on this 56th anniversary all of the people involved, and their families who waited expectantly to hear the results of that invasion, will be remembered in the thoughts and prayers of every American family.

Mr. THURMOND. Mr. President, I thank the Senator for his kind words. I would do it again, if necessary.

Mr. DURBIN. There is no doubt in the mind of any Member of the Senate that Senator THURMOND would volunteer again, as he just promised that he would. I thank the Senator again.

S.J. RES. 46

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to our Nation's Declaration of Independence and the codification of our basic principles and values in the Constitution of the United States;

Whereas for the past 225 years, our Army's central purpose has been to fight and win wars that were typically fought and won on distant, foreign battlefields, while at home, the Army provided for the Nation's security;

Whereas whatever the mission, the Nation turns to its Army for decisive victory, regardless of whether those are measured in the defeat of foreign Army forces or the timely delivery of humanitarian assistance at home or abroad;

Whereas the 172 battle streamers carried on the Army's flag are testament to the valor, commitment, and sacrifice of those who have served and fought under its banner;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where American soldiers have won extraordinary distinction and respect for our Nation and our Army;

Whereas ''Duty, Honor, Country'' are more than mere words, they are the creed by which the American soldier lives and serves;

Whereas while no one can predict the cause, location, or magnitude of future battles, there is one certainty — American soldiers of character, selflessly serving the Nation, will continue to be the credentials of our Army;

Whereas the Army is prepared to answer the Nation's call, and such calls have been increasing in number and disparity in recent years;

Whereas the threats are less distinct and less predictable than the past, but more complex and just as real and dangerous;

Whereas our Army, the world's most capable and respected ground force, is in the midst of an unparalleled transformation as it prepares for the new challenges of the next century and a different world;

Whereas future forces will be prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas our Army will be ready to fight and win our Nation's call to service at home and abroad: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the valor, commitment, and sacrifice that American soldiers have made throughout the history of the Nation;

(2) commends the United States Army and American soldiers for 225 years of selfless service; and

(3) calls upon the President to issue a proclamation recognizing the 225th birthday of the United States Army and calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

By Mr. SMITH of New Hampshire:

S.J. Res. 47. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

LEGISLATION REGARDING THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

• Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a resolution concerning our trade relationship with the Socialist Republic of Vietnam. On June 2, 2000, the President of the United States formally recommended a waiver of the application of the Trade Act of 1974 with respect to Vietnam. I am deeply troubled by the President's decision to grant this waiver in light of Vietnam's continuing poor record on human rights. One need only look at the 1999 U.S. State Department report on human rights practices in Vietnam to recognize that the Vietnamese Government once again has failed to meet recognized standards with respect to such fundamental rights as freedom of emigration, freedom of speech and freedom of religion, to name only a few, which are so often taken for granted in our great country.

I would like to quote from this revealing report to emphasize my point. The State Department declared the following regarding Vietnam: ''The Government's human rights record remained poor; . . . and serious problems remain . . . The Government continued to repress basic political and some religious freedoms and to commit numerous abuses . . . the Government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious views . . . The Government significantly restricts freedom of speech, the press, assembly, and association . . . The Government restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State . . . Citizens' access to passports frequently was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria or in order to extort a bribe.'' The list of violations outlined by our State Department goes on, but I will stop here.

Mr. President, the resolution I have introduced keeps faith with the original Congressional intent of the Trade Act of 1974. Our dedication to fundamental human rights must be resolute, even when it means one powerful interest group or another does not get its way. Unfortunately, the President's decision to grant this waiver once again undermines the United States' longstanding dedication to human rights and sends a message to the rest of the world that the United States is more interested in profits over principles. Finally, rewarding Communist Vietnam by allowing U.S. tax dollars to subsidize business operations in Hanoi, while at the same time their leaders hold back key POW/MIA records from the war, is a disgrace to the men and women who valiantly served our country and were honored just last week on Memorial Day. This Presidential waiver should be overturned by the Congress, as is our right under the law.•

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 656

At the request of Mr. REED, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 818

At the request of Mr. DEWINE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1110

At the request of Mr. LOTT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Georgia (Mr. CLELAND), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Idaho (Mr. CRAPO), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1709

At the request of Mr. KYL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1709, a bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1717

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from

Alabama (Mr. SHELBY) were added as cosponsors of S. 1717, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 1883

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2003

At the request of Mr. JOHNSTON, the names of the Senator from Missouri, (Mr. ASHCROFT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2078

At the request of Mr. BUNNING, the name of the Senator from New Mexico, (Mr. BINGAMAN) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Missouri (Mr. BOND), the Senator from Florida (Mr. GRAHAM), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

2308

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Oregon (Mr. SMITH), the Senator from Missouri (Mr. BOND), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2311, supra.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2322

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts, (Mr. KERRY) was added as a cosponsor of S. 2322, a bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2357

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2365, a bill to amend title XVII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2390

At the request of Mr. DEWINE, the name of the Senator form Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2390, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2413

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2413, supra.

S. 2459

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress

to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2514

At the request of Mr. GRAMS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2514, a bill to improve benefits for members of the reserve components of the Armed Forces and their dependants.

S. 2519

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2519, a bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mr. SCHUMER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Security Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2586

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2586, a bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under the Act, and for other purposes.

S. 2601

At the request of Mr. ASHCROFT, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and internet access.

S. 2617

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2617, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 2621

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2621, a bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

S. 2625

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2625, a bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

S. CON. RES. 53

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. CON. RES. 118

At the request of Mr. HELMS, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. Con. Res. 118, a concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

S. RES. 260

At the request of Mr. BOND, the names of the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 260, a resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years.

SENATE CONCURRENT RESOLUTION 119—COMMENDING THE REPUBLIC OF CROATIA FOR THE CONDUCT OF ITS PARLIAMENTARY AND PRESIDENTIAL ELECTIONS

Mr. GORTON (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. LIEBERMAN, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 119

Whereas the fourth Croatian parliamentary elections, held on January 3, 2000, marked Croatia's progress toward meeting its commitments as a participating state of the Organization on Security and Cooperation in Europe (OSCE) and as a member of the Council of Europe;

Whereas Croatia's third presidential elections were conducted smoothly and professionally and concluded on February 7, 2000, with the landslide election of Stipe Mesic as the new President of the Republic of Croatia;

Whereas the free and fair elections in Croatia, and the following peaceful and orderly transfer of power from the old government to the new, is an example of democracy to the people of other nations in the region and a major contribution to the democratic development of southeastern Europe; and

Whereas the people of Croatia have made clear that they want Croatia to take its rightful place in the family of European democracies and to develop a closer and more constructive relationship with the Euro-Atlantic community of democratic nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

(3) the Congress strongly supports Croatia's commitment to democracy and will give its full support to the efforts of the new Government of Croatia to fully implement democratic reforms;

(4) the United States should continue to promote Croatian-American economic, political, and military relations and to recognize Croatia as a loyal partner in south central Europe; and

(5) taking into consideration Croatia's contributions as a committed partner in the region, the Congress recommends establishing a strategic partnership with the Republic of Croatia and supports the serious consideration of Croatia's candidacy for membership in the North Atlantic Treaty Organization's Partnership for Peace program and its candidacy for accession into the World Trade Organization.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

WARNER (AND OTHERS) AMENDMENT NO. 3173

Mr. WARNER (for himself, Mr. LOTT, Mr. HUTCHINSON, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. MURKOWSKI) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

''(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

''(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2002''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2001

COLLINS AMENDMENTS NOS. 3174–3178

(Ordered to lie on the table.)

Ms. COLLINS submitted five amendments intended to be proposed by her to the bill (S. 2593) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 3174

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the total amount appropriated by title II under the heading ''AIRCRAFT PROCUREMENT, ARMY'' for the procurement of C–212 short takeoff and landing, fixed-wing aircraft, $15,000,000 may be used for the procurement of C–212 short takeoff and landing, fixed-wing aircraft for the Army National Guard for the use of Special Forces Groups of the Army National Guard.

AMENDMENT NO. 3175

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', there is hereby appropriated for the purposes under that heading $2,000,000: *Provided,* That such amount shall be available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

AMENDMENT NO. 3176

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', there is hereby appropriated for the purposes under that heading $6,000,000: *Provided,* That such amount shall be available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

AMENDMENT NO. 3177

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', there is hereby appropriated for the purposes under that heading $2,000,000: *Provided,* That such amount shall be available for the Marine Corps advanced technology demonstration program for the delivery of the prototype units of the ALGL/STRIKER for testing and evaluation by the Marine Corps that, except for this section, would otherwise be an unfunded requirement of the Marine Corps.

AMENDMENT NO. 3178

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', there is hereby appropriated for the purposes under that heading $7,000,000: *Provided,* That such amount shall be available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

MCCAIN AMENDMENT NO. 3179

Mr. MCCAIN proposed an amendment to the bill, S. 2549, supra; as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. SPECIAL SUBSISTENCE ALLOWANCE FOR MEMBERS ELIGIBLE TO RECEIVE FOOD STAMP ASSISTANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

''§ 402a. Special subsistence allowance

''(a) ENTITLEMENT.—(1) Upon the application of an eligible member of a uniformed service described in subsection (b), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance.

''(2) In determining the eligibility of a member to receive food stamp assistance for purposes of this section, the amount of any special subsistence allowance paid the member under this section shall not be taken into account.

''(b) COVERED MEMBERS.—An enlisted member referred to in subsection (a) is an enlisted member in pay grade E–5 or below.

''(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

''(1) Termination of eligibility for food stamp assistance.

''(2) Payment of the special subsistence allowance for 12 consecutive months.

''(3) Promotion of the member to a higher grade.

''(4) Transfer of the member in a permanent change of station.

''(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

''(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

''(3) The number of times that payments are resumed under this subsection is unlimited.

''(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

''(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

''(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

''(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2005.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

''402a. Special subsistence allowance.''.

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 2000, the Comptroller General of the United States shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Comptroller General shall consult with the Secretary of

Defense, the Secretary of Transportation (with respect to the Coast Guard), the Secretary of Health and Human Services (with respect to the commissioned corps of the Public Health Service), and the Secretary of Commerce (with respect to the commissioned officers of the National Oceanic and Atmospheric Administration), who shall provide the Comptroller General with any information that the Comptroller General determines necessary to prepare the report.

(3) No report is required under this subsection after March 1, 2005.

McCAIN AMENDMENTS NOS. 3180–3182

(Ordered to lie on the table.)

Mr. McCAIN submitted three amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3180

On page 206, between lines 15 and 16, insert the following:

SEC. 610. RESTRUCTURING OF BASIC PAY TABLES FOR CERTAIN ENLISTED MEMBERS.

(a) IN GENERAL.—The table under the heading ''ENLISTED MEMBERS'' in section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 105–65; 113 Stat. 648) is amended by striking the amounts relating to pay grades E–7, E–6, and E–5 and inserting the amounts for the corresponding years of service specified in the following table:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,148.60
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.40
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,715.70
	Over 8	Over 10	Over 12	Over 14	Over 16
E–7	2,277.80	2,350.70	2,423.20	2,495.90	2,570.90
E–6	2,022.60	2,096.40	2,168.60	2,241.90	2,294.80
E–5	1,821.00	1,893.00	1,967.10	1,967.60	1,967.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E–7	2,644.20	2,717.50	2,844.40	2,926.40	3,134.40
E–6	2,332.00	2,332.00	2,335.00	2,335.00	2,335.00
E–5	1,967.60	1,967.60	1,967.60	1,967.60	1,967.60

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect as of October 1, 2000, and shall apply with respect to months beginning on or after that date.

AMENDMENT NO. 3181

On page 236, between lines 6 and 7, insert the following:

SEC. 646. POLICY ON INCREASING MINIMUM SURVIVOR BENEFIT PLAN BASIC ANNUITIES FOR SURVIVING SPOUSES AGE 62 OR OLDER.

It is the sense of Congress that there should be enacted during the 106th Congress legislation that increases the minimum basic annuities provided under the Survivor Benefit Plan for surviving spouses of members of the uniformed services who are 62 years of age or older.

SEC. 647. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVORS OF ALL MEMBERS WHO DIE ON ACTIVE DUTY.

(a) ENTITLEMENT.—(1) Subsection (d)(1) of section 1448 of title 10, United States Code, is amended to read as follows:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a member who dies on active duty after—

''(i) becoming eligible to receive retired pay;

''(ii) qualifying for retired pay except that he has not applied for or been granted that pay; or

''(iii) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service; or

''(B) a member not described in subparagraph (A) who dies on active duty, except in the case of a member whose death, as determined by the Secretary concerned—

''(i) is a direct result of the member's intentional misconduct or willful neglect; or

''(ii) occurs during a period of unauthorized absence.''.

(2) The heading for subsection (d) of such section is amended by striking ''RETIREMENT-ELIGIBLE''.

(b) AMOUNT OF ANNUITY.—Section 1451(c)(1) of such title is amended to read as follows:

''(1) IN GENERAL.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:

''(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay imputed to the member or former member. The retired pay imputed to a member or former member is as follows:

''(i) Except in a case described in clause (ii), the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

''(ii) In the case of a deceased member referred to in subparagraph (A)(iii) or (B) of section 1448(d)(1) of this title, the retired pay to which the member or former member would have been entitled if the member had been entitled to that pay based upon a retirement under section 1201 of this title (if on active duty for more than 30 days when the member died) or section 1204 of this title (if on active duty for 30 days or less when the member died) for a disability rated as total.

''(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

''(i) GENERAL RULE.—If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay imputed to the member or former member as described in clause (i) or (ii) of the second sentence of subparagraph (A).

''(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000, and shall apply with respect to deaths occurring on or after that date.

SEC. 648. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—Section 1965 of title 38, United States Code, is amended by adding at the end the following:

''(10) The term 'insurable dependent', with respect to a member, means the following:

''(A) The member's spouse.

''(B) A child of the member for so long as the child is unmarried and the member is providing over 50 percent of the support of the child.''.

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 of title 38, United States Code, is amended to read as follows:

''(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

''(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

''(i) the member; and

''(ii) each insurable dependent of the member.

''(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

''(C) Any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title.

''(2)(A) A member may elect in writing not to be insured under this subchapter.

''(B) A member referred to in subparagraph (A) may also make either or both of the following elections in writing:

''(i) An election not to insure a dependent spouse under this subchapter.

''(ii) An election to insure none of the member's children under this subchapter.

''(3)(A) Subject to an election under subparagraph (B), the amount for which a person is insured under this subchapter is as follows:

''(i) In the case of a member, $200,000.

''(ii) In the case of a member's spouse, the amount equal to 50 percent of the amount for which the member is insured under this subchapter.

''(iii) In the case of a member's child, $10,000.

''(B) A member may elect in writing to be insured or to insure an insurable dependent in an amount less than the amount provided under subparagraph (A). The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000 and, in the case of a child, be evenly divisible by $5,000.

''(4) No dependent of a member is insured under this chapter unless the member is insured under this subchapter.

''(5) The insurance shall be effective with respect to a member and the member's dependents on the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title, or the date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date.''.

(2) Subsection (c) of such section is amended by striking out the first sentence and inserting the following: ''If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.''.

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting ''and any insurance thereunder on any insurable dependent of such a member,'' after '' any insurance thereunder on any member of the uniformed services,'';

(B) by striking ''and'' at the end of paragraph (3);

(C) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(D) by adding at the end the following:

''(5) with respect to an insurable dependent of the member—

''(A) upon election made in writing by the member to terminate the coverage; or

''(B) on the earlier of—

''(i) the date of the member's death;

''(ii) the date of termination of the insurance on the member's life under this subchapter;

''(iii) the date of the dependent's death; or

''(iv) the termination of the dependent's status as an insurable dependent of the member.

(2) Subsection (b)(1)(A) of such section is amended by inserting ''(to insure against death of the member only)'' after ''converted to Veterans' Group Life Insurance''.

(d) PREMIUMS.—Section 1969 of such title is amended by adding at the end the following:

''(g)(1) During any period in which any insurable dependent of a member is insured under this subchapter, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary (which shall be the same for all such members) as the premium allocable to the pay period for providing that insurance coverage.

''(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for dependents of members under this subchapter.

''(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

''(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.''.

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 of such title is amended by adding at the end the following:

''(h) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member' life under this subchapter.''.

(f) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act, except that paragraph (2) shall take effect on the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs, in consultation with the Secretaries of the military departments, the Secretary of Transportation, the Secretary of Commerce and the Secretary of Health and Human Services, shall take such action as is necessary to ensure that each member of the uniformed services on active duty (other than active duty for training) during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section and is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

AMENDMENT NO. 3182

On page 239, after line 22, add the following:

Subtitle F—Additional Benefits For Reserves and Their Dependents

SEC. 671. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest that the President provide funds for the reserve components of the Armed Forces (including the National Guard and Reserves) that are sufficient to ensure that the reserve components meet the requirements specified for the reserve components in the National Military Strategy, including military training.

SEC. 672. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

''(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place other than the member's unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member's home and the place of such duty or training.''.

(2) The heading of such section is amended to read as follows:

''§ 18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel''.

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE AND DEPENDENTS.—Chapter 1805 of such title is amended by adding at the end the following new section:

''§ 18506. Space-available travel: Selected Reserve; dependents

''(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Secretary of Defense shall prescribe regulations to allow persons described in subsection (b) to receive transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members of the armed forces entitled to retired pay.

''(b) PERSONS ELIGIBLE.—Subsection (a) applies to a person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned).

''(c) DEPENDENTS.—A dependent of a person described in subsection (b) may be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

''(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853), nor or any other form, other than the presentation of military identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.''.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following new items:

''18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel.

''18506. Space-available travel: Selected Reserve; dependents.''.

(d) IMPLEMENTING REGULATIONS.—Regulations under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 673. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12604. Attendance at inactive-duty training assemblies: billeting in Department of Defense facilities

''(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from the Reserve's home to be eligible for billeting in Department of Defense facilities on the same basis as a member of the armed forces on active duty who is traveling under orders away from the member's duty station.

''(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in regulations under subsection (a) means for establishing that a Reserve seeking billeting in Department of Defense facilities under that subsection is

traveling for attendance at inactive-duty training at a location more than 50 miles from the Reserve's home.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12604. Attendance at inactive-duty training assemblies: billeting in Department of Defense facilities.''.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 674. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking ''but not more than'' and all that follows and inserting ''but not more than—

''(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

''(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

''(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.''.

SEC. 675. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) Members of a reserve component not covered by paragraph (1) or (2), but only during a period, following a release from active duty under a call or order to active duty for more than 29 days under a mobilization authority (as determined by the Secretary of Defense), that is not in excess of twice the length of time served on active duty.''.

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a), is amended by striking ''and (3)'' and inserting ''(3), and (4)''.

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by subsections (a) and (b) shall be prescribed not later than 180 days after the date of the enactment of this Act.

KERREY (AND OTHERS) AMENDMENT NO. 3183

Mr. KERREY (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. HARKIN, Mr. KERRY, and Mr. DURBIN) proposed an amended to the bill, S. 2549, supra; as follows:

Strike section 1017 and insert the following:

SEC. 1017. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS IN EXCESS OF MILITARY REQUIREMENTS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is repealed.

WARNER AMENDMENT NO. 3184

Mr. WARNER proposed an amendment to amendment No. 3183 proposed by Mr. KERREY to the bill, S. 2549, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

''SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY FOR LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS; AUTHORITY TO WAIVE LIMITATION.

''(a) Section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 806), is further amended by striking ''the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be,'' and inserting ''the application of the limitation in effect under subsection (a) to a strategic nuclear delivery system.

''(b) AUTHORITY TO WAIVE LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.—After the submission of the report on the results of the nuclear posture review to Congress under section 1015(c)—

''(1) the Secretary of Defense shall, taking into consideration the results of the review, submit to the President a recommendation regarding whether the President should waive the limitation on the retirement or dismantlement of strategic nuclear delivery systems in section 1302 National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948); and

''(2) the President, taking into consideration the results of the review and the recommendation made by the Secretary of Defense under paragraph (1), may waive the limitation referred to in that paragraph if the President determines that it is in the national security interests of the United States to do so.''.

BENNETT AMENDMENT NO. 3185

(Ordered to lie on the table).

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''60''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

ROBB AMENDMENTS NOS. 3186–3187

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3186

On page ___, between lines ___ and ___, insert the following:

SEC. . DEFENSE TRAVEL SYSTEM.

(a) REQUIREMENT FOR REPORT.—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.

(2) The schedule that has been followed for the testing of the system, including the initial operational test and evaluation and the final operational testing and evaluation, together with the results of the testing.

(3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated and the expected schedule for the realization of the savings.

(4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

(c) LIMITATIONS.—(1) Not more than 25 percent of the amount authorized to be appropriated under section ___ for the Defense Travel System may be obligated or expended before the date on which the Secretary submits the report required under subsection (a).

(2) Funds appropriated for the Defense Travel System pursuant to the authorization of appropriations referred to in paragraph (1) may not be used for a purpose other than the Defense Travel System unless the Secretary first submits to Congress a written notification of the intended use and the amount to be so used.

AMENDMENT NO. 3187

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United

States, and the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall cover over into the general fund of the Treasury as miscellaneous receipts any amounts paid the Administrator under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

KERREY AMENDMENT NO. 3188

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 368, between lines 21 and 22, insert the following:

(7) The ability of the United States to deter a nuclear attack with strategic forces at the levels proposed for a third treaty between the United States and the Russian Federation on the reduction and limitation of strategic offensive arms, with consideration being given to the estimated effect on the Russian Federation of a nuclear retaliation by the United States.

WARNER AMENDMENT NO. 3189

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 613, after line 12, insert the following:

SEC. 3403. DISPOSAL OF TITANIUM.

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the President shall, by September 30, 2010, dispose of 30,000 short tons of titanium contained in the National Defense Stockpile so as to result in receipts to the United States in a total amount that is not less than $180,000,000.

(b) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of titanium under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of titanium; or

(2) avoidable loss to the United States.

(c) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of titanium under subsection (a) shall be applied as follows: $174,000,000 to defray the costs of health care benefit improvement for retired military personnel; and $6,000,000 for transfer to the American Battle Monuments Commission for deposit in the fund established under section 2113 of title 36, United States Code, for the World War II memorial authorized by section 1 of Public Law 103–32 (107 Stat. 90).

(d) WORLD WAR II MEMORIAL.—(1) The amount transferred to the American Battle Monuments Commission under subsection (c) shall be used to complete all necessary requirements for the design of, ground breaking for, construction of, maintenance of, and dedication of the World War II memorial. The Commission shall determine how the amount shall be apportioned among such purposes.

(2) Any funds not necessary for the purposes set forth in paragraph (1) shall be transferred to and deposited in the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

JEFFORDS (AND OTHERS) AMENDMENT NO. 3190

Mr. WARNER (for Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FRIST)) proposed an amendment to the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Act Amendments of 2000''.

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: '', including providers of housing and homeless services''; and

(B) in paragraph (4), by striking ''shall—'' and all that follows and inserting ''shall have the responsibilities specified in subsection (d).''; and

(2) by adding at the end the following:

''(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

''(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each

such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

''(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

''(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

''(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

''(D) Priorities of the communities with HIV disease for whom the services are intended.

''(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

''(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

''(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

''(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

''(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

''(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

''(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

''(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

''(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

''(2) EXCEPTION.—Grantees under this part shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).''.

SEC. 102. QUALITY MANAGEMENT.

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);''.

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting ''and the State Children's Health Insurance Program under title XXI of such Act'' after ''Social Security Act''.

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

''(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;''.

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management''; and

(4) by inserting after subparagraph (A) the following:

''(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.''.

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (7) (as so redesignated), by striking ''and'' at the end thereof;

(2) in paragraph (8) (as so redesignated), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).''.

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

''(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(i)(I) is receiving funds under subparagraph (A) or (C); or

''(II) is an entity constituting a point of access to services, as described in section 2605(a)(4), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease;

''(ii) demonstrates to the satisfaction of the chief elected official that Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this subparagraph; and

''(iii) demonstrates to the satisfaction of the chief elected official that funds will be utilized under this subparagraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking ''services to individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''; and

(2) in subparagraph (B), by striking ''services for individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''.

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) LIMITATION.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an

amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.''.

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting ''for each population under this subsection'' after ''council''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State''; and

(2) in the matter following paragraph (5)—

(A) by striking ''Services'' and inserting: ''(b) DELIVERY OF SERVICES.—Services'';

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)(1)''; and

(C) by striking ''paragraph (2)'' and inserting ''subsection (a)(2) and section 2613'';

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

''(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);'';

(B) in clause (iii), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(v) the availability of other governmental and non-governmental resources;

''(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

''(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

''(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

''(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);''.

SEC. 122. QUALITY MANAGEMENT.

(a) STATE REQUIREMENT FOR QUALITY MANAGEMENT.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

''(C) the State will provide for—

''(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

''(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

''(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking ''and'' at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting ''; and''.

(b) AVAILABILITY OF FUNDS FOR QUALITY MANAGEMENT.—

(1) AVAILABILITY OF GRANT FUNDS FOR PLANNING AND EVALUATION.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period '', including not more than $3,000,000 for all activities associated with its quality management program''.

(2) EXCEPTION TO COMBINED CEILING ON PLANNING AND ADMINISTRATION FUNDS FOR STATES WITH SMALL GRANTS.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

''(6) EXCEPTION FOR QUALITY MANAGEMENT.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

''(A) that portion of the amount that may be used for such purposes in excess of 15 percent of the grant is used for its quality management program; and

''(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.''.

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

''(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.''.

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) TECHNICAL AMENDMENT.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting ''before paragraph (2) as so redesignated'' after ''inserting''.

(b) SERVICES.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking ''for individuals with HIV disease'' and inserting '', subject to the conditions and limitations that apply under such section''.

(c) CONFORMING AMENDMENT TO STATE APPLICATION REQUIREMENT.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by inserting after subparagraph (D) the following:

''(E) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and''.

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) to provide, through systems of HIV-related health services provided under paragraphs (1), (2), and (3), early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(A)(i) is receiving funds under section 2612(a)(1); or

''(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease;

''(B) demonstrates to the State's satisfaction that other Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this paragraph; and

''(C) demonstrates to the satisfaction of the State that funds will be utilized under this paragraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.''.

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff–33(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff–36) is repealed.

SEC. 128. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

''SEC. 2622. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

''(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

''(1) be eligible to receive a grant under this subpart;

''(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

''(3) submit the information described in subsection (c).

''(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

''(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

''(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

''(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

''(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

''(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

''(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

''(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

''(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term 'emerging community' means a metropolitan area—

''(1) that is not eligible for a grant under part A; and

''(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

''(e) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

''(A) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

''(B) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

''(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(b)(2)(H).

''(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

''(4) DISTRIBUTION.—The amount of a grant awarded to a State under this section shall be determined by the Secretary based on the formula described in section 2618(b)(2), except that in applying such formula, the Secretary shall—

''(A) substitute '1.0' for '.80' in subparagraph (A)(ii)(I) of such section; and

''(B) not consider the provisions of subparagraphs (A)(ii)(II) and (C) of such section.''.

SEC. 129. USE OF TREATMENT FUNDS.

(a) STATE DUTIES.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''shall—'' and inserting ''shall use funds made available under this section to—'';

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.'';

(6) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(7) by adding at the end the following:

''(2) LIMITATIONS.—

''(A) IN GENERAL.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

''(B) AMOUNT OF FUNDING.—No State shall use in excess of 10 percent of the amount setaside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.''.

(b) SUPPLEMENT GRANTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by adding at the end the following:

''(e) SUPPLEMENTAL GRANTS FOR THE PROVISION OF TREATMENTS.—

''(1) IN GENERAL.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to increase access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

''(2) CRITERIA.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need, the Secretary shall consider eligibility standards and formulary composition.

''(3) STATE REQUIREMENT.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

''(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

''(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

''(4) USE AND COORDINATION.—Amounts made available under a grant under this subsection shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

''(5) FUNDING.—

''(A) RESERVATION OF AMOUNT.—The Secretary shall reserve 3 percent of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

''(B) MINIMUM AMOUNT.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.''.

(c) SUPPLEMENT AND NOT SUPPLANT.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

''(f) SUPPLEMENT NOT SUPPLANT.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.''.

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) IN GENERAL.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) TERRITORIES.—Section 2618(b)(1)(B) (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting ''the greater of $50,000 or'' after ''shall be''.

(c) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking ''and the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico''.

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting ''for each population under this subsection'' after ''State shall use''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) AMENDMENT OF HEADING.—The heading of part C of title XXVI is amended to read as follows:

''PART C—EARLY INTERVENTION AND PRIMARY CARE SERVICES''.

(b) REPEAL.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) CONFORMING AMENDMENTS.—

(1) INFORMATION REGARDING RECEIPT OF SERVICES.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking ''unless—'' and all that follows through ''(2) in the case of'' and inserting ''unless, in the case of''.

(2) ADDITIONAL AGREEMENTS.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking ''2642(b) or'';

(B) in subsection (f)(2), by striking ''2642(b) or''; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) ALLOWING PLANNING AND DEVELOPMENT GRANT TO EXPAND ABILITY TO PROVIDE PRIMARY CARE SERVICES.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

''(1) IN GENERAL.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

''(A) enabling such entities to provide HIV early intervention services; or

''(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility.''; and

(2) in paragraphs (2) and (3) by striking ''paragraph (1)'' each place that such appears and inserting ''paragraph (1)(A)''.

(b) AMOUNT; DURATION.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''1996'' and all that follows through ''2000'' and inserting ''2001 through 2005''.

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.''.

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

''(d) PREFERENCE IN AWARDING GRANTS.—In awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are determined to be rural and underserved for the purposes of providing health care to individuals infected with HIV or diagnosed with AIDS.''.

SEC. 146. TECHNICAL AMENDMENT.

Section 2652(a) (42 U.S.C. 300ff-52(a)) is amended—

(1) striking paragraphs (1) and (2) and inserting the following:

''(1) health centers under section 330;''; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

''(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.''.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(2) by adding at the end the following:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program.''.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: ''The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

''(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

''(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

''(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.''.

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated—

''(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

''(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.''.

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOOLS; CENTERS.—Section 2692(c)(1) (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(b) DENTAL SCHOOLS.—Section 2692(c)(2) (42 U.S.C. 300ff–111(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(c) DENTAL SCHOOLS AND PROGRAMS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) in paragraph (1), by striking ''777(b)(4)(B)'' and inserting ''777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392)) and dental hygiene programs that are accredited by the Commission on Dental Accreditation''; and

(2) in paragraph (2), by striking ''777(b)(4)(B)'' and inserting ''777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392))''.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the

Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, June 7, 2000 at 2:30 p.m. to conduct a hearing on S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The hearing will be held in room 485, Russell Senate Building.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Saturday, June 17, 2000, at 9:00 a.m. on the campus of the College of Southern Idaho, Twin Falls, Idaho.

The purpose of this hearing is to conduct oversight on the proposed expansion of the Craters of the Moon National Monument.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge (202) 224–6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a joint legislative hearing has been scheduled before the Subcommittee on Water and Power, and the Committee on Indian Affairs. The purpose of the hearing is to receive testimony on S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000.

The hearing will take place on Wednesday, June 7, 2000 at 2:30 p.m. in room SR–485 of the Russell Senate Office Building in Washington, D.C.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations, which has been previously scheduled for Wednesday, June 14, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C. has been indefinitely postponed.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 6, at 10:00 a.m., to conduct a hearing to receive testimony on S. 1311, to establish Region XI of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet on Tuesday, June 6, 2000, at 11:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Tuesday, June 6, 2000, at 11:00 a.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that the staff members of the Committee on Armed Services appearing on the list I send to the desk be extended the privilege of the floor during consideration of S. 2549, and further, that David Hahn, a military fellow serving in my Senate office be granted floor privileges for the duration of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Charles S. Abell, Charles W. Alsup, Judith A. Ansley, John R. Barnes, Beth Ann Barozie, Romie L. Brownlee, Courtney A. Burke, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Richard D. DeBobes, Marie Fabrizio Dickinson, Kristin A. Dowley, Edward E. Edens IV, Pamela L. Farrell, Richard W. Fieldhouse.

Mickie Jan Gordon, Creighton Greene, William C. Greenwalt, Gary M. Hall, Mary Alice A. Hayward, Shekinah Z. Hill, Larry J. Hoag, Lawrence J. Lanzillotta, George W. Lauffer, Gerald J. Leeling, Peter K. Levine, Patricia L. Lewis, Paul M. Longsworth, David S. Lyles, Thomas L. MacKenzie.

Michael J. McCord, Ann M. Mittermeyer, Thomas C. Moore, Jennifer L. Naccari, David P. Nunley, Cindy Pearson, Sharen E. Reaves, Suzanne K.L. Ross, Anita H. Rouse, Joseph T. Sixeas, Cord A. Sterling, Madeline N. Stewart, Scott W. Stucky, Eric H. Thoemmes, Michele A. Traficante, Roslyne D. Turner.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy Comdr. Douglas J. Denneny, be granted floor privileges during consideration of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges during consideration of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that Doug Flanders of my staff have floor privileges during the entire debate of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of Senator EDWARDS' staff: Bob Morgan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent Martha McSally, a fellow in my office, be granted floor privileges during the Defense authorization bill, S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S. 1650

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate passage of S. 1650 be vitiated; further, the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL

Mr. WARNER. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Robert S. Larussa, of Maryland, to be Under Secretary of Commerce for International Trade, received on May 25, 2000, be jointly referred to the Committee on Finance and the Committee

on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MILITARY APPRECIATION MONTH

Mr. WARNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1419, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1419) to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1419) was read a third time and passed, as follows:

S. 1419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MILITARY APPRECIATION MONTH.

(a) FINDINGS.—Congress makes the following findings:

(1) The freedom and security that citizens of the United States enjoy today are direct results of the vigilance of the United States Armed Forces.

(2) Recognizing contributions made by members of the United States Armed Forces will increase national awareness of the sacrifices that such members have made to preserve the freedoms and liberties that enrich this Nation.

(3) It is important to preserve and foster admiration and respect for the service provided by members of the United States Armed Forces.

(4) It is vital for youth in the United States to understand that the service provided by members of the United States Armed Forces has secured and protected the freedoms that United States citizens enjoy today.

(5) Recognizing the unfailing support that families of members of the United States Armed Forces have provided to such members during their service and how such support strengthens the vitality of our Nation is important.

(6) Recognizing the role that the United States Armed Forces plays in maintaining the superiority of the United States as a nation and in contributing to world peace will increase awareness of all contributions made by such Forces.

(7) It is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world.

(8) It is proper to foster and cultivate the honor and pride that citizens of the United States feel towards members of the United States Armed Forces for the protection and service that such members provide.

(9) Recognizing the many sacrifices made by members of the United States Armed Forces is important.

(10) It is proper to recognize and honor the dedication and commitment of members of the United States Armed Forces, and to show appreciation for all contributions made by such members since the inception of such Forces.

(b) NATIONAL MILITARY APPRECIATION MONTH.—Chapter 1 of part A of subtitle I of title 36, United States Code, is amended by adding at the end the following:

''§ 144. National Military Appreciation Month

''The President shall issue each year a proclamation—

''(1) designating May as 'National Military Appreciation Month'; and

''(2) calling on the people of the United States to honor the dedicated service provided by the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities.''.

(c) TABLE OF CONTENTS.—The table of contents in chapter 1 of part A of subtitle I of title 36, United States Code, is amended by inserting after the item relating to section 143 the following new item:

''144. National Military Appreciation Month.''.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar 548, S. 2311.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 2311) to amend the Ryan White CARE Act to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for related purposes, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Act Amendments of 2000''.

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: '', including providers of housing and homeless services''; and

(B) in paragraph (4), by striking ''shall—'' and all that follows and inserting ''shall have the responsibilities specified in subsection (d).''; and

(2) by adding at the end the following:

''(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

''(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

''(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

''(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

''(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

''(D) Priorities of the communities with HIV disease for whom the services are intended.

''(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

''(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

''(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

''(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

''(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

''(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

''(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

''(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

''(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

''(2) EXCEPTION.—Grantees under this part shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).''.

SEC. 102. QUALITY MANAGEMENT.

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);''.

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting ''and the State Children's Health Insurance Program under title XXI of such Act'' after ''Social Security Act''.

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

''(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;''.

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management''; and

(4) by inserting after subparagraph (A) the following:

''(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.''.

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (7) (as so redesignated), by striking ''and'' at the end thereof;

(2) in paragraph (8) (as so redesignated), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).''.

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

''(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(i)(I) is receiving funds under subparagraph (A) or (C); or

''(II) is an entity constituting a point of access to services, as described in section 2605(a)(4), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease;

''(ii) demonstrates to the satisfaction of the chief elected official that Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this subparagraph; and

''(iii) demonstrates to the satisfaction of the chief elected official that funds will be utilized under this subparagraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.''.

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking ''services to individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''; and

(2) in subparagraph (B), by striking ''services for individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''.

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) LIMITATION.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.''.

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting ''for each population under this subsection'' after ''council''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State''; and

(2) in the matter following paragraph (5)—

(A) by striking ''Services'' and inserting:

''(b) DELIVERY OF SERVICES.—Services'';

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)(1)''; and

(C) by striking ''paragraph (2)'' and inserting ''subsection (a)(2) and section 2613'';

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

''(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);'';

(B) in clause (iii), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(v) the availability of other governmental and non-governmental resources;

''(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

''(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

''(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

''(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);''.

SEC. 122. QUALITY MANAGEMENT.

(a) STATE REQUIREMENT FOR QUALITY MANAGEMENT.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

''(C) the State will provide for—

''(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

''(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

''(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;'';

(4) in subparagraph (F), as so redesignated, by striking ''and'' at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting ''; and''.

(b) AVAILABILITY OF FUNDS FOR QUALITY MANAGEMENT.—

(1) AVAILABILITY OF GRANT FUNDS FOR PLANNING AND EVALUATION.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period '', including not more than $3,000,000 for all activities associated with its quality management program''.

(2) EXCEPTION TO COMBINED CEILING ON PLANNING AND ADMINISTRATION FUNDS FOR STATES WITH SMALL GRANTS.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

''(6) EXCEPTION FOR QUALITY MANAGEMENT.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

''(A) that portion of the amount that may be used for such purposes in excess of 15 percent of the grant is used for its quality management program; and

''(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.''.

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

''(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.''.

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) TECHNICAL AMENDMENT.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting ''before paragraph (2) as so redesignated'' after ''inserting''.

(b) SERVICES.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking ''for individuals with HIV disease'' and inserting '', subject to the conditions and limitations that apply under such section''.

(c) CONFORMING AMENDMENT TO STATE APPLICATION REQUIREMENT.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by inserting after subparagraph (D) the following:

''(E) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and''.

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) to provide, through systems of HIV-related health services provided under paragraphs (1), (2), and (3), early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(A)(i) is receiving funds under section 2612(a)(1); or

''(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease;

''(B) demonstrates to the State's satisfaction that other Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this paragraph; and

''(C) demonstrates to the satisfaction of the State that funds will be utilized under this paragraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.''.

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff–33(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff–36) is repealed.

SEC. 128. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

''SEC. 2622. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

''(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

''(1) be eligible to receive a grant under this subpart;

''(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

''(3) submit the information described in subsection (c).

''(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

''(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

''(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

''(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

''(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

''(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

''(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

''(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

''(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term 'emerging community' means a metropolitan area—

''(1) that is not eligible for a grant under part A; and

''(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

''(e) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

''(A) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

''(B) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

''(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(b)(2)(H).

''(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

''(4) DISTRIBUTION.—The amount of a grant awarded to a State under this section shall be determined by the Secretary based on the formula described in section 2618(b)(2), except that in applying such formula, the Secretary shall—

''(A) substitute '1.0' for '.80' in subparagraph (A)(ii)(I) of such section; and

''(B) not consider the provisions of subparagraphs (A)(ii)(II) and (C) of such section.''.

SEC. 129. USE OF TREATMENT FUNDS.

(a) STATE DUTIES.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''shall—'' and inserting ''shall use funds made available under this section to—'';

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.'';

(6) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(7) by adding at the end the following:

''(2) LIMITATIONS.—

''(A) IN GENERAL.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

''(B) AMOUNT OF FUNDING.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.''.

(b) SUPPLEMENT GRANTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by adding at the end the following:

''(e) SUPPLEMENTAL GRANTS FOR THE PROVISION OF TREATMENTS.—

''(1) IN GENERAL.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to increase access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

''(2) CRITERIA.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need, the Secretary shall consider eligibility standards and formulary composition.

''(3) STATE REQUIREMENT.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

''(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

''(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

''(4) USE AND COORDINATION.—Amounts made available under a grant under this subsection shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

''(5) FUNDING.—

''(A) RESERVATION OF AMOUNT.—The Secretary shall reserve 3 percent of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

''(B) MINIMUM AMOUNT.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.''.

(c) SUPPLEMENT AND NOT SUPPLANT.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

''(f) SUPPLEMENT NOT SUPPLANT.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.''.

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) IN GENERAL.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) TERRITORIES.—Section 2618(b)(1)(B) (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting ''the greater of $50,000 or'' after ''shall be''.

(c) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking ''and the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico''.

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting ''for each population under this subsection'' after ''State shall use''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) AMENDMENT OF HEADING.—The heading of part C of title XXVI is amended to read as follows:

''PART C—EARLY INTERVENTION AND PRIMARY CARE SERVICES''.

(b) REPEAL.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) CONFORMING AMENDMENTS.—

(1) INFORMATION REGARDING RECEIPT OF SERVICES.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking ''unless—'' and all that follows through ''(2) in the case of'' and inserting ''unless, in the case of''.

(2) ADDITIONAL AGREEMENTS.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking ''2642(b) or'';

(B) in subsection (f)(2), by striking ''2642(b) or''; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) ALLOWING PLANNING AND DEVELOPMENT GRANT TO EXPAND ABILITY TO PROVIDE PRIMARY CARE SERVICES.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

''(1) IN GENERAL.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

''(A) enabling such entities to provide HIV early intervention services; or

''(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility.''; and

(2) in paragraphs (2) and (3) by striking ''paragraph (1)'' each place that such appears and inserting ''paragraph (1)(A)''.

(b) AMOUNT; DURATION.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''1996'' and all that follows through ''2000'' and inserting ''2001 through 2005''.

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.''.

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

''(d) PREFERENCE IN AWARDING GRANTS.—In awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are determined to be rural and underserved for the purposes of providing health care to individuals infected with HIV or diagnosed with AIDS.''.

SEC. 146. TECHNICAL AMENDMENT.

Section 2652(a) (42 U.S.C. 300ff–52(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) health centers under section 330;''; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

''(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.''.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(2) by adding at the end the following:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program.''.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: ''The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

''(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

''(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

''(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.''.

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated—

''(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

''(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.''.

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOOLS; CENTERS.—Section 2692(c)(1) (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(b) DENTAL SCHOOLS.—Section 2692(c)(2) (42 U.S.C. 300ff–111(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(c) DENTAL SCHOOLS AND PROGRAMS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) in paragraph (1), by striking ''777(b)(4)(B)'' and inserting ''777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392)) and dental hygiene programs that are accredited by the Commission on Dental Accreditation''; and

(2) in paragraph (2), by striking ''777(b)(4)(B)'' and inserting ''777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392))''.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

AMENDMENT NO. 3190

Mr. WARNER. Mr. President, Senator JEFFORDS has an amendment at the desk for himself and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. JEFFORDS, Mr. KENNEDY and Mr. FRIST, proposes an amendment numbered 3190.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. JEFFORDS. Mr. President, it gives me great pleasure today that the Senate is considering the Ryan White Comprehensive AIDS Resources and Emergency Act Amendments of 2000, a measure that will reauthorize a national program providing primary health care services to people living with HIV and AIDS. I especially want to commend Senators HATCH and KENNEDY for the leadership they have provided since the inauguration of the legislation establishing the Ryan White programs over a decade ago. I also want to commend Senator FRIST whose medical expertise played a critical role in key provisions of the bill and continues to be an invaluable resource to our efforts on the range of health issues that come before the Senate. I want to recognize Senator DODD for his unwavering support for this legislation and people living with HIV and AIDS. Finally, I want to acknowledge Senator ENZI's recognition of the growing burden that AIDS and HIV have placed on rural communities throughout the country and the need to address those gaps in services.

Since its inception in 1990, the Ryan White program has enjoyed broad bipartisan support. During the last reauthorization of the Ryan White CARE Act in 1996, the measure garnered a vote of 97 to 3 on its final passage. As evidence that strong bipartisan support continues, I am happy to report that last month this reauthorization bill was passed unanimously out of committee. The bipartisan support for this important legislation underlines the critical need for the assistance this Act provides across the nation.

With this reauthorization, we mark the ten years through which the Ryan White CARE Act has provided needed health care and support services to HIV positive people around the country. Titles I and II have provided much needed relief to cities and states hardest hit by this disease, while Titles III and IV have had a direct role in providing healthcare services to underserved communities. Ryan White program dollars provide the foundation of care so necessary in fighting this epidemic and have allowed States and communities around the country to successfully address the needs of people affected by HIV disease.

In a recently released report, the General Accounting Office found that CARE Act funds are reaching the infected groups that have typically been underserved, including the poor, the uninsured, women, and ethnic minorities. In fact, these groups form a majority of CARE Act clients and are being served by the CARE Act in higher proportions than their representation in the AIDS population. The GAO also found that CARE Act funds support a wide array of primary care and support services, including the provision of powerful therapeutic regimens for people with HIV/AIDS that have dramatically reduced AIDS diagnoses and deaths.

Much has occurred to change the course of the AIDS epidemic since the last reauthorization. During the last reauthorization, Congressman Coburn and our colleague, Senator FRIST, focused our attention on the needs of women living with HIV/AIDS and the problems associated with perinatal transmission of HIV. Since then, the CARE Act has helped to dramatically reduce mother-to-child transmission through more effective outreach, counseling, and voluntary testing of mothers at risk for HIV infection. Between 1993 and 1998, perinatal-acquired AIDS cases declined 74% in the U.S. In this bill, I have continued to support efforts to reach women in need of care for their HIV disease and have included provisions to ensure that women, infants and children receive resources in accordance with the prevalence of the infection among them.

Another key success has been the AIDS Drug Assistance Program. This program has provided people with HIV and AIDS access to newly developed, highly effective therapeutics. Because of these drugs, people are maintaining their health and living longer. The AIDS death rate and the number of new AIDS cases have been dramatically reduced. From 1996 to 1998, deaths from AIDS dropped 54% while new AIDS cases have been reduced by 27%. However, these treatments are very expensive, do not provide a cure, and do not work for everyone.

AIDS, HIV, the people it infects and families that it has affected are not in the news today as often as they have been in the past. But for too many of us, this lack of bad news has created a false sense of complacency. While the rate of decline in new AIDS cases and deaths is leveling off, HIV infection rates continue to rise in many areas; becoming increasingly prevalent in rural and underserved urban areas; and also among women, youth, and minority communities. Local and state healthcare systems face an increasing burden of disease, despite our success in treating and caring for people living with HIV and AIDS. Unfortunately, rural and underserved urban areas are often unable to address the complex medical and support services needs of people with HIV infection. Thus, Ryan White programs remain as vital to the public health of this nation as it was in 1990 and in 1996. As the AIDS epidemic reaches into rural areas and into underserved urban communities across the country, this legislation will allow us to adapt our care systems to meet the most urgent needs in the communities hardest hit by the epidemic.

The bill being considered today was developed on a bipartisan basis, working with other Committee Members, community stakeholders and elected officials at the state and local levels from whom we sought input to ensure that we addressed the most important problems facing communities of people with HIV infection. I held a hearing in March before the Committee on Health, Education, Labor and Pensions to learn whether the program has been successful and whether it needed to be changed. We received testimony from Ryan White's mother, Jeanne White, from Surgeon General David Satcher, from a person living with AIDS, as well as state and local officials familiar with the importance of this program. I especially want to commend Dr. Chris Grace of Vermont who testified as to the particular challenges of providing care to people living with HIV/AIDS in rural, and sometimes remote, parts of the country. It was clear from our witnesses' statements that, despite the successes, challenges remain.

To address these challenges, we have developed a bill that will improve access to care in underserved urban and rural areas. My bill will double the minimum base funding available to states through the CARE Act to assist them in developing systems of care for people struggling with HIV and AIDS. The bill also includes a new supplemental state grant to target assistance to small and mid-sized metropolitan areas to help them address the increasing number of people with HIV/AIDS living outside of urban areas that receive assistance under Title I of the Act. Rural and underserved areas receive a preference for planning, early intervention, and capacity development grants under title III. In order to assist states in expanding access to appropriate HIV/AIDS therapeutics to low-income people with HIV/AIDS, a supplemental grant has been added to the AIDS Drug Assistance Program.

The bill remains primarily a system of grants to State and local jurisdictions, thereby ensuring that grantees can respond to local needs. States, EMAs, and the affected communities will still decide how to best prioritize and address the healthcare needs of their HIV-positive citizens. This bill reinforces the ability of States and EMAs to identify and meet local needs.

Finally, in recognition of the changing nature of the epidemic, I have asked the Institute of Medicine to complete a study of the financing and delivery of primary care and support services for low income, uninsured, and under-insured individuals with HIV disease, within 21 months after the enactment of this Act. Changes in HIV surveillance and case reporting, and the effects of these changes on program funding, will be included in this study. The recommendations from this study will help Congress and the Secretary of Health and Human Services to ensure the most effective and efficient use of Federal funds for HIV and AIDS care and support.

I intend to see this bill become law this year so that the people struggling to overcome the challenges of HIV and AIDS continue to benefit from high quality medical care and access to lifesaving drugs. We have made incredible progress in the fight against HIV/AIDS and I want to be sure that every person in America in need of assistance benefits from our tremendous advances.

Many groups and individuals have contributed significantly to crafting this bill, but I want to acknowledge those at the Health Resources and Services Administration, especially Dr. Joseph O'Neill, Associate Administrator of the HIV/AIDS bureau; John Palenicek, Director of the Office of Policy and Program Development; Doug Morgan, Director of the Division of Service Systems; and Howard Lerner, Principal Adviser for Telehealth and International Collaboration, HIV/AIDS. All of the groups united under the umbrella of the National Organizations Responding to AIDS (NORA) deserve recognition. Representing a diverse community of people with AIDS, CARE Act service providers, and administrative agencies, NORA clearly and effectively communicated to Congress the needs and priorities of their constituents.

I also want to thank several staff members who have worked long and hard to craft this bill and to address the concerns and needs of the affected communities. Sean Donohue and William Oscar Fleming have guided this effort from the beginning, building consensus across the many policy issues, resulting in a bill that meets the pressing needs of people with HIV and AIDS and enjoys broad bipartisan support. Stephanie Robinson and Idalia Sanchez, for Senator KENNEDY, were key to reaching agreement on this bill and have provided invaluable assistance and support throughout the development of this legislation. I would also like to recognize Dave Larson and Mary Sumpter Johnson, of Senator FRIST's office, for their support for the needs of rural and underserved communities throughout the nation. Similarly, Jeannie Ireland with Senator DODD's office, Helen Rhee, working for Senator DEWINE, Libby Rolfe, for Mr. SESSIONS, and Raissa Geary and Mary Jordan in Senator ENZI's office, provided valuable input. Without the efforts of these staff members, we would not have such a strong, well-balanced, and targeted reauthorization bill before us today.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3190) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2311), as amended, was passed, as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Act Amendments of 2000''.

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: '', including providers of housing and homeless services''; and

(B) in paragraph (4), by striking ''shall—'' and all that follows and inserting ''shall have the responsibilities specified in subsection (d).''; and

(2) by adding at the end the following:

''(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

''(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

''(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

''(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

''(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

''(D) Priorities of the communities with HIV disease for whom the services are intended.

''(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

''(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

''(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

''(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

''(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

''(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

''(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities

which may include public meetings, conducting focus groups, and convening ad-hoc panels.

''(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

''(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

''(2) EXCEPTION.—Grantees under this part shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).''.

SEC. 102. QUALITY MANAGEMENT.

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);''.

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting ''and the State Children's Health Insurance Program under title XXI of such Act'' after ''Social Security Act''.

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

''(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;''.

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management''; and

(4) by inserting after subparagraph (A) the following:

''(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.''.

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (7) (as so redesignated), by striking ''and'' at the end thereof;

(2) in paragraph (8) (as so redesignated), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).''.

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

''(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(i)(I) is receiving funds under subparagraph (A) or (C); or

''(II) is an entity constituting a point of access to services, as described in section 2605(a)(4), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease;

''(ii) demonstrates to the satisfaction of the chief elected official that Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this subparagraph; and

''(iii) demonstrates to the satisfaction of the chief elected official that funds will be utilized under this subparagraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking ''services to individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''; and

(2) in subparagraph (B), by striking ''services for individuals with HIV disease'' and inserting ''services as described in section 2604(b)(1)''.

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) LIMITATION.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.''.

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting ''for each population under this subsection'' after ''council''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State''; and

(2) in the matter following paragraph (5)—

(A) by striking ''Services'' and inserting:

''(b) DELIVERY OF SERVICES.—Services'';

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)(1)''; and

(C) by striking ''paragraph (2)'' and inserting ''subsection (a)(2) and section 2613'';

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

''(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);'';

(B) in clause (iii), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(v) the availability of other governmental and non-governmental resources;

''(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

''(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

''(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

''(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);''.

SEC. 122. QUALITY MANAGEMENT.

(a) STATE REQUIREMENT FOR QUALITY MANAGEMENT.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

''(C) the State will provide for—

''(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

''(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

''(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking ''and'' at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting ''; and''.

(b) AVAILABILITY OF FUNDS FOR QUALITY MANAGEMENT.—

(1) AVAILABILITY OF GRANT FUNDS FOR PLANNING AND EVALUATION.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period '', including not more than $3,000,000 for all activities associated with its quality management program''.

(2) EXCEPTION TO COMBINED CEILING ON PLANNING AND ADMINISTRATION FUNDS FOR STATES WITH SMALL GRANTS.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

''(6) EXCEPTION FOR QUALITY MANAGEMENT.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

''(A) that portion of the amount that may be used for such purposes in excess of 15 percent of the grant is used for its quality management program; and

''(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.''.

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

''(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.''.

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) TECHNICAL AMENDMENT.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting ''before paragraph (2) as so redesignated'' after ''inserting''.

(b) SERVICES.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking ''for individuals with HIV disease'' and inserting '', subject to the conditions and limitations that apply under such section''.

(c) CONFORMING AMENDMENT TO STATE APPLICATION REQUIREMENT.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by inserting after subparagraph (D) the following:

''(E) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and''.

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) to provide, through systems of HIV-related health services provided under paragraphs (1), (2), and (3), early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

''(A)(i) is receiving funds under section 2612(a)(1); or

''(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease;

''(B) demonstrates to the State's satisfaction that other Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this paragraph; and

''(C) demonstrates to the satisfaction of the State that funds will be utilized under this paragraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.''.

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff–33(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff–36) is repealed.

SEC. 128. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

''SEC. 2622. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

''(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

''(1) be eligible to receive a grant under this subpart;

''(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

''(3) submit the information described in subsection (c).

''(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

''(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

''(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

''(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

''(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

''(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

''(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

''(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

''(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term 'emerging community' means a metropolitan area—

''(1) that is not eligible for a grant under part A; and

''(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune

deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

''(e) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

''(A) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

''(B) the greater of—

''(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

''(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

''(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(b)(2)(H).

''(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

''(4) DISTRIBUTION.—The amount of a grant awarded to a State under this section shall be determined by the Secretary based on the formula described in section 2618(b)(2), except that in applying such formula, the Secretary shall—

''(A) substitute '1.0' for '.80' in subparagraph (A)(ii)(I) of such section; and

''(B) not consider the provisions of subparagraphs (A)(ii)(II) and (C) of such section.''.

SEC. 129. USE OF TREATMENT FUNDS.

(a) STATE DUTIES.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''shall—'' and inserting ''shall use funds made available under this section to—'';

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.'';

(6) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(7) by adding at the end the following:

''(2) LIMITATIONS.—

''(A) IN GENERAL.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

''(B) AMOUNT OF FUNDING.—No State shall use in excess of 10 percent of the amount setaside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.''.

(b) SUPPLEMENT GRANTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by adding at the end the following:

''(e) SUPPLEMENTAL GRANTS FOR THE PROVISION OF TREATMENTS.—

''(1) IN GENERAL.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to increase access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

''(2) CRITERIA.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need, the Secretary shall consider eligibility standards and formulary composition.

''(3) STATE REQUIREMENT.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

''(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

''(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

''(4) USE AND COORDINATION.—Amounts made available under a grant under this subsection shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

''(5) FUNDING.—

''(A) RESERVATION OF AMOUNT.—The Secretary shall reserve 3 percent of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

''(B) MINIMUM AMOUNT.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.''.

(c) SUPPLEMENT AND NOT SUPPLANT.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

''(f) SUPPLEMENT NOT SUPPLANT.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.''.

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) IN GENERAL.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) TERRITORIES.—Section 2618(b)(1)(B) (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting ''the greater of $50,000 or'' after ''shall be''.

(c) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking ''and the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico''.

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting ''for each population under this subsection'' after ''State shall use''; and

(2) by striking ''ratio of the'' and inserting ''ratio of each''.

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) AMENDMENT OF HEADING.—The heading of part C of title XXVI is amended to read as follows:

''PART C—EARLY INTERVENTION AND PRIMARY CARE SERVICES''.

(b) REPEAL.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) CONFORMING AMENDMENTS.—

(1) INFORMATION REGARDING RECEIPT OF SERVICES.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking ''unless—'' and all that follows through ''(2) in the case of'' and inserting ''unless, in the case of''.

(2) ADDITIONAL AGREEMENTS.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking ''2642(b) or'';

(B) in subsection (f)(2), by striking ''2642(b) or''; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) ALLOWING PLANNING AND DEVELOPMENT GRANT TO EXPAND ABILITY TO PROVIDE PRIMARY CARE SERVICES.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

''(1) IN GENERAL.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

''(A) enabling such entities to provide HIV early intervention services; or

''(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility.''; and

(2) in paragraphs (2) and (3) by striking ''paragraph (1)'' each place that such appears and inserting ''paragraph (1)(A)''.

(b) AMOUNT; DURATION.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''1996'' and all that follows through ''2000'' and inserting ''2001 through 2005''.

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.''.

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

''(d) PREFERENCE IN AWARDING GRANTS.—In awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are determined to be rural and underserved for the purposes of providing health care to individuals infected with HIV or diagnosed with AIDS.''.

SEC. 146. TECHNICAL AMENDMENT.

Section 2652(a) (42 U.S.C. 300ff-52(a)) is amended—

(1) striking paragraphs (1) and (2) and inserting the following:

''(1) health centers under section 330;''; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

''(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.''.

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(2) by adding at the end the following:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program.''.

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: ''The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

''(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

''(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

''(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.''.

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated—

''(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

''(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.''.

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOOLS; CENTERS.—Section 2692(c)(1) (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(b) DENTAL SCHOOLS.—Section 2692(c)(2) (42 U.S.C. 300ff–111(c)(2)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(c) DENTAL SCHOOLS AND PROGRAMS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) in paragraph (1), by striking ''777(b)(4)(B)'' and inserting ''777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392)) and dental hygiene programs that are accredited by the Commission on Dental Accreditation''; and

(2) in paragraph (2), by striking ''777(b)(4)(B)'' and inserting ''777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392))''.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

ORDERS FOR WEDNESDAY, JUNE 7, 2000

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, June 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate then resume consideration of S. 2549, the Department of Defense authorization bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and resume debate on the Defense authorization bill. Under the order, there are 90 minutes of debate remaining on the Kerrey amendment and the Warner second-degree amendment, both regarding strategic forces. Following the use or yielding back of time, there will be up to 2 hours of debate on the Johnson and Warner amendments regarding CHAMPUS and TRICARE. If all time is used, Senators can expect to cast up to four votes at approximately 1 p.m. Further amendments are expected to be offered and debated throughout the day. Therefore, additional votes could be anticipated.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order. And I personally express my appreciation to the Presiding Officer and others who enabled us to go well into the night.

There being no objection, the Senate, at 8:04 p.m., recessed until Wednesday, June 7, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 2000:

THE JUDICIARY

K. GARY SEBELIUS, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE G. THOMAS VAN BEBBER, RETIRING.

KENNETH O. SIMON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE SAM C. POINTER, JR., RETIRED.

JOHN E. STEELE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE NANCY KILLEFER, RESIGNED.

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE NANCY KILLEFER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRUCE S. ASAY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PAUL W. ESSEX, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WAYNE D. MARTY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAN K. MCNEILL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LLOYD J. AUSTIN III, 0000
COL. VINCENT E. BOLES, 0000
COL. GARY L. BORDER, 0000
COL. THOMAS P. BOSTICK, 0000
COL. HOWARD B. BROMBERG, 0000
COL. JAMES A. COGGIN, 0000
COL. MICHAEL L. COMBEST, 0000
COL. WILLIAM C. DAVID, 0000
COL. MARTIN E. DEMPSEY, 0000
COL. JOSEPH F. FIL, JR., 0000
COL. BENJAMIN C. FREAKLEY, 0000
COL. JOHN D. GARDNER, 0000
COL. BRIAN I. GEEHAN, 0000
COL. RICHARD V. GERACI, 0000
COL. GARY L. HARRELL, 0000
COL. JANET E. A. HICKS, 0000
COL. JAY W. HOOD, 0000
COL. KENNETH W. HUNZEKER, 0000
COL. CHARLES H. JACOBY, JR., 0000
COL. GARY M. JONES, 0000
COL. JASON K. KAMIYA, 0000
COL. JAMES A. KELLEY, 0000
COL. RICKY LYNCH, 0000
COL. BERNARDO C. NEGRETE, 0000
COL. PATRICIA L. NILO, 0000
COL. F. JOSEPH PRASEK, 0000
COL. DAVID C. RALSTON, 0000
COL. DON T. RILEY, 0000
COL. DAVID M. RODRIGUEZ, 0000
COL. DONALD F. SCHENK, 0000
COL. STEVEN P. SCHOOK, 0000
COL. GRATTON O. SEALOCK II, 0000
COL. STEPHEN M. SEAY, 0000
COL. JEFFREY A. SORENSON, 0000
COL. GUY C. SWAN III, 0000
COL. DAVID P. VALCOURT, 0000
COL. ROBERT M. WILLIAMS, 0000
COL. W. MONTAGUE WINFIELD, 0000
COL. RICHARD P. ZAHNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LAWRENCE R. ADAIR, 0000
BRIG. GEN. BUFORD C. BLOUNT III, 0000
BRIG. GEN. STEVEN W. BOUTELLE, 0000
BRIG. GEN. JAMES D. BRYAN, 0000
BRIG. GEN. EDDIE CAIN, 0000
BRIG. GEN. JOHN P. CAVANAUGH, 0000
BRIG. GEN. BANTZ J. CRADDOCK, 0000
BRIG. GEN. KEITH W. DAYTON, 0000
BRIG. GEN. KATHRYN G. FROST, 0000
BRIG. GEN. LARRY D. GOTTARDI, 0000
BRIG. GEN. NICHOLAS P. GRANT, 0000
BRIG. GEN. STANLEY E. GREEN, 0000
BRIG. GEN. CRAIG D. HACKETT, 0000
BRIG. GEN. FRANKLIN L. HAGENBECK, 0000
BRIG. GEN. HUBERT L. HARTSELL, 0000
BRIG. GEN. GEORGE A. HIGGINS, 0000
BRIG. GEN. WILLIAM J. LESZCZYNSKI, 0000
BRIG. GEN. MICHAEL D. MAPLES, 0000
BRIG. GEN. THOMAS F. METZ, 0000
BRIG. GEN. DANIEL G. MONGEON, 0000
BRIG. GEN. WILLIAM E. MORTENSEN, 0000
BRIG. GEN. ERIC T. OLSON, 0000
BRIG. GEN. RICHARD J. QUIRK III, 0000
BRIG. GEN. RICARDO S. SANCHEZ, 0000
BRIG. GEN. GARY D. SPEER, 0000
BRIG. GEN. MITCHELL H. STEVENSON, 0000
BRIG. GEN. CHARLES H. SWANNACK, JR., 0000
BRIG. GEN. TERRY L. TUCKER, 0000
BRIG. GEN. JOHN R. WOOD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WALTER F. DORAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH W. DYER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

CATHERINE T. BACON, 0000
KARIN G. MURPHY, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRENT M. BOYLES, 0000
EMILE R. DUPERE, 0000
WILLIAM A. HOSE, 0000
MEADE G. LONG III, 0000
JACK T. OGLE, 0000
FRANK J. TODERICO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS OR DENTAL CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531 AND 3064:

To be colonel

*ROBERT S. ADAMS, JR, 0000 MC
YVONNE M. ANDEJESKI, 0000 MC
VINCENT C. BENTLEY, 0000 MC
BENJAMIN W. BERG, 0000 MC
KENNETH A. BERTRAM, 0000 MC
MARK D. BRISSETTE, 0000 MC
JAMES E. BRUCKART, 0000 MC
RALF P. BRUECKNER, 0000 MC
CHRISHON S. BURT, 0000 DE
JOHN J. BUYER, JR, 0000 DE
KEVIN J. CARLIN, 0000 MC
JOHN D. CASLER, 0000 MC
EDWARD CATHRIGHT, JR, 0000 DE
WILLIAM M. CHAMBERLIN, 0000 MC
EDWARD R. CHESLA, 0000 DE
*RYO S. CHUN, 0000 MC
ELIZABETH E. CORRENTI, 0000 MC
MARC G. COTE, 0000 MC
LEMUEL L. COVINGTON, 0000 DE
TIMOTHY W. CRAIN, 0000 MC
STEVEN E. CROSS, 0000 DE
DAVID F. CRUDO, 0000 MC
CHARLENE A. CZUSZAK, 0000 DE
JIMMY R. DANIELS, 0000 DE
RANDY N. DAVIS, 0000 DE
MICHAEL G. DORAN, 0000 DE
JOSEPH J. DRABICK, 0000 MC
STEVEN L. EIKENBERG, 0000 DE
DAVID C. ELLIOTT, 0000 MC
ROBERT B. ELLIS, 0000 MC
WILLIAM C. ELTON, 0000 DE
WILLIAM S. EVANS, JR, 0000 MC
*MICHAEL E. FARAN, 0000 MC
BRIAN H. FEIGHNER, 0000 MC
TRENT C. FILLER, 0000 DE
JOSEPH P. FRENO, JR, 0000 DE
WILLIAM B. GAMBLE, 0000 MC
JOHN M. GRIFFIES, 0000 DE
STEVEN R. GRIMES, 0000 MC
JEFFREY L. HAIUM, 0000 DE
KEVIN L. HALL, 0000 MC
DAVID K. HAYES, 0000 MC
RICHARD D. HEEKIN, 0000 MC
DAVID R. HILL, 0000 DE
STEVEN D. HOKETT, 0000 DE
*ISMAIL JATOI, 0000 MC
JOHN A. JOHNSON, 0000 MC
DAVID L. JONES, 0000 MC
THOMAS A. JORDAN, 0000 DE
DANIEL S. JORGENSON, 0000 MC
RICHARD W. KRAMP, 0000 MC
MARGOT R. KRAUSS, 0000 MC
*STEVEN G. LANG, 0000 MC
STEVEN B. LARSON, 0000 MC
JAMES G. MADISON, III, 0000 DE
JAMES R. MALCOLM, 0000 MC
DAVID W. MARTIN, 0000 MC
ROBERT R. MARTIN, 0000 MC
MARK E. MCCLARY, 0000 DE
GEORGE B. MC CLURE, 0000 MC
PETER L. MC EVOY, 0000 MC
GEORGE W. MC MILLIAN, 0000 DE
DALIA R. MERCEDBRUNO, 0000 MC
GORDON B. MILLER, JR, 0000 MC
JULIA A. MORGAN, 0000 MC
DAVID D. MUKAI, 0000 MC
CRIS P. MYERS, 0000 MC
STEVEN A. OLDER, 0000 MC
DAVID T. ORMAN, 0000 MC
VERNON C. PARMLEY, 0000 MC
PHILLIP H. PATRIDGE, 0000 DE
ALAN D. PEARSON, 0000 MC
RUSSELL C. PECK, 0000 DE
PATRICIA A. POWERS, 0000 MC
JON A. PROCTOR, 0000 MC
THOMAS J. REID III, 0000 MC
PAUL C. REYNOLDS, 0000 MC

THOMAS A. ROZANSKI, 0000 MC
ARTHUR C. SCOTT, 0000 DE
ROBERT L. SHEFFLER, 0000 MC
KARL C. STAJDUHAR, 0000 MC
WELLINGTON SUN, 0000 MC
GEOFFREY A. THOMPSON, 0000 DE
*MICHAEL B. TIERNEY, 0000 MC
ROBERT A. TONEY, 0000 DE
GEORGE C. TSOKOS, 0000 MC
DEAN S. UYENO, 0000 DE
DAVID W. VAUGHN, 0000 MC
DOUGLAS N. WADE, 0000 DE
VAN E. WAHLGREN, 0000 MC
PAUL G. WELCH, 0000 MC
*SHARON A. WEST, 0000 MC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (MS), MEDICAL SPECIALIST CORPS (SP), VETERINARY CORPS (VC) AND NURSE CORPS (AN) (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*ROBIN M. ADAMS-MC CALLUM, 0000 AN
*WADE K. ALDOUS, 0000 MS
*ANTHONY M. ARMSTRONG, 0000 MS
*LLOYNETTA H. ARTIS, 0000 AN
*DAVID A. AUT, 0000 MS
*MARVELLA BAILEY, 0000 AN
*DEAN S. BANCROFT, 0000 MS
*WILLIAM P. BARRAS, 0000 AN
*RICHARD E. BAXTER, 0000 SP
*JOHN C. BEACH, 0000 VC
*JAMES R. BEAN, 0000 SP
*DAVID P. BEAUCHENE, 0000 MS
*THOMAS A. BELL, 0000 MS
*STEPHEN M. BENTZ, 0000 MS
*REX A BERGGREN, 0000 MS
*KENNETH J. BETHARDS, 0000 AN
*JAMIE A. BLOW, 0000 MS
*WILLA R. BOBBITT, 0000 SP
*ROBERT S. BOHAM, 0000 MS
*ANTHONY J. BOHLIN, 0000 AN
*SCOTT D. BORMANIS, 0000 VC
*TIMOTHY G. BOSETTI, 0000 MS
*SHARON W. BOWERS, 0000 MS
*JAMES C. BOXMEYER, 0000 MS
*ROBERT E. BOYLES, 0000 SP
*TODD J. BRIERE, 0000 MS
*MATTHEW S. BROOKS, 0000 MS
*MURIEL L. BROWN, 0000 MS
*WILLIAM D. BRUNSON, JR., 0000 MS
*THOMAS S. BUNDT, 0000 MS
*NELSON BURGOSVIERA, 0000 AN
*CHARLES L. BURTON, 0000 MS
*JOSEPH T. CABELL, 0000 AN
*THOMAS G. CAHILL, 0000 AN
*DEBORAH M. CANADA, 0000 MS
*JOHN L. CANADY, II, 0000 AN
*REAGON P. CARR, 0000 MS
*RENE W. CARRIGAN, 0000 MS
*MICHELLE C. CARROLL, 0000 MS
*NAOMI S. CHILDRES, 0000 AN
*MARY R. CHIZMAR, 0000 MS
*STEPHEN A. CIMA, 0000 MS
*MICHAEL N. CLEMENSHAW, 0000 MS
*EDDRICK B. CLYATT, 0000 MS
*CHRISTOPHER COLACICCO, 0000 MS
*ROBERT C. CONRAD, 0000 MS
*MICHAEL R. COOPER, 0000 AN
*NORMANDIA J. COSME, 0000 MS
*KATHLEEN E. COUGHLIN, 0000 AN
*JOEL S. CRADDOCK, 0000 MS
*DEBORAH J. CRAWFORD, 0000 AN
*DAISY M. DAVIS, 0000 AN
*EARL D. DAVIS, 0000 AN
*MICHAEL B. DAVIS, 0000 MS
*PAUL J. DAVIS, 0000 MS
*KENNETH E. DESPAIN, 0000 VC
*PAUL R. DICKINSON, 0000 AN
*GEORGETTE M. DIGGS, 0000 AN
*PAULA DOULAVERIS, 0000 MS
*SHANDRA R. DRAYTON, 0000 AN
*RICHARD P. DUNCAN, 0000 MS
*RAYMOND DURANT, 0000 MS
*ROBERT P. DURKEE, 0000 AN
*CHRISTINE L. EDWARDS, 0000 SP
*SCOTT G. EHNES, 0000 MS
*ROBERT A. ELIESON, 0000 AN
*SAMUEL L. ELLIS, 0000 MS
*BENJAMIN H. ERVIN, 0000 MS
*FRANKIE L. EVANS, 0000 AN
*ANDREW J. FABRIZIO, 0000 SP
*SCOTT H FISCHER, 0000 MS
*WILLIAM S. FLOURNOY, 0000 VC
*DARREN K. FONG, 0000 MS
*LISA A. FORSYTH, 0000 MS
*ELIZABETH A. FRALEY, 0000 AN
*PETER M. FRANCO, 0000 MS
*ELLEN H. GALLOWAY, 0000 MS
*VIVIAN B. GAMBLES, 0000 AN
*DAWN M. GARCIA, 0000 AN
*PATRICK M. GARMAN, 0000 MS
*ROGER S. GEERTSEMA, 0000 VC
*WILLIAM E. GEESEY, 0000 MS
*JOHN P. GERBER, 0000 SP
*NORMAN F. GLOVER, 0000 AN
*AGUSTIN S. GOGUE, 0000 MS
*KERRIE J. GOLDEN, 0000 SP
*RAOUL F. GONZALES, 0000 VC
*JOSE L. GONZALEZ, 0000 AN
*CHAD B. GOODERHAM, 0000 AN
*KEVIN M. GOPON, 0000 MS
*SONG H. GOTIANGCO, 0000 MS
*MARY P. GOVEKAR, 0000 MS
*PATRICK W. GRADY, 0000 MS
*LILLIAN GREEN, 0000 AN
*EVERETT W. GREGORY, JR., 0000 MS
*SARAH L. HALE, 0000 VC
*CAROL F. HALLE, 0000 AN
*LAWRENCE W. HALLSTROM, 0000 MS
*JAMES P. HANLON, 0000 MS
*LARRY G. HARRIS, 0000 SP
*MENDALOSE O. HARRIS, 0000 AN
*MICHAEL L. HARRIS, 0000 AN
*LORI D. HENNESSY, 0000 SP
*JEFFREY S. HILLARD, 0000 MS
*LARRY W. HOFF, 0000 SP
*SUSAN M. HOLLIDAY, 0000 AN
*REBECCA K. HOLT, 0000 VC
*RICHARD W. HOYT, JR., 0000 MS
*VERA L. HUDGENS, 0000 MS
*JENNIFER L. HUMPHRIES, 0000 MS
*JOHN E. HURLEY III, 0000 SP
*JOSELITO S. IGNACIO, 0000 MS
*PATRICK M. JENKINS, 0000 AN
*LOUISE D. JOHNSON, 0000 AN
*JEAN M. JONES, 0000 AN
*LAMONT G. KAPEC, 0000 MS
*MICHAEL J. KAPP, 0000 AN
*JAMES R. KELLEY, 0000 MS
*MICHAEL D. KENNEDY, 0000 SP
*LYLE D. KEPLINGER, JR., 0000 AN
*DENNIS B. KILIAN, 0000 MS
*JOHN D. KING, 0000 AN
*RICHARD J. KING, 0000 MS
*LINDA M. KNAPP, 0000 MS
*BRIAN K. KONDRAT, 0000 AN
*KAREN M. KOPYDLOWSKI, 0000 MS
*STUART R. KOSER, 0000 AN
*JOYCE M. KRAIMER, 0000 MS
*KATHLEEN M. KRAL, 0000 VC
*MARK D. KRUEGER, 0000 MS
*RANDY J. LANDRY, 0000 AN
*HEIDI M. LANG, 0000 VC
*WILLIE H. LATTIMORE, 0000 MS
*STEVE R. LAWRENCE, 0000 VC
*LISA A. LEHNING, 0000 AN
*PETER A. LEHNING, 0000 MS
*VINCENT L. LETO, 0000 AN
*ANGELIQUE R. LIKELY, 0000 AN
*STEPHEN J. LINCK, 0000 AN
*DAVID T. LINDBLAD, 0000 SP
*BRIDGET E. LITTLE, 0000 AN
MARK B. LITTLE, 0000 MS
*JEFFREY LOCKWOOD, 0000 AN
PAULA C. LODI, 0000 MS
*JULIE C. LOMAX, 0000 AN
*ANTHONY J. LOPICCOLO, JR., 0000 MS
*JOHN H. LOREY, 0000 MS
*SHANNON M. LYNCH, 0000 SP
*JENNY M. MAC DONALD, 0000 MS
*ROSEMARY A. MACKEY, 0000 AN
*PETER J. MARINICH, 0000 AN
RICK L. MARTIN, 0000 AN
STEVEN R. MATSON, 0000 MS
GORDON D. MAYES, 0000 MS
SCOTT D. MC DANNOLD, 0000 AN
*TERENCE S. MC DOWELL, 0000 MS
*BRUCE G. MC LENNAN, 0000 SP
*DANNY J. MC MILLIAN, 0000 SP
*JOHN B. MC NALLY, 0000 MS
*HECTOR L. MENDOZA, 0000 MS
*DONALD W. MILLER, 0000 AN
*TINA L. MILSTEAD, 0000 AN
DAVID G. MOATS, 0000 MS
*ROBERT D. MON, 0000 MS
*WADE D. MORCOM, 0000 AN
*HEATHER H. MORIYAMA, 0000 SP
*ANDREA K. MORMILE, JR., 0000 VC
*LYNNE M. MORRIS, 0000 SP
*VENEE MORTHOLE, I, 0000 VC
*ANTHONY F. MORTON, 0000 SP
*ARTHUR R. MORTON III, 0000 MS
DANNY J. MORTON, 0000 MS
*KELLY C. MOSS, 0000 MS
RICHARD G. MUCKERMAN, 0000 AN
KEVIN J. MULALLEY, 0000 MS
*PETER H. MURDOCK, 0000 AN
*DINO L. MURPHY, 0000 MS
*NOREEN A. MURPHY, 0000 VC
*LAURA E. NEWKIRK, 0000 AN
*RHONDA D. NEWSOME, 0000 AN
*JOSEPH NOVAK, JR., 0000 VC
ANDREW R. OBRIEN, 0000 SP
JOHN C. OSBORN, 0000 MS
*TERRY G. OWENS, 0000 MS
*JANET D. PAIGE, 0000 AN
*SANG J. PAK, 0000 MS
BONNIE L. PAPPASSOLITAIRE, 0000 AN
*JACK PERRY, JR., 0000 MS
*JENNIFER B. PETERS, 0000 AN
*RIVERA L. PETERSEN, 0000 AN
*LLOYD T. PHINNEY, 0000 VC
*RAYMOND L. PHUA, 0000 SP
*AMERICA PLANAS, 0000 AN
*AZIZ N. QABAR, 0000 MS
TIMOTHY J. RAPP, 0000 MS
*JENNI L. READING, 0000 AN
*REGINALD J. RICHARDS, 0000 MS
*DWIGHT L. RICKARD, 0000 MS
*EFREN L. ROSA, 0000 AN
*BRADY H. ROSE, 0000 MS
*MICHELLE W. ROSECRANS, 0000 AN
*ROBERT R. ROUSSEL, 0000 MS
*MATTHEW M. RUEST, 0000 AN
*PAMELA J. RUGGIERO, 0000 MS
*JOHN A. RUIBAL, 0000 SP
*PIETER A. RUTKOWSKI, 0000 AN
*BRETT H. SALADINO, 0000 VC
*MICHAEL A. SALAMY, 0000 MS
*JAMES L. SALL, 0000 AN
PAUL M. SANDER, 0000 MS
*JOHN G. SANDERS, 0000 MS
*MARTA E. SANDERS, 0000 AN
*MICHAEL R. SARDELIS, 0000 MS
*SARAH W. SAUER, 0000 AN
*JOHN M. SCHWARZ, 0000 SP
*CELESTINE A. SECTION, 0000 AN
*DAVID W. SEIFFERT, 0000 AN
*TERRY L. SHIER, 0000 AN
*ANNE M. SILVASY, 0000 AN
*AMELIA M. SMITH, 0000 AN
*ANDREW J. SMITH, 0000 MS
*PHILIP L. SMITH, 0000 MS
*ZACHARY D. SMITH, 0000 MS
*LISA M. SNYDER, 0000 AN
*SHAUNA L. SNYDER, 0000 MS
*JAMES W. SOUTH, 0000 SP
*DAVID M. SPERO, 0000 MS
*SARA J. SPIELMANN, 0000 SP
*MARGARET M. STUBNER, 0000 AN
*SHANNON A. STUTLER, 0000 VC
*MARIA B. SUMMERS, 0000 AN
*SANDRA L. SUMMERS, 0000 AN
*KERRY J. SWEET, 0000 MS
*LINDA A. SWENSON, 0000 AN
*AMY L. SWIECICHOWSKI, 0000 MS
*THOMAS A. SYDES, JR., 0000 MS
*MICHAEL J. TALLEY, 0000 MS
*GARY E. TALSMA, 0000 MS
*SYDNA L. TAYLOR, 0000 MS
*MAX L. TEEHEE, 0000 VC
*ANGELA D. THIBAULTWOODS, 0000 MS
*LISA A. TOVEN, 0000 AN
*LORI L. TREGO, 0000 AN
*JAMES E. TUTEN, 0000 MS
*GARY L. VEGH, 0000 AN
*JOSE R. VELEZRODRIGUEZ, 0000 AN
*HEIDI K. VIGEANT, 0000 AN
*ROBERT J. VOLLMUTH, 0000 MS
*ERIC L. WADE, 0000 MS
*WANDA C. WADE, 0000 MS
*MICHAEL J. WALKER, 0000 SP
*CATHY M. WALTER, 0000 AN
*ROBIN L. WALTERS, 0000 AN
*CHRISTOPHER A. WARING, 0000 SP
*NOVELLA C. WASHINGTON, 0000 MS
*GREGORY A. WEAVER, 0000 SP
*JERALD L. WELLS, 0000 SP
*RODERICK S. WHITE, 0000 MS
*WAYNE H. WHITE, 0000 MS
*WAYNE K. WHITTENBERG, 0000 AN
*EVELYN J. WILLIAMS, 0000 AN
*KANDACE J. WOLF, 0000 AN
*BRIDGET C. WOLFE, 0000 AN
*COLLEEN D. WOLFORD, 0000 AN
*STEPHEN C. WOOLDRIDGE, 0000 MS
*EDWARD E. YACKEL, 0000 AN
TOU T. YANG, 0000 MS
ESMERALDO ZARZABAL, JR., 0000 MS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DC) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KELLY L. ABBRESCIA, 0000 MC
MICHAEL T. ADAMS, 0000 MC
TODD S. ALBRIGHT, 0000 MC
JERRY B. AMMON, 0000 MC
JOSE P. ANZILOTTI, 0000 MC
GERALD M. ARNOLD, 0000 MC
AMY J. ASATO, 0000 MC
RICHARD M. ASTAFAN, 0000 MC
JANE M. BARKER, 0000 MC
TRACY J. BARNETT, 0000 MC
VINCENT J. BARNHART, 0000 MC
JOHN P. BARRETT, 0000 MC
TIMOTHY P. BARRON, 0000 MC
JAMES D. BARRY, 0000 MC
CHRISTY W. BATTS, 0000 MC
WILLIAM K. BAXTER, 0000 MC
ANTHONY A. BEARDMORE, 0000 MC
GARY W. BEAVER, 0000 MC
BRENT J. BELL, 0000 MC
PHILIP J. BELMONT, 0000 MC
THELMA D. BENDECK, 0000 MC
PAUL D. BENNE, 0000 MC
MICHAEL B. BERRY, 0000 MC
LESLIE A. BORD, 0000 MC
MARK E. BOSELEY, 0000 MC
DANIEL J. BOUDREAUX, 0000 MC
BARBARA L. BOWSHER, 0000 MC
DOUGLAS A. BOYER, 0000 MC
MELVILLE D. BRADLEY, 0000 MC
STEVEN M. BRADY, 0000 MC
ERIC T. BREITER, 0000 MC
KENT G. BROCKMANN, 0000 MC
LAWRENCE D. BRODER, 0000 MC
CHARLES M. BROWN, 0000 MC
STEPHEN J. BROWN, 0000 MC
ROGER A. BROWNE, 0000 MC
PAUL C. BURNEY, 0000 MC
DARLENE M. BURNS, 0000 MC
THOMAS E. BYRNE, 0000 MC
TIMOTHY J. CAFFREY, 0000 MC
ARTHUR B. CAJIGAL, 0000 MC
WALTER CANNON, JR., 0000 MC
MICHAEL F. CARNUCCIO, 0000 MC
SEAN T. CARROLL, 0000 MC
VICTORIA W. CARTWRIGHT, 0000 MC
JEFFERSON P. CASTO, 0000 MC
VIOLA CHEN, 0000 MC
MARK A. CHISHOM, 0000 DE
KAO B. CHOU, 0000 MC
PAUL CHUPKA, 0000 MC
DAVID S. COBB, 0000 MC

HENRY B. COHEN, 0000 MC
TAMMY L. COLES, 0000 MC
JOHN R. COLLINGHAM, 0000 MC
JOHN J. COMBS, 0000 MC
AMY B. CONNORS, 0000 MC
ELLIS O. COOPER III, 0000 MC
GEORGE L. COPPIT III, 0000 MC
MARCO A. CORCHADOBARRETO, 0000 MC
CORINNE F. COYNER, 0000 MC
DONALD M. CRAWFORD, 0000 MC
SCOTT M. CROLL, 0000 MC
PEDRO J. CRUZTORRES, 0000 MC
JUAN E. CUEBAS, 0000 MC
GEORGE H. CUMMINGS, JR., 0000 MC
TIMOTHY M. CUPERO, 0000 MC
DONA C. DAHL, 0000 MC
ERIK A. DAHL, 0000 MC
JULIET M. DANIEL, 0000 MC
RUSSELL A. DAVIDSON, 0000 MC
SHELTON A. DAVIS, 0000 MC
DOUGLAS A. DEGLER, 0000 MC
MICHAEL J. DELGADO, 0000 DE
PAULA M. DENNERLEIN, 0000 MC
JUDITH K. DENTON, 0000 MC
TROY M. DENUNZIO, 0000 MC
JOHN P. DEUEL, 0000 MC
PETER G. DEVEAUX, 0000 MC
JEANNE C. DILLON, 0000 MC
MICHAEL E. DINOS, 0000 DE
JAMES T. DODGE, 0000 MC
STEPHANIE R. EARHART, 0000 MC
JOHN S. EARWOOD, 0000 MC
MARY E. EARWOOD, 0000 MC
DAVID M. EASTY, 0000 MC
MARSHALL E. EIDENBERG, 0000 MC
VESNA ELE, 0000 DE
JIMMY S. ELLIS, 0000 MC
STEPHEN R. ELLISON, 0000 MC
JAY C. ERICKSON, 0000 MC
KAREN C. EVANS, 0000 MC
ANDRE FALLOT, 0000 MC
JOHN W. FAUGHT, 0000 MC
FREDERICK A. FENDERSON, 0000 DE
TOMAS M. FERGUSON, 0000 MC
DOUGLAS S. FILES, 0000 MC
ROGER K. FINCHER, 0000 MC
LOUIS N. FINELLI, 0000 MC
WALTER A. FINK, JR., 0000 MC
ERIC J. FISHER, 0000 MC
THOMAS R. FITZSIMMONS, 0000 MC
CHRISTIAN M. FLYNN, 0000 MC
DAVID A. FOHRMAN, 0000 MC
KAMALA P. FOSTER, 0000 MC
CHARLES J. FOX, 0000 MC
STEPHANIE R. FUGATE, 0000 MC
DOMINIC R. GALLO, 0000 MC
KEVIN J. GANCARCZYK, 0000 MC
TIMOTHY A. GARDNER, 0000 MC
MITCHELL A. GARRISON, 0000 MC
ALAN GATLIN, 0000 MC
ROGER L. GELPERIN, 0000 MC
BARNETT T. GIBBS, 0000 MC
NEIL C. GILLESPIE, 0000 MC
THEODORE E. GLYNN, 0000 MC
BENJAMIN S. GONZALEZ, 0000 MC
CHARLES M. GOODEN, 0000 MC
KIM E. GOODSELL, 0000 MC
CHRISTOPHER G. GORING, 0000 MC
ANDREW C. GORSKE, 0000 MC
LEONARD J. GRADO, 0000 MC
JAMES D. GRADY, 0000 MC
STEVE A. GRANADA, 0000 MC
BARRY L. GREEN, 0000 MC
MARK E. GREEN, 0000 MC
SCOTT D. GREENWALD, 0000 MC
MELANIE L. GUERRERO, 0000 MC
KATHRYN A. HACKMAN, 0000 MC
MARK I. HAINER, 0000 MC
ERIC A. HALL, 0000 DE
MICHAEL C. HARNISCH, 0000 MC
STEPHEN A. HARRISON, 0000 MC
JOHN P. HARVEY, 0000 MC
PETER W. HEETDERKS, 0000 MC
MICHAEL D. HENRY, 0000 DE
STEPHEN M. HENRY, 0000 MC
THOMAS M. HERNDON, 0000 MC
MARK L. HIGDON, 0000 MC
DEMETRICE L. HILL, 0000 MC
KEITH J. HILL, 0000 MC
HOWARD R. HOLBROOKS, 0000 MC
MICHAEL G. HOLMAN, 0000 MC
PHILLIP S. HOLMES, 0000 MC
KURTIS R. HOLT, 0000 MC
ANTHONY L. HORALEK, 0000 DE
EDWARD E. HORVATH, 0000 MC
MICHAEL D. HUBER, 0000 MC
ROBERT W. HUNTER, 0000 MC
FAHEEM HUSSAIN, 0000 MC
JAE I. HWANG, 0000 DE
MARK R. JACKSON, 0000 MC
AARON L. JACOB, 0000 MC
JEFFREY A. JACOBY, 0000 MC
RICHARD K. JANSEN, 0000 MC
DEREK K. JOHNSON, 0000 MC
JEFFREY A. JOHNSON, 0000 MC
PATRICIA P. JONAS, 0000 MC
BRIAN P. JONES, 0000 MC
HEKYUNG L. JUNG, 0000 DE
JENNIFER S. JURGENS, 0000 MC
SHAWN F. KANE, 0000 MC
DEAN E. KARAS, 0000 MC
SANJIV M. KAUL, 0000 MC
SEAN KEENAN, 0000 MC
STEVEN M. KENT, 0000 MC
LLOYD H. KETCHUM, 0000 MC
JESSICA H. KIM, 0000 MC
RICHARD J. KING, 0000 MC
SCOTT E. KINKADE, 0000 MC
ELIZABETH T. KINZIE, 0000 MC
HOMER E. KIRBY III, 0000 MC
PETER F. KIRKHAM, 0000 MC
CHRISTOPHER KLEM, 0000 MC
JOHN E. KOBERT, 0000 MC
STACEY G. KOFF, 0000 MC
SEAN C. KOSKINEN, 0000 MC
CHRISTINE M. KOVAC, 0000 MC
DANIEL L. KRASHIN, 0000 MC
MARY V. KRUEGER, 0000 MC
GEORGE M. KYLE, 0000 MC
JAVIER E. LAGUNARAMOS, 0000 MC
NEIL J. LAHURD, JR., 0000 MC
DZUNG V. LE, 0000 MC
TIMOTHY C. LEE, 0000 MC
RICHARD T. LEI, 0000 DE
COLLEEN M. LENNARD, 0000 MC
JACK E. LEWI, 0000 MC
TO S. LI, 0000 MC
ANTHONY C. LITTRELL, 0000 MC
JOHN D. LIVERINGHOUSE, 0000 MC
JOHN J. LLOYD, 0000 MC
CELESTE M. LOMBARDI, 0000 MC
MALCOLM C. MACLAREN, 0000 MC
ANTHONY MAIORANA, 0000 DE
JAMIL A. MALIK, 0000 MC
MICHAEL A. MALLOY, 0000 MC
KRISTEN M. MANCUSO, 0000 MC
ANTHONY C. MANILLA, 0000 MC
ANDREA R. MANZO, 0000 MC
MICHAEL D. MARSH, 0000 MC
DAVID C. MARTIN, 0000 MC
MARYANN MASONE, 0000 MC
PHILLIP L. MASSENGILL, 0000 MC
PARNELL C. MATTISON, 0000 MC
EDWARD L. MC DANIEL, 0000 MC
MYRON B. MC DANIELS, 0000 MC
HOUDE L. MC GRAIL, 0000 MC
PAUL A. MC GRIFF, 0000 DE
MARK K. MC PHERSON, 0000 MC
MARLA R. MELENDEZ, 0000 MC
RENE F. MELENDEZ, 0000 MC
JULIE A. MESSNER, 0000 MC
MELLISSA A. MEYER, 0000 MC
MICHAEL S. MEYER, 0000 MC
ROBERT L. MILLER, 0000 MC
TIMOTHY P. MONAHAN, 0000 MC
JAIME L. MONTILLASOLER, 0000 MC
KEVIN E. MOORE, 0000 MC
ROBERT W. MOORE, 0000 MC
KIMBERLY A. MORAN, 0000 MC
MICHAEL D. MOREHOUSE, 0000 DE
JAMES J. MORRIS, 0000 MC
JAMES H. MUELLER, 0000 DE
JOHN P. MULLIGAN, 0000 MC
JOSEPH A. MUNARETTO, 0000 MC
SHAWN C. NESSEN, 0000 MC
LORANCE H. NEWBURN, 0000 MC
STACEY R. NIEDER, 0000 MC
ALEXAN E. NIVEN, 0000 MC
TAKARA K. NOVOA, 0000 MC
JODY L. NUZZO, 0000 MC
RICARDO C. ONG, 0000 MC
JOSEPH R. ORCHOWSKI, 0000 MC
MICHAEL S. OSHIKI, 0000 MC
NEIL E. PAGE, 0000 MC
DOUGLAS W. PAHL, 0000 MC
ANDREW D. PALALAY, 0000 DE
DONG S. PARK, 0000 DE
KIP K. PARK, 0000 MC
SARA J. PASTOOR, 0000 MC
KIMBERLEY L. PERKINS, 0000 DE
JAMES L. PERSSON, 0000 MC
ANDREW C. PETERSON, 0000 MC
CECILY K. PETERSON, 0000 MC
THERON M. PETTIT, 0000 MC
ANDREW W. PIASECKI, 0000 MC
DONALD J. PIERANTOZZI, 0000 MC
AMY A. PITTMAN, 0000 MC
JULIE S. PLATT, 0000 MC
THOMAS R. PLUMERI, 0000 MC
JEANNE M. POITRAS, 0000 MC
ROGER D. POLISH, 0000 MC
FULTON L. PORTER III, 0000 MC
JOHN T. PRESSON, 0000 MC
MICHAEL W. PRICE, 0000 MC
RAFAEL L. PRIETO, JR., 0000 MC
MAXIMILIAN PSOLKA, 0000 MC
RAYMOND P. RADANOVICH, 0000 MC
ALVARADO O. RAMOS, 0000 MC
MITCHELL J. RAMSEY, 0000 MC
JOHN C. RAYFIELD, 0000 MC
SCOTT T. REHRIG, 0000 MC
ERIC C. RICE, 0000 MC
DAVID E. RISTEDT, 0000 MC
SCOTTIE B. ROOFE, 0000 MC
RICHARD C. ROONEY, 0000 MC
ANTONIO A. ROSA, 0000 MC
MICHAEL K. ROSNER, 0000 MC
MICHAEL C. ROYER, 0000 MC
RICHARD J. SAAD, 0000 MC
ROBERTO J. SARTORI, 0000 MC
STEPHEN L. SCHMIDT, 0000 MC
BRETT J. SCHNEIDER, 0000 MC
STEPHANIE L. SCHULTZ, 0000 MC
WILLIAM D. SCHULTZ, 0000 DE
GEORGE R. SCOTT, 0000 MC
STEPHEN R. SEARS, 0000 MC
JAMES A. SEBESTA, 0000 MC
MARK D. SHALAUTA, 0000 MC
ELIZABETH C. SHANLEY, 0000 MC
SCOTT B. SHAWEN, 0000 MC
RACHELLE E. SHERER, 0000 MC
LARRY J. SHRANATAN, 0000 MC
DEVEN SHROFF, 0000 DE
GRADY V. SHUE, JR., 0000 MC
MARK L. SIMMONS, 0000 MC
CLAYTON D. SIMON, 0000 MC
DARRELL E. SINGER, 0000 MC
ATUL SINGH, 0000 MC
ROBERT D. SKALA, 0000 MC
JOHN F. SLOBODA, 0000 MC
MICHAEL E. SMITH, 0000 MC
IDA M. SMLOPEZ, 0000 MC
ELIZABETH A. SNYDER, 0000 MC
PRISCILLA SONGSANAND, 0000 MC
BRIAN J. SONKA, 0000 MC
DALE A. SPENCER, 0000 MC
PHILIP C. SPINELLA, 0000 MC
JAMES J. STEIN, 0000 MC
CHARLES A. STILLMAN, 0000 MC
JON D. STINEMAN, 0000 DE
ROBERT L. STONE, 0000 DE
AMY L. STRAIN, 0000 MC
GEORGE M. STRICKLAND, 0000 MC
WILLIAM A. STRICKLING, 0000 MC
PETER J. STULL, 0000 MC
PREM S. SUBRAMANIAN, 0000 MC
HELEN M. SUNG, 0000 MC
STEVEN J. SVOBODA, 0000 MC
ROBERT D. SWIFT, 0000 MC
IRA P. SY, 0000 DE
STEVEN J. TANKSLEY, 0000 MC
BANGORN S. TERRY, 0000 DE
BRUCE E. THOMAS, 0000 MC
DAVID E. THOMAS, 0000 MC
ALVIN Y. TIU, 0000 MC
STEVEN K. TOBLER, 0000 MC
RAYMOND F. TOPP, 0000 MC
ROLANDO TORRES, 0000 MC
MARY A. TRAN, 0000 MC
LADD A. TREMAINE, 0000 MC
FERNANDO C. TRESPALACIOS, 0000 MC
DAWN C. UITHOL, 0000 MC
MARISOL VEGADERUCK, 0000 MC
RICARDO J. VENDRELL, 0000 DE
ADA M. VENTURA, 0000 MC
DAVID M. WALLACE, 0000 MC
PAULA M. WALLACE, 0000 MC
MICHAEL J. WALTS, 0000 MC
ANDREW J. WARGO, 0000 DE
KURT R. WASHBURN, 0000 MC
BRUCE K. WEATHERS, 0000 MC
CHARLES W. WEBB, 0000 MC
HEIDI L. WEBSTER, 0000 MC
ALDEN L. WEG, 0000 MC
ROBERT R. WELCH, 0000 MC
CHARLES F. WENNOGLE JR., 0000 MC
ROBERT B. WENZEL, 0000 MC
LELAND P. WERNER, 0000 MC
ROBERT R. WESTERMEYER II, 0000 MC
DARREN T. WHEELER, 0000 MC
BRADFORD P. WHITCOMB, 0000 MC
JASON S. WIEMAN, 0000 MC
TANYA A. WIESE, 0000 MC
ELLIS J. WILLIAMS, 0000 MC
KEITH J. WILSON, 0000 DE
SHAWN H. WILSON, 0000 MC
JOSHUA B. WINSLOW, 0000 MC
JEFFREY L. WOLFF, 0000 MC
RONALD N. WOOL, 0000 MC
GAIL A. WOOLHISER, 0000 DE
EYAKO K. WURAPA, 0000 MC
GUO Z. YAO, 0000 MC
KEN YEW, 0000 MC
SOPHIA L. YOHE, 0000 MC
DANIEL J. YOST, 0000 MC
ROBERT J. ZABEL, 0000 MC
TIMOTHY J. ZEIEN II, 0000 MC

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ARTHUR J. ATHENS, 0000
GREGORY J. BAUR, 0000
CAREY L. BEARD, 0000
DANNY R. BUBP, 0000
RAYMOND L. BURKART, 0000
KEVIN O. CARMODY, 0000
THOMAS E. CAVANAUGH, 0000
MICHAEL G. CHESTON, 0000
JAMES J. COGHLAN, 0000
TERENCE M. COUGHLIN, 0000
WILLARD D. CRAGG, 0000
RICK D. CRAIG, 0000
JOHN M. CROLEY, 0000
JAMES E. DEOTTE, 0000
THOMAS E. DEOTZER, 0000
CHRISTOPHER E. DOUGHERTY, 0000
JEFFREY J. DOUGLASS, 0000
STEPHEN S. EVANS, 0000
WENDELL S. FINCH, 0000
REGINALD J. GHIDEN, 0000
FRANK R. GUNTER, 0000
DONALD E. HANCOCK, 0000
LAWRENCE E. HOLST, 0000
CHARLES A. JONES, 0000
JOSEPH R. KENNEDY, 0000
BRADLEY C. LAPISKA, 0000
DAVID M. LARSEN, 0000
JOSEPH W. LYDON III, 0000
THOMAS E. MANION, 0000
DAN R. MATER, 0000
SAMUEL D. MCVEY, 0000
MARK E. MEDVETZ, 0000
ROBERT L. MILLER, 0000
TRACY L. MORK, 0000
SCOTT S. OLSEN, 0000

WILLIAM C. PALMER, 0000
CHARLES H. PANGBURN III, 0000
KEITH J. PAVLISCHEK, 0000
ROY A. PEARSON, 0000
LLOYD L. PORTERFIELD II, 0000
ELARIO SEVERO, 0000
BENSON M. STEIN, 0000
SCOTT B. STOKES, 0000
BRIAN P. TURCOTT, 0000
STEVEN B. VITALI, 0000
CARL L. WALKER, 0000
CRAIG L. WALLEN, 0000
DAVID T. WILLIAMS, 0000
WILLIAM F. WILLIAMS III, 0000
MARC A. WORKMAN, 0000

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C. SECTION 531:

To be major

TRAY J. ARDESE, 0000
JAVIER J. BALL, 0000
BRIAN T. BALLARD, 0000
LLOYD E. BONZO II, 0000
ROBERT D. DASCH, JR., 0000
ROBERTO J. GOMEZ, 0000
BRIAN J. KAPPLE, 0000
MICHAEL F. KENNY, 0000
DOUGLAS C. KLEMM, 0000
DOUGLAS J. KUMBALEK, 0000
JOHN A. MULLIN, 0000
JOHN J. NEYLON, 0000
SEAN P. ODOHERTY, 0000
BENJAMIN J. PATRICK, 0000
DAVID R. PRISLIN, 0000
TRAVIS M. PROVOST, 0000
THOMAS P. SAMMEL, 0000
THOMAS P. SIMON, 0000
DAVID N. VANDIVORT, 0000
GROVER L. WRIGHT, JR., 0000

To be captain

CHARLES C. ABERCROMBIE III, 0000
ALLEN D. AGRA, 0000
RICHARD G. ALLISON, JR., 0000
ALAN B. ALTOM, 0000
KARL R. ARBOGAST, 0000
BRIAN E. ARGUS, 0000
RICHARD J. ARMSTRONG, 0000
JAY T. AUBIN, 0000
ANDREW J. AYLWARD, 0000
SPENCER W. BAILEY, 0000
ROBBIE J. BAKER, 0000
WILLIAM T. BAKER, 0000
ANTHONY J. BANGO, 0000
TIMOTHY J. BARBA, 0000
DENNIS C. BARD, 0000
WADE E. BARKER, 0000
DONALD A. BARNETT, 0000
CHRISTOPHER B. BATTS, 0000
GEORGE B. BEACH, 0000
SCOTT R. BEESON, 0000
ARTHUR R. BEHNKE, JR., 0000
MARCOS E. BERTAMINI, 0000
WAYNE R. BEYER, JR., 0000
BRIAN T. BILSKI, 0000
CAROLYN D. BIRD, 0000
ETHAN C. BISHOP, 0000
KEITH R. BLAKELY, 0000
PATRICK R. BLANCHARD, 0000
DERRICK J. BLOCK, 0000
CHARLES E. BODWELL, 0000
RICHARD A. BOGIN, 0000
DAVID M. BOLAND, 0000
HERBERT C. BOLLINGER, JR., 0000
JACK G. BOLTON, 0000
CHRISTOPHER J. BONIFACE, 0000
MARK A. BOSLEY, 0000
ENRIQUE BOUGEOIS III, 0000
JOHN S. BOYCE, 0000
WILLIAM BOZEMAN, JR., 0000
DAVID R. BRAMAN, 0000
JAMES H. BRIDGMAN, 0000
ANDRE L. BROOKS, 0000
BRONCHAE M. BROWN, 0000
JASON P. BROWN, 0000
LARRY G. BROWN, 0000
DOUGLAS J. BRUNE, 0000
MICHAEL R. BRUNNSCHWEILER, 0000
MICHAEL D. BRYAN, 0000
JEROME BRYANT, 0000
ROBERT F. BUDA III, 0000
KEVIN C. BURTON, 0000
ANDREW J. BUTLER, 0000
GEORGE CADWALADER, JR., 0000
BRIAN C. CALLAGY, 0000
MATTHEW D. CALLAN, 0000
FRANK R. CAMPBELL, 0000
THOMAS H. CAMPBELL III, 0000
CHAD M. CASEY, 0000
WILLIAM J. CASLER, JR., 0000
DAVID M. CAVANAUGH, 0000
GREGORY L. CHANEY, 0000
FRANCIS K. CHAWK III, 0000
VICTOR A. CHIN, 0000
ALVIN S. CHURCH, 0000
DONALD J. CICOTTE, 0000
THOMAS G. CITRANO, 0000
PATRICK D. CLEMENTS, 0000
DANIEL H. COLEMAN, 0000
RAFFORD M. COLEMAN, 0000
CHAD R. CONNER, 0000
SCOTT M. CONWAY, 0000
DAVID M. COOPERMAN, 0000
MARK S. COPPESS, 0000
KEVIN S. CORTES, 0000
ANDREW J. CRICHTON, 0000
MITCHELL A. CRIGER, 0000
AARON M. CUNNINGHAM, 0000
WILLIAM H. CUPPLES, 0000
MATTHEW T. CURRIN, 0000
WARREN J. CURRY, 0000
KEVIN J. DALY, 0000
CHARLES E. DANIEL, 0000
VALERIE C. DANYLUK, 0000
KEITH C. DARBY II, 0000
JAMES M. DAVENPORT, 0000
DOMINIC J. DEFAZIO, 0000
CHRISTOPHER F. DELONG, 0000
CHARLES R. DEZAFRA III, 0000
DANIEL J. DIMICCO, 0000
MARK D. DISS, 0000
ARTHUR A. DIXON, 0000
SIMON M. DORAN, 0000
KEVIN M. DOWLING, 0000
DARREN E. DOYLE, 0000
MARK D. DUFFER, 0000
GREGORY S. DUFLO, 0000
JAN R. DURHAM, 0000
CURTIS V. EBITZ, JR., 0000
LARRY R. ECK, 0000
EDDIE J. EDMONDSON, JR., 0000
GEORGES T. EGLI, 0000
PETER J. EPTON, 0000
TIMOTHY R. ETHERTON, 0000
JAKE J. FALCONE, 0000
GREG A. FEROLDI, 0000
JOHN M. FIELD, 0000
MICHAEL J. FITZGERALD, 0000
DARREN C. FLEMING, 0000
CRAIG R. FLUENT, 0000
GORDON W. FORD, 0000
LEON J. FRANCIS, 0000
PHILIP H. FRAZETTA, 0000
FRANK I. FRITTMAN, 0000
ALEX K. FULFORD, 0000
KELVIN W. GALLMAN, 0000
ANTHONY E. GALVIN, 0000
MATTHEW C. GANLEY, 0000
SEAN B. GARICK, 0000
SANDY J. GASPER, 0000
DANA A. GEMMINGEN, 0000
ADAM C. GERBER, 0000
HIETH D. GIBLER, 0000
EDMUND L. GIBSON, JR., 0000
GEOFFREY S. GILLILAND, 0000
ERIC A. GILLIS, 0000
THOMAS R. GLUECK, JR., 0000
HOWARD L. GORDON III, 0000
PAUL A. GOSDEN, 0000
EDWARD C. GREELEY, 0000
DARRY W. GROSSNICKLE, 0000
SHAWN D. HANEY, 0000
JEFFREY C. HANIFORD, 0000
DOUGLAS J. HANLEY, JR., 0000
ANTHONY A. HARDINA, 0000
ELIAS B. HARMAN, 0000
AVONZO L. HARRISON, 0000
GARY C. HARRISON, JR., 0000
GARY D. HARRISON, 0000
CHRISTIAN D. HARSHBERGER, 0000
BRETT A. HART, 0000
KEVIN M. HEARTWELL, 0000
CARL C. HENGER, 0000
VINCENT B. HEPPNER, 0000
KISHA M. HILL, 0000
ERIC HIMLER, 0000
MICHAEL R. HODSON, 0000
CHRISTOPHER J. HOFSTETTER, 0000
MITCHELL L. HOINES, 0000
TODD L. HOLDER, 0000
SEANAN R. HOLLAND, 0000
THOMAS M. HOLLEY, 0000
EVAN N. HOLT, 0000
CHARLES B. HOTCHKISS III, 0000
CHARLES T. HUNT, 0000
SEAN M. HURLEY, 0000
ADAM E. HYAMS, 0000
SCOTT D. HYDE, 0000
ROBBI L. HYLAND, 0000
DANIEL M. IVANOVIC, 0000
LEONARDO M. JAIME, 0000
PETER J. JANOW, 0000
EDWARD L. JEEP, 0000
DARRYL L. JELINEK, 0000
ERIC J. JESSEN, 0000
MICHAEL S. JOHNSON, 0000
CHERISH M. JOOSTBERNS, 0000
MICHAEL A. JUENGER, 0000
JASON W. JULIAN, 0000
JEREMY N. JUNGREIS, 0000
STEPHEN P. KAHN, 0000
MICHAEL P. KANE, 0000
SEKOU S. KAREGA, 0000
JOHN D. KAUFFMAN, 0000
PATRICK T. KAUFMANN, 0000
GERALD W. KEARNEY, JR., 0000
JASON T. KEEFER, 0000
AARON P. KEENAN, 0000
JAMES A. KEISLER, 0000
KEVIN B. KELLIHER, 0000
JOHN J. KELLY, JR., 0000
NICOLE A. KELSEY, 0000
LYLE R. KENDOLL, 0000
JEFFREY R. KENNEY, 0000
JOHN C. KETCHERSIDE, 0000
JOHN F. KIDD, 0000
MICHAEL B. KIDD, 0000
KEITH P. KINCANNON, 0000
DAVID B. KIRK, 0000
ANDREW S. KLEVEN, 0000
RICHARD A. KLUNK, 0000
ANTHONY G. KNIGHT, 0000
ERIC J. KNOWLTON, 0000
MELANIE A. KORTH, 0000
DANIEL R. KREIDER, 0000
KENT L. KROEKER, 0000
KEVIN J. KRONOVETER, 0000
KARL H. KUGA, 0000
JOHN P. LAGANA, JR., 0000
CHARLES B. LAKEY, 0000
GEORGE LAMBERT, 0000
MARK C. LARSEN, 0000
RONAN J. LASSO II, 0000
CHRISTIAN J. LEEUW, 0000
BRIAN R. LEWIS, 0000
GLENN E. LIGHT, 0000
GLEN P. LINDSTROM, 0000
DANIEL R. LINGMAN, 0000
BRIAN L. LIPIEC, 0000
GARY J. LOBERG, 0000
DAVID W. LOCKNER, 0000
JOHN P. LONGSHORE, 0000
ERIK C. LOQUIST, 0000
JOHN J. LUZAR, 0000
WILLIAM R. LYNCH, 0000
VICTOR I. MADUKA, 0000
STEPHANIE L. MALMANGER, 0000
EUGENE A. MAMAJEK, JR., 0000
MICHAEL P. MANDEL, 0000
KIRK E. MARSTON, 0000
ROBERT E. MARTIN, 0000
VINCE R. MARTINEZ, 0000
DEMETRIUS F. MAXEY, 0000
MATTHEW M. MAZURKIWECZ, 0000
BENJAMIN W. MC CAFFERY, 0000
FRANK L. MCCLINTICK, 0000
MATTHEW G. MCCLYMONDS, 0000
MICHAEL T. MCCOMAS, 0000
JAMES F. MCCOY, JR., 0000
DONALD B. MCDANIEL, 0000
RYAN F. MCDONALD, 0000
ERIK P. MCDOWELL, 0000
ROGER T. MCDUFFIE, 0000
MICHAEL R. MCGAHEE, 0000
WILLIAM H. MCHENRY II, 0000
DANIEL J. MCMICHAEL, 0000
JOHN L. MEDEIROS, JR., 0000
JOSE R. MEDINA, 0000
JAMES E. MEEK, 0000
DOWAL E. MEGGS, JR., 0000
CHARLES C. MERKEL, 0000
JONATHAN E. MICHAELS, 0000
MICHAEL W. MIDDLETON, 0000
JAMES R. MILLER, 0000
TIMOTHY P. MILLER, 0000
TERRY S. MILNER, 0000
THOMAS P. MITALSKI, 0000
ANDREW W. MOLITOR, 0000
MICHAEL J. MOONEY, 0000
MARTY A. MOORE, 0000
SAMUEL K. MOORE, 0000
ROBERT S. MORGAN, 0000
KAREN L. MORRISROE, 0000
JAMES D. MOSELEY, 0000
CHARLES J. MOSES, 0000
MICHAEL M. MOTLEY, 0000
ANDREW D. MUHS, 0000
MICHAEL B. MULLINS, 0000
BRENDAN S. MULVANEY, 0000
ANDREW J. MUNRO, 0000
JAMES A. MURPHY, 0000
JOHN C. MURRAY, 0000
MICAH T. MYERS, 0000
STEVEN K. NELSON, 0000
KEVIN R. NETHERTON, 0000
CHRISTOPHER J. NOEL, 0000
BERNARD J. NOWNES II, 0000
THOMAS F. OATES, 0000
SEAN M. OBRIEN, 0000
THOR C. O CONNELL, 0000
THOMAS P. O LAUGHLIN, 0000
CHRISTOPHER H. OLIVER, 0000
ERIC R. OLSON, 0000
MICHAEL J. O NEIL, 0000
NEIL J. OWENS, 0000
RAMON A. OZAMBELA, 0000
STEVEN J. PACHECO, 0000
KEVIN L. PAETZOLD, 0000
GEORGE E. PAPPAS, 0000
RICHARD A. PARADISE, 0000
SEAN P. PATAK, 0000
JEFFERY S. PAULL, 0000
JEFFREY M. PAVELKO, 0000
CORNELL A. PAYNE, 0000
JABARI A. PAYNE, 0000
DANIEL K. PENCE, 0000
CHRISTOPHER R. PERRY, 0000
GEOFFREY S. PETERS, 0000
ROBERT W. PETERS III, 0000
ERIC J. PETERSON, 0000
JOHN D. PETERSON, 0000
DAVID H. PETTERSSON, 0000
MATTHEW H. PHARES, 0000
BLANDON N. PICL, 0000
SCOTT E. PIERCE, 0000
DONNA L. PLEMONS, 0000
GREGORY T. POLAND, 0000
TRAVIS L. POWERS, 0000
TIMOTHY R. POWLEDGE, 0000
TODD E. PRESCOTT, 0000
SCOTT T. PROFFITT, 0000
JAMES M. QUIRK, 0000
EDWARD J. RAPISARDA, 0000
ARCH RATLIFF III, 0000
RICHARD R. RAY, JR., 0000
MICHAEL T. RECCE, 0000
JOSEPH D. REEDY III, 0000
JACKSON L. REESE, 0000
BRENT C. REIFFER, 0000

JOHN REPS, 0000
ROBERT E. RHODE III, 0000
ANDREW M. RICE, 0000
THOMAS W. RICHTER, 0000
BRIAN T. RIDEOUT, 0000
DEAN R. RIDGWAY, 0000
ROBERT J. RITCHIE, 0000
PATRICK B. RIVERA, 0000
WILFRED RIVERA, 0000
MELINDA L. RIZER, 0000
CHESTER ROACH, 0000
ANTHONY J. ROBINSON, 0000
CHRISTOPHER C. ROBINSON, 0000
STEVEN ROBINSON, 0000
MICHAEL E. RODGERS, 0000
FRANCISCO J. RODRIGUEZ, 0000
CHRISTOPHER W. ROE, 0000
DALE S. ROLEN, 0000
NICHOLAS ROSADO, 0000
DANIEL N. RUBEL, JR., 0000
HAROLD J. RUDDY, 0000
MICHAEL P. RUFFING, 0000
BRIAN R. RUSH, 0000
BRIAN J. RUTHERFORD, 0000
EDWARD M. SAGER III, 0000
NORMA SALAS, 0000
PHILLIP D. SANCHEZ, 0000
REX W. SAPPENFIELD, 0000
CHARLES G. SASSER, 0000
WILLIAM R. SAUERLAND, JR., 0000
BRETON L. SAUNDERS, 0000
JOHN L. SCHAURES, 0000
DAVID J. SCHEINBLUM, 0000
TIMOTHY L. SCHNEIDER, 0000
WILLIAM F. SCHOEN, JR., 0000
LOUIS M. SCHOTEMEYER, 0000
RAYMOND J. SCHREINER, 0000
WILLIAM M. SCHUCK, JR., 0000
GREGORY A. SCOTT, 0000
GREGORY G. SEAMAN, 0000
BRIAN F. SEIFFERT, 0000
ANDROY D. SENEGAR, 0000
THEODORE W. SHACKLETON, 0000
JAMES L. SHELTON, JR., 0000
MATTHEW R. SHENBERGER, 0000
DALE E. SHORT, 0000
DONALD L. SHOVE, 0000
PHILIP R. SLEDZ, 0000
ANDREW Q. SMITH, 0000
RAHMAN K. SMITH, 0000
BRYAN M. SMYLIE, 0000
THOMAS M. SONGSTER II, 0000
JOHN W. SPAID, 0000
DEMETRY P. SPIROPOULOS, 0000
JASON V. SPRIGMAN, 0000
GARRY T. STEFFEN, 0000
MATTHEW W. STERNI, 0000
DAVID E. STRAUB, 0000
CHAD D. SWAN, 0000
BRIAN P. SWEENEY, 0000
ROBERT T. SWEGINNIS, 0000
WILLIAM M. TALANSKY, 0000
ANTHONY D. TAYLOR, 0000
JAMES T. TAYLOR, 0000
CHRISTOPHER J. TEAGUE, 0000
MICHAEL R. TEUBNER, 0000
JAMES C. THEISEN, 0000
MARK R. THRASHER, 0000
ROBERT B. TIFFT, 0000
WILLIAM H. TORRICO, 0000
BRADLEY S. TRAGER, 0000
SCOTT R. TRUJILLO, 0000
ERIC B. TURNER, 0000
STEVEN R. TURNER, 0000
MICHAEL S. TYSON, 0000
LES P. VERNON, 0000
MICHAEL H. VILLAR, 0000
SCOTT A. VOIGTS, 0000
MICHAEL G. VOSE, 0000
KENT E. WALSH, 0000
RICHARD J. WEAVER, JR., 0000
CORY R. WECK, 0000
ROBERT S. WEILER, 0000
ANDREW J. WEIS, 0000
BRADLEY C. WESTON, 0000
JEROME S. WHALEN, 0000
BENJAMIN D. WILD, 0000
JUSTIN P. WILHELMSEN, 0000
MARK A. WILKINSON, 0000
JAMES H. WILLIAMS, 0000
JOSEPH D. WILLIAMS, 0000
KRISTIAN R. WILLIAMS, 0000
LABIN O. WILSON, 0000
ERIC S. WOLF, 0000
RONALD S. WOOD, 0000
JASON G. WOODWORTH, 0000
MATTHEW J. WORSHAM, 0000
ELLYN M. WYNNE, 0000
RANDALL S. YEARWOOD, 0000
JUDY J. YODER, 0000
ERNEST B. YOUNG, 0000
BRENDA YSASAGA, 0000
PHILLIP M. ZEMAN, 0000
ANTHONY M. ZENDER, 0000
RICHARD J. ZENDER, 0000
WAYNE R. ZUBER, 0000

To be first lieutenant

MARTIN L. ABREU, 0000
ERIC J. ADAMS, 0000
JOHN B. ADAMS, 0000
RICHARD D. ALBER, 0000
JOSHUA P. ANDERSON, 0000
GEORGE ANIKOW, 0000
JOSEPH J. ATHERALL, 0000
THOMAS A. ATKINSON, 0000
MIGUEL A. AYALA, 0000
MICHAEL J. BABILOT, 0000
RACHEL E. BARNEY, 0000
KENNETH C. BARR, 0000
FRANCIS A. BARTH III, 0000
KENNETH W. BATTAGLIA, 0000
CHRISTOPHER D. BEASLEY, 0000
STEPHANI M. BECK, 0000
BRIAN M. BELL, 0000
THEODORE C. BETHEA II, 0000
BRENT W. BLAND, 0000
ALDRICK C. BLUNT, 0000
ROBERT J. BODISCH, JR., 0000
JAMES A. BOERIGTER, 0000
KENNETH P. BOHO, 0000
MEREDITH M. BOOKER, 0000
GARY A. BOURLAND, 0000
LIA B. BOWLER, 0000
KEVIN J. BOYCE, 0000
BRADLY L. BOYD, 0000
JOHN M. BRADBURY, 0000
JASON L. BRADFORD, 0000
FRANK J. BROGNA III, 0000
RAY E. BROOKS, 0000
GREGORY L. BROWN, 0000
MICHAEL D. BROYAN, 0000
ALVIN L. BRYANT, JR., 0000
ROBERT B. BURGESS III, 0000
GAREY W. BURRILL, JR., 0000
MICHAEL J. BUTLER, 0000
SEAN K. BUTLER, 0000
GREGORY S. CARL, 0000
MARK E. CARLTON, 0000
FREDERICK J. CATCHPOLE, 0000
LEE K. CLARE, 0000
JESUS M. CLAUDIO, 0000
GREGORY H. CLAYTON, 0000
SCOTT E. COBB, 0000
DANIEL E. COLVIN, JR., 0000
ADAM S. CONWAY, 0000
JOHN COOK, 0000
HEATHER J. COTOIA, 0000
BRIAN P. COYNE, 0000
CHRISTOPHER J. CRIMI, 0000
JEFFREY L. CROCKER, 0000
COLIN A. CROSBY, 0000
HENRY L. CRUSOE, 0000
CHRISTOPHER J. CURTIN, 0000
THOMAS DANIELSEN, 0000
JON W. DAVENPORT, 0000
ARTHUR L. DAVIDSON, JR., 0000
JOHN S. DAVIDSON, 0000
SAMUEL D. DAVIS, 0000
SHALISA W. DAVIS, 0000
MANUEL J. DELAROSA, 0000
JOHN Y. DELATEUR, 0000
PATRICIA R. DEYONG, 0000
WILBERT DICKENS, 0000
JOHN J. DIETRICH, JR., 0000
FRANK DIORIO, JR., 0000
STEVEN A. DOLPHIN, 0000
BERNADETTE DOLSON, 0000
JOSEPH E. DONALD III, 0000
DAVID A. DOUCETTE, 0000
ERIC J. DOUGHERTY, 0000
TROY M. DOWNING, 0000
MATTHEW J. DREIER, 0000
AARON S. DUESING, 0000
RICHARD E. DUNN, 0000
MICHAEL A. DURHAM II, 0000
PATRYCK J. DURHAM, 0000
JAMES C. EDGE, 0000
JAMES F. EDWARDS III, 0000
JHAKE ELMAMUWALDI, 0000
BRUCE J. ERHARDT, JR., 0000
KYRL A. ERICKSON, 0000
EDWARD ESPOSITO, 0000
BRIAN L. FANCHER, 0000
ROBERT A. FARIAS, 0000
JOSEPH A. FARLEY, 0000
KRISTOPHER L. FAUGHT, 0000
THOMAS P. FAVOR, 0000
MELVIN FERDINAND, 0000
BETH A. FERLAND, 0000
MICHAEL D. FERRITTO, 0000
JOSE R. FIERRO, 0000
PAUL F. FILLMORE, 0000
CHRISTOPHER M. FLANAGAN, 0000
TIMOTHY M. FLYNN, 0000
DUANE C. FORSBERG, 0000
VICTOR A. FRAUSTO, 0000
STEVIE L. FRAZIER, 0000
IAN C. GALBRAITH, 0000
JOSEPH E. GALVIN, 0000
VINH V. GERALD, 0000
KATE I. GERMANO, 0000
JEREMY L. GETTINGS, 0000
THOMAS H. GILLEY, IV, 0000
SEAN M. GLEASON, 0000
ARMANDO GONZALEZ, 0000
JEFFREY D. GOODELL, 0000
REBECCA L. GOODRICHHINTON, 0000
BRADLEY V. GORDON, 0000
WILLIAM S. GOURLEY, 0000
CRAIG A. GRANT, 0000
SHANNON L. GREEN, 0000
STEVE GRGAS, 0000
DANIEL B. GRIFFITHS, 0000
JAIME L. GUTIERREZ, 0000
JOHN T. GUTIERREZ, 0000
MATTHEW B. HAKOLA, 0000
MARK A. HALEY, JR., 0000
MARGARET J. HALL, 0000
DAVID W. HANDY, 0000
SEAN M. HANKARD, 0000
RICHARD A. HARNEY, 0000
DARIN K. HARPER, 0000
CHARLES M. HARRIS, 0000
ROBERT C. HAWKINS, 0000
BRENDAN G. HEATHERMAN, 0000
MICHAEL E. HERNANDEZ, 0000
LARRY J. HERRING, 0000
RALPH HERSHFELT III, 0000
CHERRONE A. HESTER, 0000
MICHAEL D. HICKS, 0000
DALE A. HIGHBERGER, 0000
GARY E. HILL, 0000
WILLIAM D. HILL, 0000
CRAIG P. HIMEL, 0000
THOMAS A. HODGE, 0000
VALERIE L. HODGSON, 0000
LUKE T. HOLIAN, 0000
ALFRED C. HOLLIMON, 0000
TERRELL D. HOOD, 0000
ARTHUR C. HOUGHTBY II, 0000
JEFFREY S. HOUSTON, 0000
DAVID K. HUNT, 0000
ROBERT M. HUTTO, 0000
CHRISTOPHER J. IAZZETTA, 0000
FRANCINE M. IPPOLITO, 0000
STEVEN M. JACKSON, 0000
RESHANDA L. JENNINGS, 0000
GEORGE W. JOHNSON, 0000
DERRICK L. JONES, 0000
ERIC W. KELLY, 0000
DALLAS G. KEY, 0000
JAMES S. KIMBER, 0000
WILFRID A. KIRKBRIDE, 0000
JOSHUA KISSOON, 0000
CURT R. KNOWLES, 0000
EDWARD C. KOOKEN, 0000
CONSTANTINE KOUTSOUKOS, 0000
JASON J. LATONA, 0000
GABRIEL E. LEAL, 0000
ALAN J. LECOMPTE, JR., 0000
JONATHAN E. LEE, 0000
KATHY R. LEE, 0000
WILSON S. LEECH III, 0000
MATTHEW D. LERNER, 0000
LEONARD J. LEVINE, 0000
SHANE M. LONG, 0000
CHARLES B. LYNN III, 0000
WILLIAM R. MAKEPEACE IV, 0000
MICHAEL C. MARGOLIS, 0000
DELBERT L. MARRIOTT, 0000
DANIEL L. MARTIN, 0000
DAWN M. MARTIN, 0000
JAMES T. MARTIN, 0000
RICHARD S. MARTIN, 0000
ANDREW V. MARTINEZ, 0000
BRETT E. MATTHEWS, 0000
CRAIG S. MAYER, 0000
MICHAEL C. MC CARTHY, 0000
KENYA MC CLAIN, 0000
DAVID A. MC COMBS, 0000
KENNEY MC COMBS, 0000
LYLE L. MC DANIEL, JR., 0000
ARIC A. MC KENNA, 0000
BRIAN P. MC LAUGHLIN, 0000
PATRICK C. MC RAE, 0000
TODD A. MENKE, 0000
NATHAN A. MENTINK, 0000
ANDREW A. MERZ, 0000
DANIEL R. MILLANE, 0000
BRETT M. MILLER, 0000
DAVID H MILLS, 0000
JAMES W. MINGUS, 0000
BRUCE L. MORALES, 0000
STEVEN B. MURPHY, 0000
STEVEN R. MURPHY, 0000
TIMOTHY I. MURRAY, 0000
BARTON K. NAGLE, 0000
ANTHONOL L. NEELY, 0000
SHANNON J. NELLER, 0000
EDWARD T. NEVGLOSKI, 0000
NICHOLAS C. NUZZO, 0000
DEREK S. OST, 0000
RANDALL A. PAPE, 0000
DWAYNE E. PARKER, 0000
HENRY J. PARRISH, 0000
VICTOR A. PASTOR, 0000
TODD A. PATTERSON, 0000
EDWARD J. PAVELKA, 0000
ELIZABETH D. PEREZ, 0000
NICHOLAS R. PERKINS, 0000
LAURA M. PERRONE, 0000
CRAIG O. PETERSEN, 0000
DAVID W. PINION, 0000
RICHARD H. PITCHFORD, 0000
KEVIN J. PRINDIVILLE, 0000
CRAIG T. RALEIGH, 0000
OMAR J. RANDALL, 0000
JOHN G. RANDOLPH, 0000
MARK L. RANEY, 0000
GREGORY A. RATZLAFF, 0000
JORDAN D. REECE, 0000
KARL C. RENNE, 0000
BRIAN A. REYNALDO, 0000
RICHARD J. RIGHTER, 0000
MARK W. RODGERS, 0000
RUPERT S. RODRIGUEZ, 0000
SCOTT M. ROLPH, 0000
THOMAS J. ROPEL III, 0000
SAM L. ROY, 0000
RICHARD A. ROYSE, 0000
JUSTIN R. RUMPS, 0000
LEE M. RUSH, 0000
FREDERICK W. RUSSELL III, 0000
CHARLES W. RYAN, 0000
CHRISTI L. SADDLER, 0000
JOHN H. SAITTA, 0000
MATTHEW D. SAMS, 0000
ROBERT M. SANCHEZ, 0000
DONALD R. SANDERS, 0000

ROLAND G. SARINO, 0000
GLENN SCHMID, 0000
DAVID E. SCHNEIDER, 0000
PHILIP P. SCHRODE, 0000
KARL C. SCHUMACHER, 0000
CHRISTOPHER B. SHERIN, 0000
JOHN T. SILVA, 0000
FRANK L. SIMMONS, 0000
MATTHEW R. SIMMONS, 0000
ELIESER R. SMITH, 0000
GARY L. SMITH, 0000
JAMES R. SMITH, 0000
KEITH D. SMITH, 0000
MIRANDA D. SMITH, 0000
STEVEN C. SNEE, 0000
PETER R. SOLANO, 0000
ROBERT B. SOTIRE II, 0000
PAUL M. SPONHOLZ, 0000
JARED A. SPURLOCK, 0000
MAJOR L. STAPLES, 0000
JASON C. STAR, 0000
MICHAEL W. STEHLE, 0000
WILLIAM C. STOPHEL, 0000
RONALD D. STORER, 0000
JONATHAN J. STRASBURG, 0000
ROBERT A. SUCHER, 0000
ERIC N. SWIFT, 0000
COLON TAYLOR III, 0000
THOMAS M. TENNANT, 0000
GREGORY A. THIELE, 0000
RAYMON F. THOMAS, JR., 0000
NICHOLAS A. THOMPSON, 0000
VIRGIL E. TINKLE, 0000
EDMUND B. TOMLINSON, 0000
ADOLFO TORRES, 0000
JOSEPH M. TURGEON, 0000
TRAY A. TURNER, 0000
CHRISTOPHER G. VEAL, 0000
BENJAMIN M. VENNING, 0000
CHARLIE R. VONBERGEN, 0000
BRIAN J. VONHERBULIS, 0000
MICHAEL L. WAGNER, 0000
WALTER J. WALLACE, 0000
BRANDON M. WALLER, 0000
LAWRENCE M. WALZER, 0000
GREGORY J. WARDMAN, JR., 0000
DAREN V. WASHINGTON, 0000
KEITH S. WATSON, 0000
KEITH S. WEINSAFT, 0000
APRIL K. WHITESCARVER, 0000
MICHAEL S. WILBUR, 0000
WILLIAM T. WILBURN, JR., 0000
DARBY R. WILER, 0000
JOHN D. WILKERSON, 0000
JERRY D. WILLINGHAM, 0000
PETER A. WILSON, 0000
CRAIG A. WOLFENBARGER, 0000
KENNETH P. WOODS, 0000
TOMMY R. WRIGHT, 0000
JAMES L. ZEPKO, 0000
THOMAS G. ZIEGLER, JR., 0000

To be second lieutenant

WILLIAM B. ALLEN IV, 0000
DAVID W. BAAS, 0000
JOHN W. BLACK, 0000
MARK D. BORTNEM, 0000
TRENT L. BOTTIN, 0000
VINTON C. BRUTON IV, 0000
WALTER G. CARR, 0000
CLINT A. CASCADEN, 0000
GEORGE O. CHRISTEL, 0000
DOUGLAS A. COOK, 0000
BILLY R. CORNELL, 0000
JEFFREY W. DAVIS, JR., 0000
JOHN D. DIXON, 0000
TIMOTHY P. DORAN, 0000
JAMES W. EAGAN III, 0000
DAVID C. EMMEL, 0000
ROY H. EZELL III, 0000
DONALD W. FAUL II, 0000
JEREMY S. FILKO, 0000
BRADLEY R. FITZPATRICK, 0000
SHANE R. FLOYD, 0000
ANTHONY E. GIARDINO, 0000
KENNETH K. GOEDECKE, 0000
CHRISTOPHER M. HAAR, 0000
JONATHAN B. HAMILTON, 0000
JACOB R. HARRIMAN, 0000
BENJAMIN R. HERNANDEZ, JR., 0000
EDMUND B. HIPP, 0000
JAMES T. HOFFMANN, 0000
JOHN H. HOUSAND, JR., 0000
JEFFREY A. HUBLEY, 0000
IVAN F. INGRAHAM, 0000
KEVIN A. JACOBS, 0000
CHRISTOPHER R. KNARR, 0000
JAMES M. KOEHLER, 0000
ROBERT O. KOENIG, 0000
RUSSELL S. LASCINK, 0000
WILLIAM M. LENNON, 0000
RONALD L. LOBATO, 0000
JOHN M. MAYBERRY, 0000
BRYAN R. MC CLUNE, 0000
WILLIAM J. MITCHELL, 0000
PHILIP T. O HARA, 0000
KYLE G. PHILLIPS, 0000
JOSHUA M. PIECZONKA, 0000
JASON M. POPOWSKI, 0000
DONALD J. PRITCHARD, 0000
JAMES S. PRYOR, 0000
KEVIN R. ROOT, 0000
RICHARD M. RUSNOK, 0000
JESSE L. SJOBERG, 0000
GIUSEPPE A. STAVALE, 0000
CHRISTOPHER T. STEELE, 0000
STEVEN M. SUTEY, 0000
DEREK L. TRABAL, 0000
JASON M. WARDLOW, 0000
ROBERT J. WEINGART, 0000
CHRISTOPHER M. WESTHOFF, 0000
DAVID E. WESTIN, 0000
ROBERT F. WHALEN, 0000
BARIAN A. WOODWARD, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 6, 2000, withdrawing from further Senate consideration the following nomination:

THE JUDICIARY

JAMES M. LYONS, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN P. MOORE, RETIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 22, 1999.