United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, SEPTEMBER 15, 1999 *No. 120*

Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

Gracious Father, we come to You on this fresh September morning with full hearts. Thank You for letting us be a part of the fabric of this country which is so richly endowed both physically and spiritually. Help us never to forget that it is by Your grace we are here and that ''to whom much is given, much is required.''

We pray particularly for those in the path of a storm, whether politically in the Senate of the United States or physically on our southeast coast. Give them wisdom, judgment, and strength for the journey.

As the fall agenda in this deliberate body is engaged in this Chamber, which has been the battleground for ideas and the sanctuary for our freedoms over the years, help our Senators not to be weary in well-doing. Buttress them with patience in the face of a thousand voices calling them to act in small, immediate ways which erode principle and derail the larger good.

We join our hearts at this moment with the thousands of other ordinary citizens across America who, today and every day, lift this band of 100 gifted leaders to You.

In that Name above every name, we pray these things.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished acting majority leader is recognized.

SCHEDULE

Mr. SHELBY. Mr. President, today the Senate will immediately begin 1 hour of debate on the Wyden amendments Nos. 1625 and 1626, both regarding airline reporting. Votes on those amendments have been scheduled to occur at 11 a.m. Further amendments to the Transportation appropriations bill are anticipated. Therefore, Senators may expect votes throughout the day. It is hoped, however, that Senators who have amendments will work with the chairman and the ranking member to schedule the offering of their amendments in a timely manner so we can expedite this bill. Today the Senate may also resume consideration of the Interior appropriations bill in an attempt to complete action on the bill.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative assistant read as follows:

A bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Wyden amendment No. 1625, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents involving the failure to disclose information on the overbooking of flights.

Wyden amendment No. 1626, to make available funds for the investigation of unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers involving denying airline consumers access to information on the lowest fare available.

The PRESIDING OFFICER. The distinguished Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

AMENDMENTS NOS. 1625 AND 1626, AS MODIFIED

Mr. President, I ask unanimous consent that in the second proviso of each of my two amendments, the words ''It is the sense of the Senate'' be inserted.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

Mr. WYDEN. I thank the Chair.

The amendments (Nos. 1625 and 1626), as modified, are as follows:

AMENDMENT NO. 1625

On page 65, line 22, before the period at the end of the line, insert the following: '': *Provided,* That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: *Provided further,* It is the sense of the Senate that, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible''.

AMENDMENT NO. 1626

On page 65, line 22, before the period at the end of the line, insert the following: '': *Provided,* That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further,* It is the sense of the Senate that, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communications''.

Mr. WYDEN. Mr. President and colleagues, these two amendments are essential to begin to ensure that passengers in this country get a fair shake with respect to airline service.

We have seen in recent months that the airline industry is going to great lengths with their so-called customer service pledge to try, through a series of voluntary promises, to show to the American people that they are really committed to improving airline service.

The fact is, Mr. President and colleagues, two studies that have just come out demonstrate that these voluntary promises by the airline industry really are not worth much more than the paper on which they are written. So I am very pleased to come to the floor of the Senate today with my good friend, the chairman of the subcommittee, Senator SHELBY, and the ranking minority member, Senator LAUTENBERG, to make it very clear that in two key areas—overbooking and making sure that passengers can be informed of the lowest fare available—the inspector general will be directed to investigate promptly when in fact consumers are ripped off in those areas.

Let me touch specifically on both of those provisions.

The first deals with the overbooking issue. In addition to my friend from Alabama, the chairman of the subcommittee, I am very pleased Senator CAMPBELL has joined us in this effort, as well as Senator FEINGOLD from this side of the aisle. It is truly bipartisan.

The reason it is needed is that if this morning you call an airline and inquire about purchasing a ticket on a flight and they are overbooked, that airline does not have to tell you they are overbooked before they take your money.

We do not think that is right. We think the public has the right to know. Certainly the airline ought to be in a position to sell you a ticket even if they are overbooked, but it ought to be the consumer's right to have that information before they actually put their money down.

So the first proposal we are offering today makes sure that consumers will be informed in these instances of overbooking.

The second amendment we are offering deals with making sure that passengers can be adequately informed of the lowest fare available on flights. Finding the lowest airfare is one of the great mysteries of Western life. Today on any given flight, there may be as many different fares as there are passengers on the plane. So with respect to this matter of making sure the passengers can be informed of the lowest fare available, I offer a second amendment, again with the chairman of the subcommittee, Mr. SHELBY, and the ranking minority member, Senator LAUTENBERG, to make sure that passengers will be in a position to be informed of the lowest fares.

Some airlines right now are giving customers with computers a price break just because they have a computer to access the web site. We have all heard about the digital divide. In fact, some folks have the technology; others do not. The current situation penalizes the technology have-nots; they have to pay a higher fare. Of course, when the airlines have you, the customer, on the phone, they have in fact ''got you.'' You may not own a computer or have access to one. You have to pay whatever price the airline quotes you.

No matter how a customer contacts an airline—at the ticket counter, over the phone, or through the airline's web site—it is the view of the sponsors of this amendment—myself, the distinguished chairman of the subcommittee, Mr. SHELBY, and the distinguished ranking minority member, Senator LAUTENBERG—that the consumer ought to be informed.

Right now, on a voluntary pledge that has been made by the airline industry, there is a lot of high-sounding rhetoric in telling customers about the lowest fare, but the harsh reality is it is essentially business as usual.

In fact, I think it is worth noting the language in the pledge, as it stands today, to offer the lowest fare available. What the pledge by the airline industry stipulates today is: If a consumer uses the phone to call an airline and asks about a specific flight on a specific day in a specific class, the airline will tell you the lowest fare. That is something that they are already required to do by current regulation.

Not only will they not provide you relevant information about lower fares on other flights on the same airline, they will not even tell you about lower fares that are probably on their web page.

For example, a Delta agent recently quoted a consumer over the phone a round trip fare to Portland—my hometown—of $400. Five minutes later, the consumer found a price for $218 for the exact flight on Delta's web page.

I do want to leave time for other colleagues to be able to speak on these amendments. Both of the amendments, it seems to me, hit critical issues with respect to disclosure to airline passengers of information that they need to make their travel choices.

We are not calling for a constitutional right to a fluffy pillow on an airline flight or a jumbo bag of peanuts. We are saying the public has the right to know.

We had 100,000 people bumped last year, and we are finding, in the first 6 months of this year, consumer complaints are growing at an unprecedented level with respect to airline service.

Unfortunately, this voluntary pledge by the airline industry is essentially toothless. They give you three kinds of rights: First, a set of rights that you already have, and that deals with the disabled; second, rights that they are reluctant to actually write into the legalese that constitute the real contract between the consumer and the airline—these are known as contracts of carriage; and, finally, the consumers' rights that are ignored altogether.

The Wyden-Shelby-Lautenberg amendments we will be voting on at 11 o'clock ensure that those rights which are being ignored altogether would be protected, that in the future consumers will be informed when a flight is overbooked. Consumers would be in a position to learn the lowest fare available, and if that is not the case, under this amendment the Department of Transportation is directed to go on out and investigate that as a deceptive trade practice, and the consumer is protected.

So I will reserve the remainder of my time. We may have other colleagues who want to speak. But again, I express my appreciation to the chairman of the subcommittee, Senator SHELBY. He and Senator LAUTENBERG have worked very closely with us on this amendment.

I reserve the remainder of my time and yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I will be brief. But I want to take a couple minutes to commend the Senator from Oregon for having the courage and the foresight and tenacity to push these amendments because they make a lot of sense.

All of us travel by the airlines. We want our airlines to do well. We want them to respond to all the people in the market. But we want it to be done upfront and, I think, upright. I am not sure that is going on today. That is why I believe this legislation is necessary. I think it is a step in the right direction.

We all go back to the deregulation of the airlines. I want to deregulate everything. But I want competition to be out there in the marketplace, including the airlines, to where people will have a choice. I am not sure we have a choice today in the airline industry because we have such concentration. We all fly. We want some basic rights.

I believe the passengers, who are the customers who support the airlines—without customers there will be no airlines—ought to have a say. I believe that is the thrust of the amendments offered by the Senator from Oregon. That is why I support them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, I know we have a scheduled vote at 11 o'clock this morning. We have equal time here. I ask unanimous consent that the running of the quorum call time on the clock be charged against both sides equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, if I might ask the distinguished senior Senator from New Jersey, are we dealing with two amendments or a sense-of-the-Senate resolution?

Mr. LAUTENBERG. We are dealing with two sense-of-the-Senate resolutions that the Senator from Oregon has offered now, a substitute for an earlier amendment.

Mr. ROCKEFELLER. Well, a sense-of-the-Senate resolution is preferable in that it doesn't become law and is not binding. It also implies, as I would believe, that perhaps the case for the amendments is not as strong as it once appeared to be.

I want to speak vehemently against whatever form this takes, whether it is two amendments or a sense-of-the-Senate resolution. There is no question that the Senator from Oregon is concerned with safety. The Senator from Oregon has the luxury of dealing with flights far better than does the Senator from West Virginia. He has a consistent record on that. I also need to say, however, that when he brought up what was to be two amendments—both of which I disagree with and which I ask my colleagues to vote against, whether in amendment form or resolution form—the Senator didn't give any advanced notice about it. He didn't inform those charged with responsibility for aviation issues on the Commerce Committee before he brought this matter up, for example.

Customer service is a problem we have been working on in the Commerce Committee. What I need to point out is that on this very day the airlines are coming out with their plans to implement what Senator MCCAIN, Senator HOLLINGS, Senator GORTON, and the Senator from West Virginia directed and worked with them to do to improve customer service. Today they are coming out with a plan to address precisely the problems the Senator is bringing up.

People talk about Washington intervening and Washington trying to do something on its own because Washington always knows best. This is probably a classic case of that—especially on what looks like a tremendously popular consumer issue that can easily get a lot of attention. But we always have to ask the question, is it the right public policy? My reaction in this case is, no, it is the wrong public policy.

We sat down with the airlines and we had a very long series of negotiations. We got them to agree to a whole series of things which they are coming out with today, which we haven't actually seen yet, for improving customer service. They are coming out with their detailed service plans on this very day, at the same time that we are voting here on these resolutions. What is interesting is that in the principles we negotiated with the airlines both of the problems contemplated by these resolutions are specifically addressed, and will be elaborated upon in the specific plans of each airline.

Now I don't have the advantage of is having the plans before me because they are being announced today. But we pushed the airlines hard and they came back with suggestions; and then we went to them again and said that is not good enough, and they came up with more. We also informed the airlines that we would be working on legislation to direct the Department of Transportation to exercise oversight and monitoring of airlines customer service plans and how they are implemented.

We are also working on legislation to increase penalties—if we can ever get to the FAA reauthorization bill, which a lot of people don't talk about—including increases in baggage liability limits, civil penalties for consumer violations, and fines for mistreatment of disabled passengers. We took a very tough approach with the airlines, saying to them, look, we are going to give you this chance because we think you know better than we do how wide a seat ought to be.

We think that when it comes to the cost of the fare, or informing passengers of cancellations or delays, you can do a better job for passengers than if we dictated to you how to do it.

And at the same time we said to the airlines: If you don't come forth with meaningful service improvements and if you are not effective in implementing these commitments, then we are going to come back at you with legislation.

We were very clear in our message to them. Senator MCCAIN, Senator HOLLINGS, Senator ROCKEFELLER, and Senator GORTON—all of us—were very clear about the consequences. We are committed to considering a legislative solution to make the airlines do these things, but first we are going to give them a chance to clean up their own houses.

The main difference between these resolutions and our approach is that we don't want to legislate right out of the gate. We may have to end up legislating, if they don't improve things. But let's give them an opportunity first.

Consider the case of Southwest Airlines and the question of overbooking. Routinely 35 to 40 percent of the people who make reservations on Southwest don't show up for the flight. Do they have an overbooking procedure on 90 percent of their flights? Yes, they do. They need to do that since on average 35 to 40 percent of their passengers don't show up for each and every flight.

On one hand, it seems as if overbooking is an easy thing to do something about. But in practice it is a more complicated question. So, shall we give the industry that knows it has problems a chance, albeit under pressure and restrictions from the Congress and the DOT, but nonetheless a chance to solve their problems themselves? Or shall we simply say we are going to do it for you, and this is how you are going to do it?

Again, if they don't come forward, if they don't do this correctly, then we may very well move legislatively. I have said it frequently to them in private and in public that we move to legislate if they don't take this voluntary approach quite seriously, and we will direct and mandate that these customer service improvements be done. But I think to take the heavy-handed approach right out of the box is the wrong way to go.

I think it is also ironic, I have to say, that the focus is on overbooking and access to low fares, without giving equal attention to the problems of air traffic control. We aren't paying any attention at all to the underlying problems—the infrastructure problems that are the root cause of many customer complaints, including overcrowding, scheduling problems, cancellations and no-shows.

The airlines have until December 15 to get their detailed plans fully implemented. I think we ought to give them the chance.

The inspector general of DOT is monitoring and watching each and every airline for any failure to carry out the principles and promises. If they are not effectuated, that will be considered a violation by the DOT.

But is there anything really that wrong with giving the people who know how to do it and who will compete with one another to do it best a chance to self-regulate under this very unusual and extraordinary pressure that they find themselves from myself and Senator GORTON? Or do we simply say, no, we know how to do it best, and we are going to do it for you?

I hope my colleagues will understand that this a resolution that doesn't do much good for airline passengers. What

will do good by the traveling public is the plan which the airlines are announcing today, and then the oversight and the implementation of those plans, which we will watch very closely and then evaluate how they've done. If they are ineffective in it, then we will move right to legislation. But for heaven's sake, let's not start off that way and pretend we can do all of this better than they can.

I yield the floor. I reserve the remainder of my time.

Mr. LAUTENBERG. I thank the Senator from Oregon.

Mr. President, I think what the Senator from Oregon is doing this morning is offering some help for sat-upon air passengers—people who are totally discouraged by the treatment they get from our airlines. I am not saying the airlines are not a good, effective part of our communications system or that they don't care. Not at all. But they have to be a little more sensitive to what the passengers need. The passengers need to know whether or not reservations they have made are going to be honored. They have to know whether or not they are buying right. If you go into a department store, you see signs telling you how much an article costs. When you call up an airline for reservations, you never know whether you have three seats in L class, or two seats in Y class, or six seats in E class, and you don't know whether you are getting what you are getting.

I think there is an expression that is used commonly around here—''a right to know.'' The passengers have a right to know. They have a right to know that when they get to that airport, the seat they have reserved which they paid for is going to be available for them.

There is no one whom I like less to disagree with than my friend from West Virginia, the distinguished Senator from West Virginia. But the airlines may know, to use his expression, ''how wide a seat is.'' But they don't want to tell you how wide the seating spaces are in their airplanes compared to others.

I fly, as most here do, at least twice a week—once up and once back from my home district in my State.

I find that the space gets narrower and narrower. I think we ought to let people know. Give them a choice. Give them a right to know. We are not telling them the seat size. I don't want to do that.

I have found one thing. Sometimes if you offer enough carrots as an incentive, you wind up with carrot soup. You don't wind up with a satisfied user. That is what we are talking about. The airlines have voluntarily agreed to do some things; that is, if you can find out, and if you understand what they are talking about when they do it.

I see nothing wrong in the sense-of-the-Senate resolutions the Senator from Oregon is introducing. I think he is doing us all a favor, and that is highlighting what the problem is. It is not law that he is proposing. What he is suggesting is something for us to all think about as we consider legislation, or recommending rules to the FAA that the FAA ought to take up. We are focusing.

I must say this to the Senator from West Virginia. In my opening remarks and in the remarks of the chairman of the subcommittee, what we are talking about is the shortages that we are seeing in funding for FAA.

I know I heard it repeated by the distinguished Senator from Alabama. I said we are underfunding the FAA. That is because the whole transportation budget is inadequate for the things we have to do. It shouldn't be. But the system is safe. People do get there most of the time now—late. But the fact is we are concerned about funding the FAA and the overcrowding of the skies.

We want the air traffic control system to operate well.

I sit lots of times in the second seat in a small airplane. I hear what is going on. It is not always what you like to hear—that you have to wait a half hour to take off, that you have to wait a half hour or divert to land because it is too crowded. We are concerned about that.

But also I make mention of a cause of mine—to make sure that we have high-speed rail in this country to take care of the 200-mile trip, or the 250-mile trip from New York to Washington, or Boston to New York, or Boston to Washington—relatively short trips—to relieve some of the pressure in the skies at the same time that we build the system.

I yield the time. I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes 50 seconds.

Mr. WYDEN. Thank you.

Mr. President, first, in the package of amendments with respect to overbooking and making sure the passenger has the lowest fare available, that has nothing to do with seat size. I think all of our colleagues know it.

The reason the Consumer Federation of America and Consumers Union put on the floor for each Member of this body a strong endorsement letter for these two amendments this morning is that they think the public has a right to know this basic information. That is all these two amendments are about.

The fact is that my good friend from West Virginia has a difference of opinion with respect to the airline industry voluntary pledges.

I agree with the General Accounting Office and the Congressional Research Service. They came out with reports this week that essentially showed that with respect to these voluntary industry pledges, there is no ''there'' there. These voluntary industry pledges either involve rights that the consumer already has, No. 1, rights that the airline industry is unwilling to write into the contract between the airline and the consumer, known as contracts of carriage, or rights that are essentially ignored altogether, which are overbooking.

Nobody is talking about micromanagement or a constitutional right to fluffy pillows. We are talking about basic information for the public.

What has happened since the voluntary industry agreement of earlier this summer is, two congressional reports have come out—a report by the Congressional Research Service and a report by the General Accounting Office. Let me read from a portion of what the General Accounting Office has said. The General Accounting Office said with respect to the key measures in the voluntary package—ensuring customer service from an airline, cosharing partners, a refund provision, a special needs provision—these are already required.

The airline industry has tried, with a lot of hocus-pocus with the voluntary pledges, to convince the Congress and the American people that they really are responding substantively when in fact this is essentially old wine in new bottles.

That is why this morning the Consumers Union and the Consumer Federation have put on to the desks of each Member of this body a strong endorsement letter. This is about the public's right to know, the public's right to disclosure of information in two areas: The lowest fare; second, with respect to overbooking. That is what this issue is about.

Members can either be with the passengers or Members can be with the airline industry, which the General Accounting Office and the Congressional Research Service said this week has offered voluntary pledges that are woefully deficient because they essentially do nothing other than restate current law.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I yield what time I have to the distinguished Senator from Washington.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized for 1 minute 20 seconds.

Mr. GORTON. Mr. President, this is another example of Members of the Senate attempting to say they know much more about a particular business than do the people who run that business and depend upon customer satisfaction in order to run it profitably.

Fortunately, it is now only a sense-of-the-Senate resolution. However, it nonetheless, with respect to involuntary exclusion from planes, applies to about 1 person in 10,000 and is therefore a sledgehammer used to crush a fly, and does it in a way which will be either ineffective because the information that passengers get will be of no

use to them or will cut down on the number of tickets that are sold which will raise the prices passengers pay.

The provision about Internet pricing, if implemented, will simply mean there will be no lower prices offered on the Internet than there are elsewhere. That will also raise the prices some passengers pay.

The voluntary attitudes of the airlines are only beginning to go into effect. Even the GAO report quoted by the Senator from Oregon reads:

> The real deal is what the individual airlines come out with in the plans. Once they do, they can be held accountable.

We ought to leave this to that accountability and not decide we know the airline business better than the airlines themselves.

The PRESIDING OFFICER. The time allotted to the distinguished Senator has expired.

Does the Senator from Oregon yield time to the distinguished Senator from Montana?

Mr. WYDEN. I understand I have about 10 minutes remaining. Would my good friend from Montana like 3 or 4 minutes?

Mr. BURNS. It will only take about a minute. I am opposing the amendment, so the Senator may want to rethink the allotment of that time.

Mr. WYDEN. Why don't I give 3 minutes to my good friend from Montana, and then I will use my remaining time to wrap up.

Mr. BURNS. I thank my friend from Oregon. I will be very brief.

In the Commerce Committee, we struck a deal with the airlines. Today they are going to the FAA with their plan. What we have seen to this point is an outline of what they plan to do. What they plan to give to the FAA, with the FAA exceptions, we should agree to and keep the word of the Commerce Committee that that is the way we are going to do business.

I think we are trying to micromanage. I expect I am the only one who should be concerned about seat width. I fly just as much as anyone else. In fact, to go round trip between here and Montana, we probably have more seat time than we really want.

The chairman of the Subcommittee on Aviation on the Commerce Committee had a very successful hearing in Kalispell, MT. We ought to look at the root of some of the problems, and that is pilot shortage. We had an outstanding hearing on how it affects rural States such as my State of Montana.

I shall oppose these two amendments. I thank my good friend from Oregon. He has been more than gracious with his time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I don't see any other speakers. I will be very brief in wrapping up.

Again with respect to these voluntary pledges that have been made by the airline industry, I think it is worth noting exactly what the General Accounting Office said about this so-called customer service first program.

The General Accounting Office found that of the 16 pledges the airline industry made in their voluntary customer first package, 3 of them are already required by Federal law, 4 of them are already required by what are known as the contracts of carriage, legal contracts, and the vast majority of them aren't written in at all. They are not written in any way with respect to key areas such as making sure consumers are adequately informed about the lowest fares, making sure customers are informed about delays, cancellations, and diversions, returning checked bags within 24 hours, credit card refunds, informing passengers about restrictions on frequent flier rules, and having customer service representatives to actually help the public.

That is what the General Accounting Office said.

I am very hopeful we will see some of the airlines individually go beyond what is being proposed in their voluntary package.

In reading the General Accounting Office and the Congressional Research Service reports that have come out since this voluntary agreement was entered into, anyone will see how woefully inadequate the consumer protections are for the public in this country. In fact, these contracts of carriage, which are legalese and technical lingo that spells out the contract between the consumer and the airline, the Congressional Research Service found most of the front-line airline staff didn't even know what these contracts of carriage were. The consumer would basically have to do somersaults to try to get information about them. It is largely not available, even at the ticket counter in many instances. It shows again how reluctant these airlines are, in the vast majority of instances, to truly inform the public.

At the end of the day, passengers have three types of rights: Rights in effect they already have; rights that will not be spelled out in the contract; and, finally, rights that are being ignored altogether. That is why the Consumers Union today is urging the Senate to adopt these two amendments. They are on the side of the passengers. They understand the voluntary pledges that have been made by the airline industry lack teeth. They are gobbledegook.

I urge my colleagues to strongly support these two amendments, agree with the Consumers Union rather than with the airline industry, and let's ensure that at a time when complaints are at a record level, which is the situation we find ourselves in today, we are making sure the passengers can get a fair shake when it comes to learning about the lowest fare available and learning about their rights when there has been an overbooking.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Oregon yield the remainder of his time? The Senator has 6 minutes.

Mr. WYDEN. I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1625, as modified.

The amendment (No. 1625), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1626, as modified.

The amendment (No. 1626), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that all first-degree amendments to the Transportation appropriations bill must be filed by 12 noon today, Wednesday, September 15, with the exception of one amendment by each leader and a managers' package of amendments.

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

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

THE ECONOMIC CONVULSION IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I was just at a gathering of family farmers from the State of Minnesota. I want to give a report on what many of these farmers from Minnesota had to say. I know the Chair has met with farmers from his State and is well aware of the economic pain.

This was a gathering of the Farmers Union farmers, although I think as they have traveled from Senate office to Senate office and House office to House office, they speak for many farmers in the country. Their focus is on what can only be described as an economic convulsion in agriculture.

I know this is not only a crisis in the Midwest but it is also a crisis in the South and throughout the entire nation. On present course, we are going to lose a generation of producers. Whether we are talking about farmers in Minnesota or farmers in Arkansas, many very hard-working people are asking nothing more than a decent price for the commodities they

produce. These farmers, who want a decent price so they can have a decent standard of living and so they can support their children, are going to go under.

I will talk a little bit about policy, but, most importantly, I want to talk about families. I think it is important to bring this to the attention of the Senate. On the policy part, I would prefer, if at all possible, to avoid a confrontation about the Freedom to Farm bill. I thought it was ''freedom to fail'' when the bill passed in 1996. I thought it was a terrible piece of legislation; other Senators at that time thought differently. Part of the legislation gave producers more flexibility, which was good. However, the problem we are facing now is the flexibility doesn't do any good because, across the board prices are low and farmers can't cash-flow.

I don't know whether the Chair has had this experience in Arkansas. He probably has. Many farmers will come up to me, and often these farmers will be in their 40's or 50's. They will say: Right now, I am just burning up my equity. I am digging into everything I have in order to keep going. I want to ask you a question: Should I continue to do that? Do I have a future, or should I just get out of farming?

People don't want to get out of farming. They don't want to leave. This is where they farm. This is where they live. This is where they work. The farm has been in their family for four generations.

We have to make a major modification in our farm policy. The modification has to deal with the problem of price. It is a price crisis in rural America. We have to get this emergency assistance package passed. Conferees must meet and report a bill to Congress so that we can get assistance out to farmers now. I think the emergency package must include a disaster relief piece. The Senate version includes no funding for weather related disasters. Although I am supportive of an emergency relief package, I still don't think the Senate-passed version targeted the assistance towards those people who need the most help.

The point is, these producers want to know whether they have a future beyond 1 year. They can't cash-flow on these prices, whether it be for wheat, for corn, for cotton, for rice, for peanuts, or whether it be for livestock producers. They simply cannot cash-flow. They cannot make it. They can work 20 hours a day and be the best managers in the world, and they still won't make it.

I do think we have to raise the loan rate to get the price up. We have to do that. We have to have some kind of a way that our producers have some leverage in the marketplace to get a better price. I think we also need to have a farmer-owned reserve. A farmer-owned reserve would enable our producers to hold on to their grain until they can get a better price from the grain companies.

Whatever the proposal is, I say to all of my colleagues, for our producers—and I imagine it is the same in Arkansas—time is not neutral. It is not on their side. I don't think we can leave this fall without making a change. We have to pass the emergency assistance package, and we have to deal with the price crisis. I have heard discussion about how we are going to leave early. We cannot leave early.

I also want to talk about the whole problem of concentration of power. This is an unbelievable situation. What we have is a situation where our producers, such as our livestock producers, when negotiating to sell, only have three or four processors. They have the Smithfields, the ConAgras, the IPBs, the Hormels and the Cargills. The point is, you have two, three or four firms that control over 40 percent, over 50 percent, sometimes 70–80 percent of the market.

Pork producers are facing extinction, and the packers are in hog heaven. The mergers continue, and we have all of these acquisitions. We need to put free enterprise back into the food industry.

I have had a chance to review the Sherman Act and the Clayton Act and the work of Estes Kefauver and others. We have had two major public hearings, one in Minnesota and one in Iowa, with Joel Klein, who leads the Antitrust Division of the Justice Department, and Mike Dunn, head of the Packers and Stockyards Administration within the Department of Agriculture. Our producers are asking the question: Why, with these laws on the books, isn't there some protection for us? We have all sorts of examples of monopoly. We want to know where is the protection for producers.

It is critical to pass some stronger antitrust legislation. I know Senator LEAHY is doing a great job with his legislation. I am pleased to join with him. I know part of what the Leahy legislation is going to emphasize is that the U.S. Department of Agriculture can ask for a family farm rural community impact statement. It must address the impact these acquisitions and mergers will have on communities. We want to see that USDA has the authority to review these mergers and acquisitions. We want to see that when people break the law and are practicing collusive activities, there are going to be very stiff penalties. We want to set up a separate division within the Justice Department that deals with agriculture and conducts an investigation and an impact study. Again, we need to have some strong antitrust legislation on the books.

This ought to be a bipartisan issue. I think this is one issue on which all the farm organizations agree. We must have some antitrust action. We must have some bargaining power for the producers. We must put free enterprise back into the food industry.

Until we pass this legislation, I will have an amendment on the floor calling for a moratorium on any further acquisitions or mergers for agribusinesses with over $50 million in revenue. We need to take a look at what is going on. We need to pass some legislation now or we need to have a moratorium for one year until we pass legislation. I think there is going to be a considerable amount of support for this. The reason I think there is going to be a lot of support is that I think many of my colleagues have been back in their States, and for those of us who come from rural States, from agricultural States, you can't meet with people and not know we have to take some kind of action.

I want to bring to the attention of my colleagues just what this crisis means in personal terms. I get nervous about the discussions we have about statistics. We talk about loan rates, we talk about target prices, deficiency payments and LPDs. I want to put this crisis in personal terms.

Let me talk, first of all, about the wonderful wisdom of a Kansas farmer.

I want to share a conversation I had with a Kansas farmer, who offered a great analogy that goes right to the heart of what is happening to our livestock producers, in particular, pork producers who are facing extinction while the packers are in hog heaven:

> Hogs can be mean, nasty and greedy animals. When a hog farmer raises hogs, he knows well enough to separate the big boars from the little hogs. No hog producer would put a boar in the same pen with small pigs. The boar would literally attack and kill the smaller pigs.

Yet while no producer would make such an illogical decision, we as a nation have shamelessly allowed the big boars within our own market pen. That is exactly what is happening. The large corporate ''pigs'' have been attacking and killing the smaller producers.

Now, let me just recite a little bit of historical context. These are words that were spoken on the floor. I read this piece and thought of the latest Smithfield effort to gobble up another company. These words were spoken on the floor of the Senate by Wyoming Senator John B. Kendrick in 1921, in support of the Packers and Stockyards Act:

> Nothing under the sun would do more to conduce to increase production in this country and ultimately to cheapen food products for the people of the Nation than a dependable market, one wherein the producer would understand beyond a shadow of doubt that he would not merely get what is called a fair market, but would get the market for his products based on the law of supply and demand. The average producer in this country is a pretty good sport. He is not afraid to take his chances, but he wants to know that he meets the other man on the dead level and does not have to go against stacked cards.

That is exactly what is at issue. Everywhere the family farmers look, whether it be on the input side, or to whom they sell, you have monopolies. We have to, as Senators, be willing to be on the side of family farmers and take on these monopolies. Who do we

represent? Are we Senators from Smithfield, ConAgra or Cargill, which is a huge company in my State. Or, are we Senators who represent family farmers in rural communities?

I had a meeting with about 35 small bankers, independent bankers, community bankers, from rural Minnesota. It was unbelievable; all of them were saying they have not seen anything such as this crisis in their lifetimes. They said if we continue the way we are going right now, we are going to lose these farms. Our hospitals are going to shut down, our businesses are in trouble, our dealers and banks are in trouble. We are not going to be able to support our schools.

This is about the survival of many of our communities, and these bankers they are right. I would, in 1999, like to associate myself with the remarks of Senator John B. Kendrick in 1921. He goes on to say:

It has been brought to such a high degree of concentration that it is dominated by a few men. The big packers, so-called, stand between hundreds of thousands of producers on the one hand, and millions of consumers on the other. They have their fingers on the pulse of both the producing and consuming markets, and are in such a position of strategic advantage; they have unrestrained powers to manipulate both markets to their own advantage and to the disadvantage of over 99 percent of the people of our country. Such power is too great, Mr. President, to repose it to the hands of any man.

I have been doing a lot of traveling during August meeting with farmers. I have been, certainly, to every single rural community in Minnesota and to gatherings in South Dakota, Iowa, North Dakota, Missouri, and Texas. Each and every time, I will tell you, it is incredible when you speak to farmers. You have 700 or 800 pork producers at a rally, for example, and they know from personal experience who the enemy is. They can't believe that IBP is making record profits while they are going under. How can it be these packers make all this money and the prices for our products don't go down in the grocery stores? Meanwhile, our family farmers, our producers, are facing extinction? What is going on?

When we passed the Sherman Act in late the 1800s, we did it, to protect consumers; but, we also said we as a nation value competition. We thought the food industry was important. We thought we ought to have a lot of producers. We thought we ought to have a wide distribution of land ownership. We thought it was important to have rural communities. Somebody is going to farm land in America. When our family farmers in the Midwest or the South are driven off the land, the mentality seems to be not to worry about it. The argument is made that somebody will farm the land. Somebody will own the animals. But the problem is that it will be these big conglomerates owning the land and the animals. The health and vitality of rural America is not based upon the number of acres of land somebody owns or the number of animals; it is based upon the number of family farmers who live in the community, buy in the community, care about the community.

As far as our national interest is concerned, this is a food scarcity issue. When these big conglomerates finish muscling their way to the dinner table and driving these family farmers out, what will be the price we pay for the food? Will it be safe? Will it be nutritious? Will there be land stewardship? Will you have producers that care about the environment? I think the answer is no.

This is a transition that America will deeply regret. We in the Senate must take action. We must take action to deal with this crisis, and it is a crisis. It is a price crisis. We have to get the loan rate up to get the price up. We have to have a moratorium on all of these acquisitions and mergers.

Eunice Biel from Harmony, MN, a dairy farmer, said:

We currently milk 100 cows and just built a new milking parlor. We will be milking 120 cows next year. Our 22-year-old son would like to farm with us. But for us to do so he must buy out my husband's mother (his grandmother) because my husband and I who are 46-years-old, still are unable to take over the family farm. Our son must acquire a beginning farmer loan. But should he shoulder that debt if there is no stable milk price? We continuously are told by bankers, veterinarians and ag suppliers that we need to get bigger or we will not survive. At 120 cows, we can manage our herd and farm effectively and efficiently. We should not be forced to expand in order to survive.

Lynn Jostock, a Waseca, MN, dairy farmer, said:

I have four children. My 11-year-old son Al helps my husband and I by doing chores. But it often is too much to expect of someone so young. For instance, one day our son came home from school. His father asked Al for some help driving the tractor to another farm about 3 miles away. Al was going to come home right afterward. But he wound up helping his father cut hay. Then he helped rake hay. Then he helped bale hay. My son did not return home until 9:30 p.m. He had not yet eaten supper. He had not yet done his schoolwork. We don't have other help. The price we get at the farm gate isn't enough to allow us to hire any farmhands or to help our community by providing more jobs. And it isn't fair to ask your 11-year-old son to work so hard to keep the family going. When will he burn out? How will he ever want to farm?

Above and beyond that, I will just tell you that there is a lot of strain in the families. Families are under tremendous economic pressure, and they are under tremendous personal pressure.

As long as I am talking about families, I want to tell you that in my State of Minnesota there are farmers who talk about taking their lives. There are a number of people who are involved in the social services who are doing an awful lot of visits now to farms. And an awful lot of farmers are right on the edge. Do you want to know something? Their suffering is needless and unnecessary. This is not the result of Adam Smith's ''invisible hand.'' This is not some inexorable economic law. It is not the law of physics. It is not gravity that dictates that family farmers must fall.

We have it within our power to change farm policy and to give these producers a chance. We should not leave. We should not go home until we write some new agricultural policy, a new farm policy that will really make a difference for people.

I am open to all suggestions. I am not arrogant about this. But I will tell you one thing I am insistent upon. I am going to be out on the floor talking about this issue. I am insistent that we take some action. We can't just turn our gaze away from this and act as if it is not happening.

Jan Lundebrek from Benson, a Minnesota bank loan officer:

As a loan officer at a small town bank, I received a check for $19 for the sale of a 240-pound hog. I immediately went across the street to the grocery store and looked at the price of ham. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to ask the grocer about the difference. Where does it go? Somebody is getting it, but it isn't the farmer.

We have policies to keep our country safe. We have a defense policy, we have an education policy, but we don't have a policy to protect our strength. We don't have a food policy that protects our farm communities and consumers who spend $49 for a 10-pound ham that the farmer can't even buy through the sale of a 240-pound hog.

Now we have Smithfield that says it wants to buy Murphy. A merger of yet two more of these large packers is just outrageous. I want a moratorium on these mergers and acquisitions. I don't want these big livestock packers to be pushing around family farmers and driving them off the land.

Jan Lundebrek, this is a brilliant example. I want to speak for you, Jan, on the floor of the Senate—A Benson, MN, bank loan officer:

As a loan officer at a small town bank, I received a check for $19 for the sale of a 240-pound hog. I immediately went across the street to the grocery store and looked at the price of hams. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to ask the grocer about the difference. Where does it go? Somebody is getting it, but it isn't the farmer.

Let me again point this out. You spend $49 for a 10-pound ham, and this farmer is getting $19 for a 240-pound hog.

I mentioned the Sherman Act and the Clayton Act. I feel as if I am speaking on the floor of the Senate in the late 1800s. Where is the call for antitrust action? Teddy Roosevelt, where are you when we need you?

We have to get serious about this.

Richard Berg, Clements farmer:

My dad died when I was 9-years-old. Two years later, when I turned 11, I began to farm full time with my older brother. He and I still farm together. This year I will bring in my 48th crop. The farm we own has been in the Berg family for more than 112 years.

When we began farming we would get up at 4 a.m. to do chores. Then we would go to

school. During the evening, after we returned from school, we went back to work farming.

My brother and I each own 360 acres. I never had a line of credit until the past five years. We always made enough to save some and buy machinery when we needed it. Now I have a line of credit against the land that I own that I am always using.

I invested in a hog co-op a few years ago and a corn processing facility. I have a lot of equity tied up there. Neither venture is making money. They're losing money.

There's no one after me who is going to farm.

Les Kyllo, Goodhue dairy farmer:

My grandfather milked 15 cows. My dad milked 26. I have milked as many as 100 cows, and I'm going broke. They made a living out here and I didn't. Since my son went away to college, my farmhands are my 73-year-old father and my 77-year-old father-in-law who has an artificial hip.

I have a barn that needs repairs and updates that I can't afford. I have two children that don't want to farm. At one point, in a 30-mile radius, there were 15 Kyllos farming. Now there are three. And now I'm selling my cows. My family has farmed since my ancestors emigrated to the United States.

When I leave farming, my community will lose the $15,000 I spend locally each year for cattle feed; the $3,000 I spend at the veterinarian; the $3,600 I spend for electricity; or the money I spend for fuel, cattle insemination and other farm needs.

By the way, I would like to thank these farmers. I don't know whether other Senators realize this. I am sure they do. I am sure that people listening to our discussion on the floor realize this. But you know, when people tell you the story of their lives and allow you to talk about them and their strains, they do not do that except if they hope that if enough of us realize what is really going on, we will make the change. That is what they are hoping for. That is what they are hoping for, and that is what we should do.

Alphonse Mathiowetz, Comfrey farmer:

''We were there 43 years and it took 43 seconds to take it all away.'' Alphonse and LaDonna, his spouse, farmed the same land in Comfrey for 43 years. In the spring of 1998 a tornado tore through their community taking with it the work of their lifetime, their farm machinery, their buildings, their trees, their corn bins and their retirement. The Mathiowetz family lost more than $200,000 of equity to the tornado, none of which will be recovered.

Alphonse and LaDonna chose to rebuild their home on the farmstead. Not because they wanted to, but because if they did otherwise the reimbursement they received from their insurance company would have been highly taxed. It was the only financial decision available to the couple.

''I guess it's a blessing to retire, but not this way, watching the farm go away in bulk on an iron truck.''

Steve Cattnach, Luverne small businessperson (insurance agent):

Two local farmers who raise hogs came in both in the same week to withdraw money from their Individual Retirement Accounts. During the course of 10 days the time it takes for the money to arrive both were in twice asking about when their checks would arrive.

A local farmer who has 2 1,200-hog finishing facilities wanted to help his cash-flow by reducing the insurance coverage on his hog buildings from $180,000 each to $165,000 each. The terms of the policy allowed the coverage to be reduced, but the farmer's lender wouldn't allow the coverage to be reduced because the farmer, after 3 years of finishing hogs in those buildings, still owed $180,000 on each building. During those 3 years, he had only paid interest on the money he had borrowed.

Laura Resler, Owatonna farmer:

I have farmed with my husband for 20 years. When we started, we raised two breeds of purebred hogs and sold their offspring as breeding stock. Each animal sold for $300 to $500 per animal. But the increase in size of hog operations made our small breeding stock operation a money-losing venture. Also milked cows to produce manufacturing grade (Grade B) milk. But $10 per hundredweight is not enough to pay the bills, so we had to give up the cows. From the time my husband, Todd, was 18 until now, when he's 41, he's worked for absolutely nothing. Now he works at a job in town so we have funds on which to retire. Our hope is to give our son the farm that's been in the family for generations and let our daughter have the house. But you can't cash-flow a 4–H livestock project. How can he cash-flow the farm?

Many of these youngsters growing up on these farms are not going to be able to farm because these farmers are going to be gone. I have heard people say: Senator WELLSTONE, you come out here and talk about this. What is to be done? Raise the loan rate; get the price up.

If Members don't want to do that, come out here and talk about other ways we can change policy in order to make it work.

Is there any Senator who wants to come to the floor of the Senate, given the economic pain, the economic convulsion, the broken dreams, the broken lives and broken families in rural America, who wants to say stay the course? Is there any Senator who wants to do that? I don't know of any Senator who thinks we should stay the course.

If that is the case, let's have an opportunity for those who have some ideas about how to change this policy so people can get a decent price and there can be some real competition. We want an opportunity to be out here, to introduce those amendments, to introduce those bills, to have votes, and to try to change this. That is what I am talking about.

Darrel Mosel has been farming for 18 years. When he started farming in Sibley County, which is one of Minnesota's largest agricultural counties, there were four implement dealers in Gaylord, the county seat. Today there is none. There is not even an implement dealer in Sibley County.

The same thing has happened to feedstores and grain elevators. Since the farm policies of the 1980s and the resulting reduction in prices, farmers don't buy any new equipment; they either use baling wire to hold things together or they quit. The farmhouses have people in them, but they don't farm. There is something wrong with that.

Again, when he started farming in Sibley County there were four implement dealers in Gaylord, the county seat. Today there is not one—not one. This isn't just the family farmers going under, it is the implement dealers, the businesses, our communities. This is all about whether or not rural America will survive.

Ernie Anderson, a Benson farmer:

Crop insurance has and is ruining the farmer. Because yields of disaster years are figured when calculating the premiums costs, a farmer's yield on which he can buy insurance decreases. As it decreases, it becomes apparent that paying a crop insurance premium doesn't make financial sense because when there is a loss, the claim amount of damaged crops isn't enough to pay the price to put crops in the ground. Crop insurance is supposed to help me. It's not supposed to put me out of business.

Randy Olson, strong, articulate Randy Olson, a college student, beginning farmer, comes home from college each weekend to help on the farm. In March he came home from school and his parents looked like they aged 5 years. The price of milk had dropped from $16.10 in February to $12.10 in March. No business can afford a drop in price like that over a short period of time.

You love your parents, you see them hurt, and it makes you mad.

And prices are going up right now, but it is a heck of a dairy policy if, due to the drought in some areas of the country, Minnesota dairy farmers can do better. That is not a dairy policy.

Gary Wilson, an Odin farmer, received the church newsletter in the mail. What is normally addressed to the entire congregation had been addressed only to farmers. The newsletter said farmers should quit farming if it is not profitable. If larger, corporate-style farms were the way to turn a profit, the independent farmer should let go and find something else to do.

What he doesn't understand is that farmers are his congregation. If we go he won't have a church.

Not only that, Gary, but, again, I will just repeat it. The health and the vitality of our rural communities are not based upon how many acres of land someone owns or how many animals someone owns; it is how many family farmers live and buy in the community. The health and the vitality and the national interests of our Nation are not having a few conglomerate exercising their power over producers, consumers and taxpayers.

Testimony from Northwest Minnesota—this is more painful. John Doe 1 from East Ottertail, MN. Despite the ongoing difficulties, it is amazing, the steadfast willingness of this family to try to hold things together. The farm is farmed by two families, a father and his son. Since dairy prices fell in the second quarter of 1999, there was not enough income for this family to make the loan payments and to provide for family living and cover farm operating expenses. The farm credit services would not release the loan for farm operating assistance, so the family had to borrow money from the lender from

which they are already leasing their cows. They have not been able to feed the cows properly because of the lack of funds. Because they cannot adequately feed their dairy herd, their milk production has fallen and is considerably lower than the herd's average production.

In addition, because there was no money for family living expenses, the parents had to cash out what little retirement savings they had so the two families had something to live on day to day. The son and wife had to let their trailer house go since they could not make the payments, and they moved into a home owned by a relative for the winter.

Most of their machinery is being liquidated. However, there are a few pieces of machinery that go toward paying off their existing debt. The family will sell off 120 acres of land in their struggle to reduce their debt.

Recently, the father has been having serious back troubles and has been unable to help his son with the work. This is tremendous stress, both physically and mentally, on the son. The son has decided he is going to have to sell part of the herd in order to reduce the herd to a number that is more manageable for one person. In addition, the money acquired from selling off part of the herd will be applied toward their debt.

The son hopes these three items combined—selling machinery, land, and parts of the herd—can pay off enough of their debt that he might be able to do some restructuring on the reminder of the farm and to reduce loan repayments to a manageable amount where there is something left to live on after the payments are made. That is what they hope for.

By the way, as long as we are talking about bad luck, in a very bitter, ironic way, at least for me, my travel in farm country in Minnesota and many other States in the country has made me acutely aware of the fact that we are going to have to talk again. Senator BOB KERREY of Nebraska was eloquent when he mentioned we will have to talk about health care that goes with health care coverage that comes with being a citizen in this country.

Do you know what is happening with our farmers? A lot of the farmers, because of this failed policy, because of these record low prices, because of record low income, because, financially, they have their backs to the wall, what do they give up on? They give up on health insurance coverage. So they do not even have any health insurance. Of course, for many of these producers, being able to afford this health insurance coverage in the first place is very difficult. They don't get the same deal that you get if you are working for a big employer. Now many of them say: We cannot afford it. So they have given up on their health insurance coverage, hoping they and their loved ones will not be ill. But you know what? The more stress there is, whether it is more mental stress or more physical stress, the more likely people will be struggling with illness.

John Doe 2, from Goodridge, MN—I say John Doe 2 because these are farmers who do not want their names used, and I respect that. This family has gone through a divorce. The father and three children are operating the farm. The farmer has taken an off-farm job to make payments to the bank and has his a 12-year-old son and 14-year-old daughter operating the farming operation unassisted while he is away at work. The neighbors have threatened to turn him in to Human Services for child abandonment, so he had to have his 18-year-old daughter quit work and stay home to watch the younger children. The 12-year-old boy is working heavy farm equipment, mostly alone. He is driving these big machines and can hardly reach the clutch on the tractor. It is this or lose the farm.

This story really gets to me because this is really complicated. One more time. The family has gone through a divorce and the father and three children are operating the farm.

As long as I am going to take some time to talk about what is happening to family farmers, this is unfortunately not uncommon. The strain on families is unbelievable.

So the father, since he is alone, a single parent, was forced to take an off-farm job to make payments to the bank. His 12-year-old son and 14-year-old daughter are operating the farming operation unassisted while he is at work.

I think a lot of us would say: Wait a minute. You cannot do this. The neighbors, thinking the same thing, have threatened to turn him in to Human Services because they say this is not right.

He has an 18-year-old daughter. He says to her: You have to quit work and stay home to watch the two younger children. The 12-year-old boy is working heavy farm equipment, mostly alone. He is driving these big machines and he can hardly reach the clutch on the tractor. But it is this or lose the farm. That is what is happening out there. This is a convulsion.

I say to my colleague from North Dakota, who is on the floor, I have been saying the reason the farmers in Minnesota have given me their stories and the reason I want to take the time to focus on this is we want an opportunity to change this policy. We want an opportunity to be out here with amendments and with legislation that will lead to some improvement.

Mr. President, John Doe 3.

Mr. DORGAN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. Mr. President, I will not yield the floor but I will be pleased to yield for a question.

Mr. DORGAN. Mr. President, I appreciate the Senator from Minnesota yielding for a question. I suppose some people get irritated about those of us, Senator WELLSTONE, myself, Senator CONRAD, Senator HARKIN, and others who come to the floor to talk so much about the plight of family farmers. But at a time when our newspapers trumpet the growing economy and the good news on Wall Street with a stock market that keeps going up, at the same time we have a full-scale crisis in rural America with grain prices for family farmers in constant dollars being about where they were in the Great Depression.

I held a meeting with Senator WELLSTONE in Minnesota. I held a hearing with Senator HARKIN in Iowa. During the August break we held a hearing in North Dakota under the auspices of the Democratic Policy Committee, and we heard the same thing we have been hearing; that is, we have a serious problem with low prices. You cannot solve this without dealing with prices. Farmers are paying more for what they purchase and getting less for what they sell.

I wanted to just mention two items and then ask the Senator from Minnesota a question. We had a Unity Day rally in North Dakota; 1,600 farmers came. The most memorable moment, I guess, was from a fellow named Arlo, who was an auctioneer. He told of doing an auction sale at this family farm. A little boy came up to him at the end of the sale and grabbed him by the leg, and with tears in his eyes, shouted up at him, he said: You sold my dad's tractor.

The auctioneer, named Arlo, he kind of put his hand on the boy's shoulder to calm him down a bit. The boy wasn't to be calmed. He had tears in his eyes. He said: I wanted to drive that tractor when I got big.

That is what this is about. The mother who lost her farm, who wrote to me and said during the auction sale her 17-year-old son refused to come out of the house to help with the auction sale, refused to come out of his bedroom. That was not because he is a bad kid, but because he so desperately wanted to keep that family farm and was so absolutely heartbroken and could not bring himself to participate in the sale of that farm. That is the human misery that exists on today's family farms.

They are the canary in the mine shaft, with this kind of economic circumstance. Somehow there is a suggestion that what matters in this country is the Dow Jones Industrial Average and not a beautiful wheat field or cattle in the pasture or a hardware store on Main Street. Somehow it is just all numbers and it doesn't matter whether we have a lot of farmers or a couple of corporate farms.

I ask the Senator from Minnesota during his travels—I know Senator WELLSTONE was not only in Minnesota but all around this country in August at farm unity rallies—if he heard anyone, anywhere, believing the so-called Freedom to Farm bill made any sense at all? That is the Freedom to Farm bill that pulls the rug out from under family farmers and says it doesn't matter what the market price of grain is,

you operate the market. You don't need a safety net. A lot of other folks in the country have safety nets, but the farmers are told, no, you don't need a safety net.

Did the Senator find anybody in this country who said: I wrote that bill, I stand behind that bill, that bill makes good sense, and that bill is working?

(Mr. BUNNING assumed the chair.)

Mr. WELLSTONE. Mr. President, let me give my colleague from North Dakota kind of a two-part answer to that question; first of all, farmers and citizens in the community are speaking out, because this is all about rural America. It is a strong and clear voice saying: You have to change the policy. This is not working. We are going under. We cannot get a decent price for what we produce. We cannot cash-flow.

So I can very honestly, truthfully say not at one farm gathering anywhere in Minnesota, and I was at a lot of them that not just the farmers showed up at these gatherings. It was farmers bankers, business people, implement dealers, and clergy. It was the community. I promise you, that in the parts of the State I visited approximately fifty percent of the crowd was Republican. But not one of them was defending this farm policy, this Freedom to Farm or ''freedom to fail.''

The second thing I said on the floor of the Senate, and my colleague might want to ask me a follow-up question, I do not see how anybody in the Senate or House of Representatives who has been out there with people can say stay the course. You cannot. We have to change the course. There is just no question about it.

I do not care if we call it a modification. You know what I mean. We can go over it. People can talk about a modification; they can talk about a correction.

I used to hear people on the floor of the Senate say ''stay the course.'' I do not hear them saying ''stay the course'' anymore.

I say to my colleague from North Dakota, the reason I am out here for a while is because I want to make it clear that we want an opportunity to be on this floor with legislation that will make a difference, that will raise the loan rate, get the price up, deal with the problems of all the acquisitions and mergers, and try to put free enterprise back into the food industry. We want to make a difference in order to get this emergency financial assistance package passed. We want to be out here, and we want that opportunity.

The second thing I was saying is that in no way, shape, or form should we adjourn without addressing this crisis. I cannot believe when I read in the papers there is this discussion about leaving. I cannot believe there are people who are saying let's get out of here as soon as possible. No, we have work to do. We should not leave until we take the responsibility as legislators, as Senators who represent our States, to write a new farm bill or make the corrections or modifications that will deal with the price; that will give people a chance to farm and stay on their land. My colleague is absolutely right with his question. He is right on the mark.

Mr. DORGAN. If I can further inquire of the Senator from Minnesota, he is going to be joined and is joined by a number of our colleagues who insist we do something about this farm problem. It is not satisfactory to watch the auction sales occur across the heartland of this country. If you take a look at what is going on in our country and evaluate where we are losing population—I have a map I have shown many times on the floor of the Senate where I have outlined in red all of the counties that have lost more than 10 percent of its population, and we have a huge red circle in the middle of America. Those counties are losing population.

We are depopulating the farm belt in this country because somehow we are told the future of agriculture is the future of corporate agriculture, corporate agrifactories. We can raise hogs by the thousands; we can raise chickens by the millions; we do not need real people driving tractors; we do not need real people living on the land; corporations can farm America from California to Maine.

When that happens, if that happens, this country will have lost something very important. I do not know whether the Senator from Minnesota has read Richard Critchfield. He is an author who has passed away. He was from Fargo, ND, originally. He went on to become a world-renowned author. He wrote a lot of books about rural America. One of the things he wrote about was the refreshment of family values in this country always rolled from family farms to small towns to big cities. The seedbed of family values was always coming from America's family farms—raising a barn after a disaster, the pie socials, the gatherings on Saturday in the small town to celebrate the harvest, the family values that come from living on the land, raising food for a hungry nation, raising children in a crime-free environment, building a school, building communities, building churches, building a way of life.

Somehow we are told those are values that do not matter. What matters is the marketplace, the market system, so if huge grain companies decide when a farmer plants a crop and harvests a crop and takes it to the market that the crop is not worth anything, that is the way life is.

At the same time that farmer is driving a crop to the elevator and told the food does not have any value, we have old women climbing trees in the Sudan foraging for leaves to eat because they are desperately on the verge of starvation. There is something broken about this system. Family farmers are told with the Freedom to Farm they are free. Are you free from monopolistic railroads that overcharge? They do. In our North Dakota, our Public Service Commission said they overcharge over $100 million just in our State, and most of that is from farmers.

Are you free of grain trade monopolies that choke the economic life out of farmers? They are not free from that.

Are you free from mergers and concentrations so that in every direction a farmer looks they find two or three firms controlling it all? Do you want to fatten up a steer and ship the steer to a packing plant? Good for you because you have three choices that slaughter 80 percent of the steers in America.

Do you think that is a deck that is stacked against you? Or how about this, free from trade agreements that stack the deck against family farmers? Try to take a load of durum wheat into Canada. I did once. We had millions—12 million bushels—of Canadian durum wheat shipped into this country undermining our market in the first 6 months of this year alone.

I went up with a man named Earl in a 12-year-old orange truck with 200 bushels of durum. All the way to the border, we found these trucks with millions of bushels of wheat coming south. I know I have told the story before. If people are tired of hearing it, it does not matter to me a bit. I will continue talking about it because it talks about the fundamental unfairness of our trade.

We got to the border with Earl's orange truck and 200 bushels. We were stopped at the border because you cannot get that American durum into Canada. Why? Because our trade agreements that have been made by trade negotiators who have forgotten who they work for are incompetent trade agreements that sold out the interests of family farmers in this country. Farmers have every right to be very angry about it and ought to demand it changes.

Those are a few areas—mergers and concentration, grain trade, railroads, bad trade agreement, and a Freedom to Farm bill that says price support for farmers do not matter much. We know how wrong that is.

The question for this country of ours is this: We ramped up as a nation a few years ago to save Mexico in times of serious financial crisis. Will a country that is willing to ramp up its effort to save a neighbor, will a country that is willing to commit $50 billion to save Mexico decide that it is worth saving family farmers in times of crisis? We have people who say it is not worth that, we ought not take the time, we do not have the ability, we do not have the money, we do not have the ideas, they say.

This is not rocket science. It is easy. I say, change the Freedom to Farm bill to a bill that says how about freedom to make a decent living. If you grow food and are good at it, there ought to be a connection between efforts and reward. We ought not have the notion there are minimum wages and minimum opportunities and all kinds of

other safety nets across the country, but for families who stay on American farms and raise their kids and support small towns, there is nothing but a bleak future because corporations are taking over what they do, and that is just fine for the future, some will say.

It is not fine for the future. This is about who we are as a country, who we want to be. It is about the soul of this country, and if this country, as Thomas Jefferson used to say, does not care about broad-based economic ownership and opportunity for the American people, then it will quickly lose its political freedoms as well.

Political freedom relates to economic freedom. Economic freedom comes from broad-based economic ownership, and nowhere is that more important and more evident than in the production of this country's food.

I ask the Senator from Minnesota one question: Isn't it the case that there are 7 million people in Europe farming who get a decent price for their farm product because the countries of Europe have been hungry and have decided, as a matter of national security and economic and social policy, they want families living on the farm operating European farms? Isn't it the case that is the policy in Europe—and God bless them and good for them—and that policy is contrasted with folks, some in this Chamber, who say that ought not be the policy? Our policy ought to be to say whatever happens happen; if corporations farm America, that is fine. Isn't that the case? Isn't that the dichotomy of the two policies?

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota for his question. I appreciate it.

First of all, let me go back to a comment I made earlier, as long as the Senator from North Dakota brings up the example of Europe. I am going to continue to give other examples and talk about what is happening to other farmers in my State of Minnesota in a moment. I intend to stay out on the floor of the Senate and talk about farm prices for a while. I have a ruptured disk in my back, and as long as I can stand, which maybe not be that much longer but a while, I will continue to speak.

What is happening is this pain is not Adam Smith's invisible hand. It is not the law of physics. It is not gravity that farmers must fall down. The only inevitability to what is happening to our producers is the inevitability of a stacked deck, a stacked deck which basically ripped away in the ''freedom to fail'' bill any kind of safety net, a stacked deck that does not give our farmers any kind of leverage in the marketplace.

Whatever happened to farmer-owned reserves? Whatever happened to raising the loan rate to give people better targeting power, a better target price vis-a-vis the grain companies? And what in the world are we doing about three and four packers who dominate 60 to 70 percent of the market vis-a-vis our livestock producers?

So I say to my colleague from North Dakota, yes, the Europeans have decided, given their experience in two wars, food is precious. They do not want people going hungry. They value family farmers, and they think it is in their national interest to support family farmers, and therefore the Europeans have a policy that protects that. I completely agree with my colleague who says we ought to also care as much about family farmers as the Europeans do.

When some of my colleagues say, let's rely on the market, farmers kind of smile and say: Free enterprise? Where is it? We want free enterprise. We want competition. But please explain to your colleagues in the Senate that a few packers dominate the market. They are making record profits while we're facing extinction.

One example that I think says it all is an example I read earlier, which I cannot find right now. I will have to come back to it. It is about the economics of this.

I will talk about John Doe 3 from Euclid, MN, a farmer waiting for a foreclosure of his real estate. But first, I ask my staff to find the example of a grocery store and what farmers are being paid for hogs.

Here is the example: Again, Jan Lundebrek of Benson, MN, a loan officer at a small town bank, received a check for $19 from the sale of a 240-pound hog: ''I immediately went across the street to the grocery store and looked at the price of hams. The store was selling hams for $49. I wrote down that price and showed it to the producer. Then we decided to go ask the grocer about the difference.''

She is the loan officer. ''Where does it go? Somebody's getting it, but it isn't the farmer,'' says this Minnesota bank loan officer, Jan Lundebrek of Benson. ''We have policies to keep our country safe. We have a defense policy. We have an education policy. But we don't have a policy to protect our strength. We don't have a food policy to protect our farms, communities, and consumers who spend $49 for a 10-pound ham that the farmers can't even buy through the sale of a 240-pound hog.''

So $49 for a 10-pound ham, and this farmer gets $19 for a 240-pound hog.

I am going to go back to the stories of farmers in my State, but as long as I am taking some time on the floor of the Senate seeing Senator DORGAN out here triggered another thought. He was saying the other night, at a Farmers Union gathering, that his parents were Farmers Union members, and he went to many blessed Farmers Union picnics and gatherings. And then he went on to say: My parents would never have believed that. Senator DORGAN, his roots are rural America. He said: My parents would have never believed I would have had a chance to be a Senator. They certainly would not believe that I would be getting an award from the Farmers Union.

The only thing I could think of saying at this gathering to the pork producers that were there was: I'm more committed to you than any other Senator, which catches people's attention. I heard Senator DORGAN talk about his background and I thought of my own. The reason why I bring up this story is every time I am at a gathering of pork producers, I am thinking of my mother, Minnie Wellstone, who is up there in Heaven, smiling, I am sure, and saying: Paul, good Jewish boy that you are, what are you doing speaking at all these gatherings of pork producers and organizing with these farmers?

So I said at this gathering to Senator DORGAN: If you think your parents would be surprised, believe me, my mother and father would be very surprised. My mother, Minnie Wellstone, was a cafeteria worker. This was her life. Her philosophy was that people should get a decent wage for their work.

In many ways, this is what we are talking about. We are saying, if we believe as a country that a person who works hard, 40-hours a week, almost 52 weeks a year, ought to make a living wage and be able to support his or her family, then shouldn't the men and women who provide the food and fiber for our nation make at least a living wage?

I think the vast majority of the people agree they should. The vast majority of people believe they should get a decent price. But that is not what is happening right now. This is a crisis. This is a crisis in rural America: Broken dreams and broken lives and broken families, all of it unnecessary.

Here is an example: This farmer, John Doe 3, is waiting for a foreclosure on his real estate in northwest Minnesota. He is waiting to see whether FSA can help him.

By the way, the Farm Services Administration in Minnesota is doing an excellent job. I say to Tracy Beckman, the director, thank you for your work. But you know what? The Farm Service Administration in Minnesota, and this may very well be the same in the State of Washington and the State of Montana, the FSA local offices are severely understaffed. They cannot even begin to deal with the number of people who are knocking at their door for emergency loans. They are under incredible tension, incredible stress.

As a Senator from Minnesota, I would like to thank all of the FSA people for all of their work. It is incredible. We are getting pretty close in Minnesota to asking for an emergency declaration by the President. We are not asking for the declaration because of a tornado, not because of a flood, not because of a hurricane, but because of record low prices that are driving people out. We are arguing that this is a food scarcity crisis for our country.

A case worker in northwest Minnesota is working to strike a deal with FSA to take a mortgage on a 16-acre building site, which is all these folks

have left. By doing this, she was hoping to encumber the land so the IRS couldn't force these folks to take out a loan against their home.

Since the family did not complete FSA forms in a timely manner, they no longer qualify for any kind of servicing action with FSA except for a straight cash settlement. According to the case worker, since the family filed bankruptcy 2 years ago, no bank will touch them. So they couldn't borrow against their home if they decided on this option. As things stand now, foreclosure on the land is proceeding; and debt settlement proceedings are continuing with the IRS, and at a very slow and difficult pace.

It appears this family's only hope is at the mercy of the IRS and to let the IRS do whatever they want to them for another 4 years. Their wages are already being garnished while judgment on the home site is pending, until they can file bankruptcy again to get rid of the huge IRS tax debt. In the meantime, they work for $8 an hour, out of which they lose 25 percent on the IRS garnishment. They live in their home that the IRS values at $30,000, and this includes the 16-acre building site. They drive vehicles that are in such poor condition it is a daily question of whether they will even make it out of the driveway.

This is what is happening to people.

This year Minnesota ranks the highest in the Nation in understaffed FSA employees. Around 6,000 and I have seen more; this is the most conservative estimate, farms are predicted to go out of existence this year. About 10 percent of farmers are predicted to go out in Minnesota this year, and the number of farmers going out in northwest Minnesota will be much higher. People are going to go under if we continue this failed policy. I don't even see any opportunities. I see a game plan to bring to the floor legislation on which we can't offer amendments. That would basically block us from being able to come to the floor and say: We have some ideas about how we could change farm policy so people could get a decent price, so they and their families can earn a decent living.

The reason I am on the floor today and I know this is inconvenient to other Senators, is because it is my job to fight for people in my State. All of us do that. I am saying I want some assurance that we will have the opportunity to come out with amendments on legislation to change farm policy. All of us. That is point 1.

The second point is, I certainly want to sound the alarm. I want to say to farmers and rural citizens in our States that are agriculture States: Put the pressure on. Don't let the Senate adjourn without taking action.

Don't let people say: We will do these appropriations bills; and we are out of here. That is not acceptable given what is happening to people. That would be the height of irresponsibility.

John Doe 4 from Thief River Falls, MN, this is another story of a father and his son. The bank forced the liquidation last year and there was not enough collateral to cover old loans. The father had never mortgaged the home quarter, thinking that if nothing else, they would always have a place to live. As it turns out, the liquidation has caused a major tax liability which they cannot pay. The father is ill and in his 70s, surviving on Social Security payments. The son is working at an $8-an-hour job that leaves little left to pay bills. Currently, the IRS and the bank are fighting it out to see who gets to put a lien on the father's home quarter and his home. This man was once a respected leader in his community. After all that has happened now, there isn't much left but bitterness in his heart and a future of poverty and destitution.

I can see the reaction of some people saying: Well, isn't this so sad.

Don't be so callous. Let's not be so generous with other people's suffering. I do not believe we should ignore these families, these stories, these lives, this crisis.

One more time, I think the end is really rather important. Currently, the IRS and the bank are fighting it out to see who gets to put a lien on the father's home quarter and his home. This man was once a respected leader in the community. After all that has happened now, there isn't much left but bitterness in his heart and a future of poverty and destitution.

John Doe 5. For anyone who might be watching right now, as opposed to before, the ''John Doe'' is because I am not using the names of families. These are people who have given me stories of their lives, what is happening to them, because they hope that if we can talk about this in the Senate and make it clear that we will fight for people, that it will make a difference. It is hard for people to have somebody talking about them in public.

Here is another story of two families trying to hold on to the farm, still clinging to hope as their farm crumbles. They applied for an FSA loan guarantee, and FSA managed to process the loan for the bank. They are now proceeding with restructuring. However, some of the family members have become very nervous about the large debt that needs to be refinanced and things have begun to fall apart.

As it stands now, the two families have decided to abandon the FSA loan and have laid out a partial liquidation plan with the bank. The bank wants the families to sign a plan, agreeing to a formal and inflexible liquidation schedule. The family was hoping to work things out more informally to accommodate tax consequences and adjust for seasonal livestock prices, as their assets are sold. At this point, the families are not sure the bank will agree and are waiting, hoping, and praying that they will make it through.

Again, the problem with this particular situation, as in all these stories, is these are people who can't cashflow. They are just trying to hold on. That is what this is all about.

Farmer suicides are one of the deepest tragedies of our Nation's farm crisis. For many men and women, the grueling daily battle against circumstances beyond their control rips away at their spirits. They are haunted that they may be the ones who lose possession of the lands that their great, great grandparents homesteaded and that their grandparents held on to during the darkest days of the Great Depression. That is what people feel. This tragedy is made all the more haunting and real in this letter left by a young farmer, the father of a 6-year-old and a 3-year-old. He committed suicide July 26.

After 6 years of hard work and heroic efforts, he knew that bankruptcy was inevitable. He listened to the failing crop prices on the radio report one last time, and he killed himself. His widow made parts of the suicide letter public in an attempt to show the desperation that is gripping farmers throughout rural America. In releasing the letter, she explained that the farm had been in the family for over 100 years. It was the land where her husband was born, worked, dreamed, and died. From the letter:

> Farming has brought me a lot of memories, some happy but most of all grief. The grief has finally won out, the low prices, bills piling up, just everything. The kids deserve better and so do you. All I ever wanted was to farm since I was a little kid and especially this place. I know now that it's never going to happen. I don't blame anybody but myself for sticking around farming for as long as I have. That's why you have to get away with the kids from this and me. I'm just a failure at everything it seems like. They finally won.

I think it is worth reading again. There are some people in northwest Minnesota, Willard Brunelle and others, who are involved in what basically they call Suicide Watch. I think in the last month, Willard said they have paid something like 30 or 40 visits over a month or the last 2 months, if one can imagine. So the letter that the husband leaves to the wife:

> Farming has brought me a lot of memories, some happy but most of all grief. The grief has finally won out, the low prices, bills piling up, just everything. The kids deserve better and so do you. All I ever wanted was to farm since I was a little kid and especially this place. I know now that it's never going to happen. I don't blame anybody but myself for sticking around farming as long as I have. That's why you have to get away with the kids from this and me. I'm just a failure at everything it seems like. They finally won.

By way of apology to my colleagues for, in a way, bringing the Senate to a standstill for a little while, one of the reasons I do so, in addition to the reasons I have mentioned, is that when I was a college teacher in Northfield, MN, I became involved with a lot of the farmers, I guess in the early 1970s, but in the mid-1980s, I did a lot of work with farmers, a lot of organizing with farmers.

(Mr. BURNS assumed the Chair.)

Mr. WELLSTONE. There are several friends of mine who took their lives. There were a number of suicides. We had all of these foreclosures, and I used to sit in with farmers and block those foreclosures. It was always done with nonviolence and dignity.

I am emotional about what is now going on. I probably need to go back and forth between serious and not so serious, since I am taking some time to talk. I remember that in the mid-1980s, in the State of Minnesota, many people were losing their farms. This is where they not only lived but where they worked. These farmers didn't have much hope and didn't have any empowering explanation as to what was happening to them or how they could fight this. It became fertile ground for the politics of hatred.

The Chair and I don't agree on issues, but I respect the Chair. I don't think we engage in this type of politics. But that was really vicious politics of hatred, of scapegoating. When I say ''scapegoating,'' it was anti-Semitic, and all the rest. I am Jewish. I am the son of a Jewish immigrant who fled persecution in Russia. My good friends told me one story about Minnesota and that I should stop organizing because these groups were kind of precursors to an armed militia. When you are five-five-and-a-half, you don't listen to that. I went out and spoke at a gathering in a town we call Alexandria, MN. The Chair knows our State. I finished speaking at this farm gathering, and this big guy came up to me and he said, ''What nationality are you?'' I said, ''American.'' I thought, what is going on here? I hadn't mentioned being Jewish in this talk.

He said, ''Where are your parents from?'' No, he said, ''Where were you born?'' I said, ''Washington, DC.'' He said, ''Where are your parents from?'' I said, ''My father was born in the Ukraine and fled persecution. My mother's family was from the Ukraine, but she was born and raised on the Lower East Side of New York City.'' He said, ''Then you are a Jew.''

I tensed up. I mean, I was ready for whatever was going to come next. I said, ''Yes, I am.'' He stuck out this big hand and he said, ''Buddy, I am a Finn, and we minorities have to struggle together.'' That is one of the many reasons I have come to love Minnesota.

I think what is happening right now in our farm communities and in our rural communities is far more serious than in the mid-1980s. This is an economic convulsion. We are acting in the Senate and House as if it is business as usual.

Greenbush, MN, Jane Doe 6. Here is another problem case where there is not enough collateral to cover all creditors. In a usual situation, FSA has a first mortgage and the bank is in a second position. A good portion of the land is going into CRP, but FSA, or the bank, will not lend the family money to get it established. Even with the CRP payments, there will not be enough money to pay off all the debt by the end of contract. The family is looking to liquidate the farm now and take their licking up front. If they do this, the bank will lose more money than if the family decided to keep the land and CRP. The bank is threatening to try to get the family's truck, their only source of income and equity.

These folks are in their sixties and would like to get the matter behind them. They still hope to build up some retirement where they still have their health and they can work. They are not building up any retirement.

The toughest question for me to answer is when farmers say: I am burning up all my equity. I am literally burning up my equity to try to keep going. I have a question for you, Senator WELLSTONE, or it could be for any of us. A farmer states, ''I am willing to do this. I have nothing in my savings, no retirement. I have nothing. Do I have any future? Am I going to get a decent price? Because if I don't have any future, I should get out now. But I want to have a future; I want to farm. The farm has been in my family for generations. I want my children to have a chance to farm.''

Well, you know, I want to be able to answer yes. But I think the Senate and the House of Representatives, are going to have to take some action. As it currently looks, we will have a financial assistance package that doesn't do the job. It has to be better. We certainly have to have disaster relief in it, and I will insist on the floor of the Senate again.

As I look to some of these AMTA payments, too much of it is going to go to people who don't need it that much. Not enough will go to people who do need the assistance. But we have to get this out to people. That only enables people to live in order to farm another day. But it doesn't tell people where they are the following year, and years to follow. The farmers in Minnesota, in the heartland, the farmers in the South, the farmers in our country are not interested in, year after year after year, hanging on the question of whether there is going to be some emergency assistance for them. They are interested in getting some more power as producers so they can have some leverage in the marketplace; so they can have a decent price; so they can earn a decent living; so they can give their children the care they need and deserve. That is not too much to ask for.

When I talk about raising the loan rate for a decent price, we must also tie a safety net piece with antitrust legislation. We need both policies. One of the amendments I will bring to the floor is that we should have a moratorium on these acquisitions and mergers. We must call for a moratorium right now on these big companies until we take a serious look at real antitrust action. Now, it is true that the Cargills, the ConAgras, the IBPs, the ADMs and all the rest are the big players, the heavy hitters. They are the investors. They make big contributions. A lot of these family farmers who I am talking about in Minnesota, and in the other States I visited, are certainly in no position to make big contributions. So to whom does the Senate belong? Does it belong to these big packers? Are we the Senate for ADM, or for ConAgra, or for Cargill? Or are we a Senate that still belongs to family farmers and rural people?

In this particular case and I am sorry to have to formulate it this way, but do you know what? It is an accurate formulation. Some people who benefit might like low prices for family farmers. But those are not family farmers. We have to take some action.

This is Jane Doe 7, from Thief River Falls, MN. Northwest Minnesota has been hit by too much rain. Farmers were not even able to put in much of their crop. We have had crop disease and record low prices. We can't do anything about the weather, but we can do something about record low prices, can we not, colleagues? Does anybody think we should stay the course any longer? How many farmers have to go under? How many small businesses in our rural communities have to go under? How much more pain does there have to be?

What are we waiting for?

My State of northwest Minnesota is really hard hit. I have been to so many gatherings. I started out the August break in northwest Minnesota with Congressman COLLIN PETERSON. Congressman PETERSON is from the Seventh Congressional District. During that time touring farms in northwest Minnesota, in spite of all that farmers are going through, gave me hope, and gave me fight. This is the way in which the farmers keep me going because I thought to myself: I am going to go out there and Paul, even if you are full of indignation, and you think what is happening to the producers is just unconscionable, if we have these gatherings at Thief River Falls, Crookston, or wherever, and only 10 farmers show up, then what that means is a lot of people just want to throw in the towel.

We had these gatherings. Congressman PETERSON and I had these gatherings together. I am telling you that anywhere from 125 to maybe 400 farmers showed up at a time. They were showing up not because I was there. It had nothing to do with me. It had to do with the reality of their lives. It is the desperation of their lives. They came to make a plea and to say: Please change the farm policy. We can't cashflow with these prices. Please do something.

But the really good part is they came because they still had some fight in them.

Then we built up and organized in Minnesota to the Rural Crisis Unity Day; didn't we, Jodi? Jodi Niehoff was there with me from Melrose, MN. She is the daughter of a dairy farmer. We

traveled around the State. We had a Rural Crisis Unity Day. I do not know how many people were there, but it was just a huge gathering at the Carver County Fairground. It was great.

What was great about it was we had half the Minnesota delegation there. That is a start.

What these farmers were saying, what these bankers were saying, and what these business people were saying is: We don't want you to stay the course. We want you to change the course because on present course we are going to lose our farms and lose our businesses. That is going to affect our schools and our hospitals. We want you to be sensitive to what is going on.

Why are we in the Senate so generous with the pain of other people? Why do we think we have so many other things to do that are more important than changing farm policy for these family farmers so these family farmers can survive?

What these farmers are now saying is: Can we have a rally?

What next? The reason I am taking some time on the floor of the Senate right now is to say what next? We demand the opportunity to be able to bring legislation to the floor to change this policy. That is what I am fighting for. That is what is next.

Emergency financial assistance has to be passed. But then there is getting the loan rate up for the price. Then there will be the moratorium proposal on these acquisitions and mergers, Smithfield and Murphy being the latest. It is unbelievable. It is an insult.

When I took economics classes, I was taught when you had four firms that dominated over 50 percent of the market, it was an oligarchy at best, and a monopoly at worst.

But I will tell you something. I will keep talking about these farmers and what is happening to them. But I will tell you this: It is a matter of needing to take some action now. I am going to do everything I know how as a United States Senator, and everything I know how to do, to make sure before we leave that we have an honest and a thorough debate about agricultural policy. I intend a debate with Senators coming to the floor and bringing forth proposals as to how we can improve this policy so that the family farmers in my State of Minnesota have a chance. But also let's not sound like a speech on the floor of the Senate. I don't have any illusions that it is a tough fight. I said it earlier.

In all due respect, a few of these grain companies and a few of these packers are the giants. These are the heavy hitters. These are the people who seem to count today in politics. The sooner we change this rotten system of financing campaigns, the better off we will all be.

But what I am picking up on is I think we will be back. First, we will have this vote. We all are accountable. If we change things for the better, great.

Senators, do you want to raise the loan rate to get prices up? Do you want to pass antitrust action to give our producers and consumers some protections? Great. But we will have a debate, and we will have a vote.

If you vote against it, and you do not have proposals that make any difference, then I will just say this: I think you will see farmers and rural people back in your State. They will put the pressure on. If nothing changes in the next month or so, I hope, frankly, in my State of Minnesota that I will see after harvest and after Thanksgiving debate. Thanksgiving would be a good time to do it, before Hanukkah and Christmas. That would be a good time to talk about the moral dimensions of this crisis.

I see the religious community across the board in our metropolitan areas bringing family farmers to our urban communities to meet with people who do not live in rural America to have a dialog, with plenty of media coverage, to again bring to the attention of the Nation what is happening. Because I think one of our challenges is people sort of find it hard to believe. They say: Well, Senator WELLSTONE, you are out here on the floor, and you all are talking about this crisis, but the economy is booming while we have this depression in agriculture.

We need to talk about the depth of the crisis, and also all the ways in which this affects America. We don't want a few people to own all the land. We don't want these conglomerates to muscle their way to the dinner table and control our whole food industry, all the way from the seed to the grocery shelf. We don't want to have these big factory farm operations. You can see it in some of these huge hog feed lot operations right now, which are so polluting and so disrespectful of the land and the air and the water. As a Catholic bishop said 15 years ago, ''We are all but strangers and guests in this land.'' We are here to make a better, maybe not Heaven on Earth, but a better Earth on Earth.

Do you think that these conglomerates, when they become farmers and make all the decisions, that they will have any respect for the communities? Do you think they are going to buy in the communities? Do you think they are going to have any respect for the land, the water, and for the environment? Do we really want, with such a precious item as food, to see this kind of concentration of power? It is absolutely frightening.

I am a Midwesterner though born in Washington, DC, and attended school at the University of North Carolina, but we have lived in Minnesota and our children have grown up there, as have our grandchildren. I have had a chance to do some travel in the South. It is the same. I remember going to Lubbock, TX. At farms down there, we heard the producers speak. It is different crops, but everything else is the same. They are talking about cotton, rice, peanuts. It is the same thing; they can't make a living.

Everywhere I go, I get a chance to speak and meet with farmers and their families. People come up to speak; I hear a voice that says: Thanks for coming, Senator; thank you for sharing. I turn around to shake hands and see whoever made those remarks crying. I see people with tears in their eyes.

How would you feel if you were going to lose everything? How would you feel if this were where you lived, this were where you worked, this were a farm that had been in your family for generations? It is so painful. It is so painful.

Maybe this is the definition of being a bleeding-heart liberal. Maybe that is what I epitomize here. But I don't think so. I am a liberal, but that has nothing to do with bleeding-heart liberal. It does have to do with me being a Senator from the State of Minnesota. I am a Senator from an agricultural State. I am a Senator who comes from a State with a thriving metropolitan area, Minneapolis-St. Paul and suburbs—a great place to live. I am a Senator from Minnesota, and the other part of our State is in economic pain. I am not going to be in the Senate while so many of these farmers go under, are spat out of the economy, chopped into pieces, without fighting like heck.

I have some leverage as a Senator that I can exert, I can focus on. I can call for a debate and insist on a debate. I have so many colleagues who care so much about this. I wish I knew agriculture as well as some of them. I know it pretty well. Some of the Senators are immersed in it. Senator DASCHLE, our leader—I hear him speak all the time because he is a leader of the Democrats. When he talks about agriculture, it is completely different. We can see it is from the heart and soul. Senator HARKIN, ranking minority member of the Senate Agriculture Committee—nobody cares more; no one is tougher; no one is more of a fighter. Both Senators from North Dakota, Senator DORGAN and Senator CONRAD—Senator CONRAD always has graphs, charts, and figures; he is just great with numbers. He knows this quantitatively and knows it every other way. Senator DORGAN is on the floor all the time. Senator JOHNSON from South Dakota is unpretentious. He cares for people. It is great to have a Member like that in the Senate.

I get sick of the bashing of public service. There are so many good people. Senator GRASSLEY from Iowa—we don't agree on everything, but we had a hearing, that Senator GRASSLEY and Senator HARKIN were kind enough to invite me to in Iowa, dealing with the whole question of concentration of power. Senator GRASSLEY asked a lot of tough questions about what is going on with all the mergers and acquisitions. There is Senator BLANCHE LINCOLN. When she speaks abut agriculture, it is unbelievable. It is her life, her farm, her family. There is nothing abstract about this to

her. Or Senator LANDRIEU who was at our gathering today.

It is Midwest; it is South.

Senator ROBERTS from Kansas—I don't agree with him, but he cares. He is a capable Senator. Senator LUGAR, who I think is one of the Senators who knows the most about foreign affairs, I do not agree with him on this policy question, but you can't find a better Senator.

I am not here to bash Senators; I am out here to say that I think this institution, the Senate, is on trial in rural America. This institution cannot afford to turn its gaze away from what is happening in rural America, to put family farmers and rural people in parentheses and act as if that isn't happening. We can't afford to do this.

I come to the floor of the Senate today to make a plea for action. I come to the floor of the Senate today to say I am going to be coming to the floor of the Senate in these mini filibusters. I call it a ''mini'' filibuster because I don't have that good of a back. If I had a good back, I could go for many more hours. I cannot stand for that long. As soon as I sit down, I lose the privilege to speak. However, I can come to the floor of the Senate several long hours at a time and keep insisting that, A, we have the opportunity to be out here with legislation to address this crisis in agriculture—that is not an unreasonable request, I say to the majority leader—and, B, to make it crystal clear that I will do everything I can to prevent the Senate from adjourning. I say this to my legislative director. We should not adjourn until we take this action.

Jane Doe, Thief River Falls, MN: Multiple years of bad weather and poor prices have destroyed the cash flow in this farming operation. The family put much of the land into CRP—the Conservation Reserve Program—to make payment to creditors. A couple of years ago, the hay market was good and the family decided to put the balance into alfalfa. Since then, prices for hay have fallen substantially and again bad grain greatly reduced the quality of the hay produced, thereby making it more difficult to sell. The family is hoping for some relief through their crop insurance. If their crop insurance fails, they will have to sell some of the land to pay down debt before the entire farm is lost.

This is a case of an older couple trying to help their son continue the farming operation and it slipped away from them. The father borrowed on his real estate to help his son get established and used his pension as collateral. He needed additional funds, so he borrowed again on the real estate and used his Social Security check as collateral. Bad weather and poor prices again took their toll. This time he borrowed on his cattle and machinery, using it to refinance the farming operation. In the meantime, with no income left on which to live, the parents were forced to use credit cards to finance their family living. The amount accumulated to about $25,000 on a number of credit cards. The family is no longer able to keep up with the payments to the card companies. They have gotten together and decided that liquidation is the only solution.

Some of the land has been sold and they are working with the two banks to reduce payments to free up some money on which to live day to day until the remaining land can be sold. The cattle and machinery will be sold next year. In the meantime, the parents, who are well in their 70s, are having some health problems. Steps are being taken to get the county nursing services involved to address their medical needs.

I will make a couple of different points, as long as we are talking about nursing homes. This is a slight deviation, but I think it is all interrelated when we are talking about rural America. Because of this Budget Act that we passed 2 years ago, with these caps, we are now in a situation where the Medicare reimbursement is so low that it is literally going to shut down many of our rural hospitals, including those in my State of Minnesota. I did not vote for it. I am glad I did not. But the point is, it does not matter.

As long as we are talking about a family with this kind of pain, here is another thing that hasn't been mentioned. The home health care services and the hospitals in our rural communities, especially in those States that kept costs down, such as Minnesota, are now being penalized for having kept costs down. Because we don't have any fat in our system, the Medicare reimbursement is way below the cost of providing care, and guess what, you don't have to be a rocket scientist to know that many of the citizens in our rural communities are elderly, especially since fewer and fewer of our young people can farm and live in the communities.

I was at a meeting yesterday with Senator MOYNIHAN in his office. He brought together a number of Senators to talk about this. From teaching hospitals to nursing homes to our rural hospitals to home health care, we have seen the equivalent of Draconian cuts in reimbursement, and they cannot go on. What a bitter irony. We have young people in our rural communities who cannot look to a future as family farmers because, one, they cannot afford to farm because of this failed policy, what many farmers call not Freedom to Farm but ''farming for free.'' Two, as they think about whether they want to live in our rural communities, the second question besides ''Can I afford to?'' is ''Do I want to?'' When there isn't good health care and hospitals shut down and there isn't a good school system and there aren't small businesses, you don't want to live in the community. That is what is going on.

Why am I out here? Why am I engaged in a filibuster right now? Because a lot of the small towns in my State of Minnesota are going to become ghost towns if something isn't done. That is a fact. They are going to become ghost towns. So it seems to me it is important for the Senate to address this question.

Jane Doe 8, from Greenbush, MN: I say to my colleague, the Senator from Kentucky, I say Jane Doe and John Doe because people don't want their names being used. I don't blame them. We are talking about people's lives. But these people did want others to know what is happening to them because these farm families in my State of Minnesota believe if Senators know what is happening to them, understand the dimensions of this crisis, that the Senate will take action to change things for the better. You know what? Some people will have a cynical smile on their face and say: How naive. I say: Good for the people. They should continue to believe if we only understand what is happening to them we will make things better. That is what citizens should believe. That is what citizens should believe. My only prayer is that we do make things better.

Jane Doe 8, Greenbush, MN: This family tried to split its farming operation from the locker plant business because both were going under. However, the family did not qualify for a rural development loan and the bank was not willing to wait to see if the Small Business Administration could be brought into the picture. The bank is currently working on the liquidation, and the family is trying to salvage what they can of their home and building site.

I have, in addition to Minnesota, some Farm Aid stories as well. Jane Doe 9, from Felton, MN: This is a farmer who is voluntarily liquidating his grain and sugar beet operation. He sold off much of his beet stock to reduce debt but was hoping to get lenders to hold off on a machinery auction until next year because of the taxes he will have to pay on the sugar beet stock. The lenders are refusing, citing concerns of decreasing machinery values due to all the auction sales in that area. Unless he can find another lender to pay off the current nervous lender, this farmer will incur a major tax problem and may be forced to sell some of his land in order to pay the taxes he owes from other forced sales he has had to make.

This is a father and son operation in which they are trying to transfer the farm to the son at market value and leave the remaining debt with the father. This is a situation where there is more debt than the farm is worth. In addition, the father's spouse has Alzheimer's disease and is currently in a nursing home. If the farm can be transferred to the son at market value, there is hope to make the operation viable and he could thereby support his parents as best he could. The father would be destitute and would have to try to work some kind of debt settlement out with FSA and other lenders.

This is a simple case of voluntary liquidation. This is a story of a fairly new farm couple who was farming in partnership with the husband's uncle. The husband suffered a farm accident which has rendered his right arm useless. The couple recently went through a liquidation plan. Fortunately, the couple had not acquired much debt and they will get out. In this situation, the couple was determining options toward liquidation on their farm because they could see no way to continue farming their operation.

The primary concern of the couple was to be able to keep their home and building site. The couple has a number of outstanding bills from creditors yet to be paid one of the companies has filed a lien as well as debt with FSA and a local bank. Only about a third of the cropland was planted this spring due to wet conditions. The current plan is to wait until October to take any further servicing action. What little crop the couple harvests will go toward paying off the debt.

Both the wife and husband are working other jobs off the farm, as well as doing the existing farm operations after their work. They also farm the husband's parents' land. Should they decide to quit, this creates questions as to how his parents are going to make their debt payments and have any income to live on. This couple will have to wait until October and then assess the situation after the harvest.

Jane Doe 10 from Thief River Falls, MN. The farm is already liquidated and, in doing so, created a serious tax consequence with which she is now trying to deal. She used the farm wrap program to help cover CPA work as she negotiates with IRS and the State of Minnesota. At this moment, there is not much to do except wait and let the chips fall where they may.

(Mr. VOINOVICH assumed the chair.)

Mr. WELLSTONE. Mr. President, I have some letters. We had Farm Aid this weekend in Manassas. There were a number of people there. Willie Nelson, of course, has been doing this for years. He was joined by Neil Young and John Mellencamp and many other artists and many other farmers. The most important thing about this, and I give them all the credit in the world, is not only the money they raised to help farmers, but this time they really put a focus on this crisis. They are not Johnny-come-lately. They have been at this for any number of years. They were talking about the need to change farm policy:

Dear Willie Nelson and Farm Aid: My father has been a rancher and farmer all his life.

Before I do this, let me say, again, these are going to be letters from all around the country that go to the heart of what is going on, but, because of a bad back, I probably will be finishing up relatively soon. Hopefully, this is just the beginning of pushing as hard as I can.

My wife Sheila and I were at the Farm Aid. It was very moving because one can only really appreciate it when musicians and artists care about people and are willing to donate their talents. Also, there were a lot of farmers there. Again, I will tell you this is the most emotional thing for me since I have been in the Senate. This is the most emotional experience I have had, seeing what people have been going through.

I say to the Chair now, the Senator from Ohio, for the last several hours I have been going through stories of families, many who want to be anonymous, but it is their economic situation. They cannot cash-flow on these prices. They cannot. What I have been saying each time there is a new Presiding Officer—I get to make a plea to the new Presiding Officer—what I have been saying is that I am not arrogant, and there can be different proposals, but we cannot leave here without having the debate and some amendments and legislation that hopefully will pass which will change the course, which will make the difference.

The status quo is unacceptable because, under status quo, we are going to have a whole generation of producers that are going to be gone. That is all there is to it. This will be the death knell for our rural communities, and I think it will be, as I have said more than once in the last several hours, this will be a transition that our Nation will deeply regret because the last thing in the world a good conservative Republican wants is for a few people to own all the land.

We want competition. We want to see our producers have some leverage in the marketplace so they can get a decent price. That is what this is all about.

We need antitrust action. It is interesting. I am really surprised, frankly, more hasn't been made of Viacom wanting to buy CBS. That is overflow of information in a democracy. It is scary to have a few companies control so much.

Food is very precious, and we do not want a few conglomerates basically controlling all of this.

I am moving from Minnesota to a letter to Farm Aid requesting help. Names are withheld:

Dear Mr. Willie Nelson and Farm Aid:

My father has been a rancher and a farmer all of his life. He started as a teenager on his father's sheep and cattle ranch in Eastern Nevada and over the years has had his share of hard work and battles with drought, poor stock and crop prices, bad neighbors who have tried to run him out of business, the IRS, the Forest Service, the BLM (Bureau of Land Management) the FHA (now FSA), etc. Those who have contributed the most to his demise have been the IRS, the BLM and the FSA. Drought and poor crop prices have also contributed a significant blow, in the last several years, to his hay farming operation which is located 50 miles from Ely, Nevada, the closest town. He is single, he lives alone with no family close by, he is 85 years old, his health is failing, his knees are so bad he can hardly make it to the mailbox which is 100 feet from the house. His wife left him a few years ago, after 25 years of marriage just for reasons associated with his prostate operation. He was involved several years ago in a hay bailer accident which rendered his left arm useless. He struggles to eke out a meager living from a 600-acre alfalfa hay farm with the help of two Mexicans, which now he no longer can pay and had to let go. Without their help he cannot harvest his hay. He used to own 750 acres of alfalfa, but the FSA—

By the way, these are letters, not positions I am taking. This is what people are saying—

left him with 600 acres and without justification would not loan him the funds to replace a caved in water well which feeds 160 acres of the 600 left. Last year the bottom fell out of the hay market and he was forced to sell his hay at an enormous loss. This left him with no funds to grow or harvest the hay this year or pay all of his bills. He gets $500 a month from Social Security, most of which goes for drugs and medical care and has been forced to borrow money from family to feed himself.

I ask unanimous consent the testimony from this concert be printed in the RECORD.

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

LETTERS TO FARM AID

SEPTEMBER 10, 1999.

DEAR MR. WILLIE NELSON AND FARM AID: My father * * * has been a rancher and farmer all of his life. He started as a teenager on his fathers sheep and cattle ranch in Eastern, Nevada and over the years has had his share of hard work and battles with drought, poor stock and crop prices, bad neighbors who have tried to run him out of business, the IRS, the Forest Service, the BLM (Bureau of Land Management), the FHA (now the FSA), etc. Those who have contributed the most to his demise have been the IRS, the BLM and the FSA. Drought and poor crop prices have also contributed a significant blow, in the last several years, to his hay farming operation which is located 50 miles from Ely, Nevada, the closest town.

He is single, he lives alone with no family close by, he is 85 years old, his health is failing, his knees are so bad he can hardly make it to his mailbox, which is 100 feet from the house. His wife left him a few years ago, after 25 years of marriage just for reasons associated with his prostate operation. He was involved several years ago in a hay bailer accident, which rendered his left arm useless.

He struggles to eke out a meager living from a 600-acre alfalfa hay farm with the help of two Mexicans, which now he no longer can pay and had to let go. Without their help he cannot harvest his hay. He used to own 750 acres of alfalfa, but the FSA, through dishonest dealings left him with just 600 acres and without justification would not loan him the funds to replace a caved in water well which feeds 160 acres of the 600 left.

Last year the bottom fell out of the hay market and he was forced to sell his hay at an enormous loss. ($110/ton hay for $40/ton). This left him with no funds to grow or harvest the hay this year or pay all of his bills. He gets $500 a month from Social Security, most of which goes for drugs and medical care and has been forced to borrow money from family to feed himself.

Day by day he sits at home waiting and hoping for a lucky break while the US Government (FSA) prepares to repossess all that he has left in life. Interestingly enough, it was US Government agricultural policies and the Federal Bureau of Land Management

that put him where he is today, like hundreds of other farmers.

He suffers from depression (I wonder why), but will not leave the farm and refuses to declare bankruptcy because he believes that money will come from somewhere to help him get back on his feet.

Frankly, he needs to retire, but he has no other place he wants to go. We have been hoping that he could find a buyer for the place who would pay off the debts and allow him to stay on the place as long as he wants, as a caretaker. In fact, if he could get his debts paid off, he could lease the land to neighboring farmers for enough to survive on.

Please consider his case and help him anyway you can. We have done as much for him as our finances will allow.

* * * * *

Help for him is urgent. He was told by the FSA that he had until the end of August, 1999, last month before they would take any action. The absolute deadline, I presume is October 31st of this year. He is currently seeking help from an accountant and consultant (whom he cannot afford). If you like you may contact * * *. In fact, it may be to my father's advantage for you to channel any financial aid you can give, through * * *. * * * could give you the most accurate and up to date appraisal of his circumstances and debt load.

Thank you for listening. Please help.

DEAR FARM AID: My name is * * * and I am writing to request help for my Father's Farm. My Father is a Vietnam Era Veteran and a corn/soybean/livestock farmer in dire need of assistance. After years of poor prices, the farm economy has finally caught up to him. My Father is too proud to ask for assistance from an organization like Farm Aid, but I thought I would send a note in hopes someone may be able to give him some help or guidance.

My Father was a member of the Illinois National Guard from 1965–1971. He was not sent to Vietnam, however, his ''Unit'' (I may be using the wrong terminology.) was in a group destined for Vietnam had the War gone on longer. (Much like the guard troops sent to Desert Storm.) He was Honorably Discharged.

My family farm is located in Central Illinois in a small town called Chatsworth, Illinois. My family has owned the farm my Father currently farms for approximately 80 years. My Dad is fourth generation, so that takes it back to my great-grandfather. We farm approximately 650 acres tillable and plant corn and soybeans. (250 from the family farm, 250 rented, 150 recently purchased. Note: My uncle also farms a portion of the old family place.)

In addition to the tillable acreage, we have approximately 175 acres of pasture land. We graze approximately 125 head of beef cattle. We also have 50–100 feeder pigs at any one time during the year.

My Dad has been running the farm for the past eighteen years. Like most other farmers, he works 365 days a year. He has taken 2 vacation days in the past 18 years and has maybe had 1 sick day. He loves what he does, although you would never hear him say it that way. I love what he does and what he stands for and what the family farming way of life is about.

He's a strong man, so outwardly he doesn't let it show when times get tough. I'm not so strong, and it tears me up inside to see how hard he and other farmers work and then lose everything. This way of life is so grand, so important to the fabric of our great nation, that we can't let it die.

Everyone knows the hardships farmers have endured in recent years. My Father's story is no different than many, I suppose. Bottom line is, he doesn't receive a fair price for his product and he can't pay his operating costs/land payments. Not unlike almost all other family farmers, he makes it year by year with loans from the local banks. This year may be different, however. The banks have not said they will foreclose, but they are leaning heavily in that direction.

It is at this point that I swallow my pride and ask for assistance. I don't know what anyone can do for us. We follow Farm Aid. We contribute to Farm Aid. We know Farm Aid and people like yourself are there for family farmers. We aren't quite sure how to access the help network though. I know though I can't bear to see my Father's livelihood go by the wayside.

So, if you could, either send me some information regarding possible assistance or give us some direction in our time of need I would sincerely appreciate it.

SEPTEMBER 11, 1999.

DEAR FARM AID: We are a dairy farm in Pennsylvania who really needs your help. We tried to get your help years ago, but it seems that no one in our area has ever received help from your organization. We have had a serious drought here this year and we have no idea how we are going to feed our herd of dairy cows, let alone us getting paid. We are also losing our farm to the Farm Credit mortgage company.

We had a sickness that affected our herd several years ago and we lost a lot of our cows. When you pay $1,200–$1,500 for one cow and only get $200.00 for her at the auction house, you can't very well replace them when you've lost about 100 of them. Then we had a drought several years back and again last year and we lost about half of our crop and had to buy feed again this year.

We are broke! And now we've had a very serious drought here this year. We are in one of the hardest hit counties in Pennsylvania for shortage of rain. We are still on water restrictions. If you can help us in any small way, we would be eternally grateful! We don't want to lose our farm.

My husband is 62 years old and has worked so hard all of his life. This farm is our retirement. We have no pension or savings or 401K or anything. We feel desperate.

Thank you for listening. God bless.

SEPTEMBER 11, 1999.

Re losing our farm in Idaho.

DEAR FARM AID: We got notice yesterday that the bank is going to auction our 400 acre farm, including our house and other buildings on Sept. 29 to get the money we still owe them, which is about 140,000 dollars by the time attorney fees, etc. are added in. We will lose the 267,000 dollars we have already paid into this farm. Our attorney said he would go to the auction to let them know that we will be exercising our right of redemption. Then we are supposed to have up to a year to try to get the funds to buy back our farm. In the meantime, whoever buys the farm can force us to move or can ask us to pay rent if we want to stay.

I have a couple questions I am hoping you can answer for us.

First, we tried to get refinanced and even with our equity we weren't able to because we were behind on some other bills including a couple of years back property taxes. We put up 160 acres for sale hoping to get it sold to pay the bank but it appears it is now too late for that. Do you know of anyone who would be willing to talk to us about financing us or at least give us some advice? Our attorney isn't very helpful along those lines.

Second, if we have up to a year to try to get the funds necessary to buy the farm back, can they actually make us move off the property or do they have to wait until the year is up. Our attorney says they can force us to move but someone else told us about a couple of old laws that are still in effect that say we can still live here. I haven't researched them yet but two have to do with homestead acts and another is called the Farm Husbandry Act of 1938. Do you know anything about these and if they would help us at all?

I don't know if you can help us or if you even give out advice but we are desperate to save our farm and will not stop fighting until it is over. Thank you for listening.

SEPTEMBER 8, 1999.

DEAR FARM AID: Hello—I am (was) a small organic farmer in Southeast PA. Between developers after our land, wholesalers who pay late and vandals, we had to give up. My wife and parents are too ill to continue.

I believe in what I do but around here the financial institutions favor development. I do not need financial aid for survival or anything but I would like to find a lendor who has faith in farmers so I can return to the land. I could use some counseling. The stress of the last three years has affected me a little.

Any advice would be helpful. Keep up the good work.

SEPTEMBER 8, 1999.

DEAR FARM AID: Hi. I am a farmers wife from the Shenandoah Valley of VA. As if we had not had a bad enough year. Now we are out of hay, out of water. Our spring, creek and pond have dried up, and we are being forced to sell off our herd which sustains us from year to year just to keep going a little longer. We have gone for help like, for example, to Farm Service, which we have never wanted to do before. Now we feel we have no choice.

You know, just like the Indians were, we are a proud people. Anyway, they will pay to put a well in if we come up with half the cost, which only means to us that some more of our cattle will have to be sold to come up with that. In other words, what do we do? We need advice and we need a huge miracle and I am usually the positive one.

Right beside us a farm was sold out from underneath us all to a landdeveloper and we fought tooth and nail to keep the subdivision out and yet here we are fighting again just to stay afloat. Please help give us advice or whatever.

There is this concert this coming Sunday and I have watched it on TV from the start and thought how commendable it all is and now we are in the very same position as the other farmers Willie and his friends have helped through the years.

I have written a song about us, the farmers and our plight, and I want Mr. Nelson to hear it. But, more important, I want to hear him and see him in person . . . how can we get in if we raise the money to get there? What do we have to do? We need a lift of our spirits, some reason to keep us going or trying to go forward. I am sorry if I am bringing you down by reading this. I did not mean to pour this all out. I guess I needed to and hoped someone would understand.

Farming is all we know and all we want to do. Like the Indians, it is coming to the point that we are being drivven off our own land for the sake of so called progress. I call it decay of the American way of life. I call it an American tragedy of the like that has not been seen since the war against the Indians of which I have a strong heritage from.

God help us to survive the best we know how and how to think with our heart first then our head. My head tells me to quit. My heart says we cannot.

Please let me hear from you. Please give us hope. And God bless you richly for your part

in helping the American farmer to survive another year.

SEPTEMBER 8, 1999.

DEAR FARM AID: How can I go about contacting the people who help the farmers with money? I would like to get my brother-in-law on the list to be helped. The drought the past 2 years has killed his soybean crop and he cannot afford crop insurance. He is just a small time North Mississippi farmer, a former sharecropper. He is 56 and has just a 8th grade education. He lives with his parents who live on social security. He rents his land each year, about 50–100 acres. Please let me know.

JUNE 24, 1999.

DEAR SIR: My mother and father-in-law saved and borrowed enough money in 1945 to buy an 80 acre farm between Fowler and Quincy, ILL. They farmed with horses, milked cows, raised hogs in the timbered creek bed and raised 2 children. My husband has now had the farm turned over to him since his parents have passed away and his sister was killed in a car accident 2 years ago.

My husband is and has always been a very hard worker. We both work at jobs full time in Quincy and farm besides. We were both raised on a farm and both love farm life. We cash rent 3 other farms close by to go along with ours—but we are still having an awful time. If it wasn't for our jobs in town we would have lost everything his parents worked so hard for several years ago. We are doing all we can but just can't get out of debt—in fact we are going deeper and deeper every year.

My husband and I have shed many tears and many sleepless nights trying to figure out just what to do to save our family farm. We do not want to lose it.

Do you have any help for us or anything else we can do? We lost over $20,000 again last year. It breaks my heart to see my husband work so hard and get so tired working 2 jobs and still not making it.

Please help us. If we could just break even one year things would be so good. Someone surely knows a way to help us.

We need someone to help us with some money soon or we will lose everything.

Thank you for listening to me and hopefully for helping my husband save his deeply loved family farm.

Mr. WELLSTONE. Mr. President, in the remaining time I have left—and I am not going to take much more time. I characterize this, as I said, as sort of a mini-filibuster or, in any case, it is all I can do in several hours. I can talk about this all day and all night. It is not that I am at a loss of words. But physically I will not be able to go on much longer. The best way to do this is to print in the RECORD this very poignant testimony from Farm Aid.

I will jump from the last part of my presentation to a few facts and figures. Maybe I will finish up on this. I will talk about market concentration.

Four firms control 83 percent of all beef slaughter, four firms control 73 percent of sheep slaughter, four firms control 62 percent of flour milling, four firms control 57 percent of pork slaughter. This is from the work of Bill Hefrin, from the University of Missouri, who does superb work.

This concentration will result in four or five food and fiber clusters that control production from the gene to the store shelf. Is that what the American people want? When we get these alliances of Monsanto, Cargill, and all the rest, they will reduce market concentration to farmers. These clusters will eliminate independent farmers and businessowners. These clusters will make it difficult for new firms to start. And these clusters will prevent consumers from realizing lower prices.

Listen to this, consumer America: Since 1984, real consumer food prices have increased by 2.8 percent, while producer prices for that food have fallen 35.7 percent. Do any of the consumers in America, do any families in America, feel a 35-percent drop in food prices? Of course not.

The farm retail spread grows wider and wider. This concentration threatens global security. A few dominant multinational firms are going to control information, markets, decision-making, and seed packets. There is a new technology. It is incredible when you hear about this terminator technology which is inserting a gene to prevent the next generation of seed from germinating which, again, threatens economic viability, sustainability.

We are talking about livestock confinement, huge feeding operations, with all of the environmental challenges. We are talking about multinational firms that remove profits from local communities. As I said, we have talked about this huge concentration of power.

For example, four of every five beef cattle are slaughtered by the four largest firms: IBP; ConAgra; Excel, owned by Cargill; and Farmland National Beef.

Three of every five hogs are slaughtered by the four largest firms. The top four include Murphy, Carroll's Foods, Continental Grain, and Smithfield. And now Smithfield wants to buy up Murphy.

Half of all the broilers are slaughtered by the largest four firms. The six largest are: Tyson, Gold Kist, Perdue Farms, Pilgrim's Pride, ConAgra, and Wayne.

Listen, when you look at the grain industry, you have the same situation where, when farmers look to whom they sell the grain, it is a few large companies that dominate.

Let me conclude.

I say to my colleagues, I have come to the floor of the Senate and have spoken for several hours to make a plea and to make a demand. I have tried to put this farm crisis in personal terms. I thank the farmers in Minnesota for letting me speak about their lives.

I have said that the status quo is unconscionable, it is unacceptable. I have said we have to change the policy. We have to give people a decent price. That we can do. I have said that the reason I have come to the floor of the Senate is to make the demand that: Yesterday, if not tomorrow, if not next week, we have the opportunity to bring legislation to the floor to deal with this crisis.

I have come to the floor of the Senate to say that we cannot adjourn—it would not be responsible, it would not be right—without taking action to help improve the situation for farmers. Why else are we here but to try to do better for people? What could be more important than for us, the Senate, as an institution—Democrats and Republicans—to pass legislation that would correct these problems and help alleviate this suffering and pain and make such a positive difference in the lives of so many people in Minnesota that I love—so many farmers in so many rural communities?

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

AMENDMENT NO. 1677

(Purpose: To express the sense of the Senate concerning CAFE standards for sport utility vehicles and other light trucks)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask unanimous consent that it be considered to be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED, Mr. MOYNIHAN, and Mr. CHAFEE, proposes an amendment numbered 1677.

Mr. GORTON. I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING CAFE STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) the corporate average fuel economy (CAFE) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFE standards

for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFE standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFE standards have remained the same for nearly a decade;

(B) the CAFE standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFE standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFE standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Mr. GORTON. Mr. President, this amendment is offered on behalf of myself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. MOYNIHAN, and Mr. CHAFEE. I ask unanimous consent that Senator BOXER be added as a cosponsor of the amendment.

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

Mr. GORTON. Mr. President, this is an amendment that has been widely discussed relating to CAFE standards; that is to say, the fuel efficiency standards of automobiles and small trucks sold in the United States. Now, I want to quote an argument against this proposal made in a committee hearing on CAFE standards.

In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry from producing subcompact-size cars or even smaller ones.

Mr. President, you may well ask me when that hearing took place because you were unaware that hearings on this subject had taken place. That question would be well put because that hearing took place in 1974, 25 years ago. That statement was made by automobile manufacturers in connection with the fuel efficiency standards that were discussed during that year and were implemented. As a result of the implementation of those standards, we are saving 3 million barrels of oil per day in the United States as compared with the 17 million gallons per day that cars and trucks, in fact, use.

In other words, even from the point of view of a relatively conservative Senator, as I consider myself, we have an example of a highly successful regulatory action on the part of the Government of the United States, a regulatory action that took place 25 years ago and was, for all practical purposes, fully implemented within 6 years of the time of its implementation. That is the first notable point about the subject we are discussing today.

The second is that the argument I quoted turned out to be wholly inaccurate. The evidence of that inaccuracy, of course, is on every street, road, and highway in the United States. The genius of American manufacturers created an automobile that met all of the fuel efficiency standards that were implemented a quarter of a century ago without a substantial downsizing of our automobiles' weight, with a tremendous contribution to cleaner air, and with the contribution of saving 3 million gallons of gasoline each and every day of each and every year, every single gallon of which, where we are using it, would come from imports and from overseas, further exacerbating our trade deficits.

I find it particularly curious that we should look back at an experiment so totally successful in every respect, in cleaning up our air, in reducing our use of petroleum products, in reducing our trade deficits, and in saving money for the American people, and say: Not only are we not going to repeat that experiment, we are not even going to study whether we ought to repeat that experiment. What we have done in the Congress is to tell our Federal agencies that they may not pursue studies and come up with rules and regulations and recommendations as to a second round of improving our automobile fuel efficiency either for regular passenger automobiles or for small trucks or for SUVs.

The status, in connection with this bill, of course, is relatively simple. This Senate bill does not prevent the Federal Government from going ahead with such studies and making such recommendations. The House bill does, once again, as we have for the last several years, prohibit even these studies.

The amendment before us now is a sense-of-the-Senate resolution that the Senate should not accept that House provision. It is neither more nor less than that. Every one of the 98 Senators, in addition to you and me, has been deluged by statements from opponents to this modest sense-of-the-Senate resolution, stating, first, that it would make our highways less safe, even though our death rate on our highways is remarkably lower now—I think three times lower than it was before we went through this experiment the first time—that there is no way the automobile manufacturers can meet the requirements that would be imposed if we allowed these studies to go forward without going back to sub-subcompacts—an argument that was shown to be totally fallacious and without reason some 25 years ago.

In short, there is not a single argument being presented against this amendment that was not presented 25 years ago to this body and to the other body and to the people of the United States and proven to be without merit.

Can we learn nothing from the past? Are we so frightened, as Members of the Senate, that we are not even going to try to determine in an orderly fashion whether or not we can do better with respect to the fuel efficiency of the internal combustion engine? The proposition, I think, is bizarre, that we should prohibit even a study and a set of proposed regulations on this subject.

There could possibly be more bite to this argument if what we were faced with was the imminent imposition of new requirements that were highly unreasonable in nature and about which it might be argued that they were impossible to attain. If we were faced with a proposed amendment that said the Federal Government could use no part of this appropriation to enforce such standards, that would be one thing. But what the opponents to this sense-of-the-Senate resolution are saying is: Don't even look into the question. Don't do anything. Don't try to learn whether or not we can come up with more efficient internal combustion engines. Let's just ignore it.

Mr. BRYAN. Will the Senator from Washington yield for a question on that point?

Mr. GORTON. I am happy to yield.

Mr. BRYAN. Do I understand the thrust of the Senator's argument is not to advocate some new standards for CAFE but simply to permit those who are charged with that responsibility to make a basic inquiry as to whether or not there is room, based upon science, safety, and other considerations, to consider an increase in fuel economy standards?

Mr. GORTON. My dear friend from Nevada is entirely correct, as, of course, he knows, having been a cosponsor of this amendment and a companion with the Senator from Washington in this cause for many years in the past.

Mr. BRYAN. I thank the Senator.

Mr. GORTON. I was about to say, for the benefit of my friend from Nevada, isn't it fortunate that the Congress of the United States, in the first decade of the 19th century, didn't prohibit the development of a steam engine because it might explode?

That is basically what the arguments against the amendment the Senator from Nevada and I have proposed amount to. My gosh, something bad might happen if you did something. But, of course, the argument against the steam engine in 1810, or 1812, or 1814 would have been stronger because they knew nothing about it. We have gone through this process before, and it was a complete success. But we are now told, not only should we not go through the experiment again, we should not even study it; we should not even try

to come up with facts that would justify it or—and I think it is very unlikely—perhaps not justify making any change in the present system.

Now, I think both the Senator from Nevada and I believe such a study would come up with more significant CAFE standards. But I don't think the Senator from Nevada, even more than I, has any idea what they would be, how far they would go, what we would find to be totally successful or not. We just want to find out whether or not we can't do something that would reduce our dependence on foreign oil, help clean up our air, and save money for the American purchaser of automobiles, small trucks and, of course, the fuel required to run them. That is all.

Mr. BRYAN. It strikes the Senator from Nevada that the argument the Senator is making is a win-win. It is a win for the consumer, for the environment, and in terms of the trade imbalance we currently face in this country.

Would the Senator not agree with the proposition that everybody comes out a winner if the Senator's resolution would simply ask that an inquiry be made into the practicality of increasing fuel efficiency standards?

Mr. GORTON. The Senator from Nevada is entirely correct. If we can only take a quick vote on it with the Senators on the floor now, we would probably succeed. Unfortunately, we have yet to persuade all of our colleagues of this matter. The question the Senator puts—and he knows the answer—is a very profound and a very serious question.

Mr. BRYAN. I enjoyed the Senator's reference to the steam engine in the 19th century. The younger members of my staff say they are not familiar with this reference, but as the Senator from Washington will recall, the Industrial Revolution was born in Great Britain. Just as then, seemingly now, there are those fearful of progress.

The first manifestation of the Industrial Revolution was when we changed the textile production from a cottage industry to the floors of the factory, and machinery and technology made that possible. I know the Senator from Washington State, who is in my generation, will recall this reference. But a group of people called Luddites went about the country breaking up the machines, trying to prevent progress, fearful of the consequences. It seems to me—perhaps the Senator might want to comment—that in a very modern-day sense, we have neo-Luddites who are fearful of the consequences of what new technology might make possible, and in my view, the improvement of technology throughout the vast expanse of history has improved a lot for mankind. Does the Senator agree with that observation?

Mr. GORTON. The Senator from Nevada is as learned as he is wise, and his reference to Luddites in the late 18th and early 19th century England is entirely correct. The word has come down to us today, referring to those who are so fearful of changes in our technology that in one way or another they would prevent it.

The point he makes is particularly important, and it is one that I want to continue to emphasize to Members. We are not debating a law that will mandate a specific new set of fuel economy standards for automobiles and small trucks. We are not even debating whether or not a specific set of standards should be imposed after a study of their feasibility and desirability is completed. We are debating a proposition that says we should go forward in an orderly fashion, have this determination made by people who are expert in the field and who study it carefully and must follow all of the procedural requirements for setting rules and regulations, all of which will be vulnerable to future debates in the Senate should proposals be made that seem somehow or another unreasonable.

There is not a single Member of the Senate, from the most conservative to the most liberal, who has not at one time or another been critical of some rule or regulation imposed by some agency of the Federal Government. Every Member of the Senate—and for that matter, the House of Representatives—knows how to bring up debate on that subject, the debate over this appropriations bill, or some other bill relating to transportation. But what we have today from the opponents to this sense-of-the-Senate resolution is a statement that we are ignorant of what might happen if we engage in another round of fuel efficiency standards and we want to remain ignorant. That is essentially what they are talking about.

Mr. BRYAN. Mr. President, if the recollection of the Senator from Nevada is correct, in the mid-1970s, the distinguished Senator from Washington was the attorney general of that State. As the attorney general, he was a leading advocate on behalf of consumer issues in his State. Perhaps the Senator will recall when the legislation, referred to as CAFE, the corporate average fuel economy standard, was offered on the floor of the Senate and in the other body. Those from the automobile industry said at the time: if these CAFE standards are imposed upon us, everybody in America will be driving an automobile smaller than a Pinto or a subsized Maverick.

That was at a time when fuel economy for passenger vehicles averaged less than 14 miles per gallon. As a result of the Congress taking that action, fuel economy, from 1973 to 1989, doubled.

Does the Senator recall the essence of the testimony offered by one of the automotive manufacturers? I wonder if he might want to comment on what actually occurred over those intervening 16 years when we were supposed to be driving around in Pintos and subsize Maverick automobiles.

Mr. GORTON. Just before my friend from Nevada came to the floor, I began my remarks with a quotation, which sounded so remarkably similar to what we have heard in the last few days about this amendment, and it is particularly appropriate. For the Senator's benefit and for others, I will repeat it:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact sized cars, or even smaller ones.

That was a statement by the duly authorized representative of the Ford Motor Company in 1974 in the hearings on the bill that allowed for the first corporate average fuel economy standards to take place. Now the Ford Motor Company, of course, was far more resourceful in its technology than it was in its language. And when these requirements were imposed, the Ford Motor Company, General Motors, Chrysler, and the rest of the manufacturers met them, and they met them gratefully to the advantage of the people of the United States, who ended up with far cleaner air. It is impossible to imagine what our air would be like today if we were all driving 1974 model automobiles—saving billions of dollars in fuel costs, saving the economy of the United States all of the costs of that extra fuel, all of which would have ended up coming from overseas, given our dependence on foreign oil at the time.

One of the interesting things as we go into this debate right now, I tell my friend, is that a recent issue of the Wall Street Journal reported that the same company, the Ford Motor Company, is currently developing technology to increase fuel economy of its truck fleet by as much as 15 percent.

The article in the Wall Street Journal said that internal documents posted on the world wide web show—I am quoting now:

> Ford could significantly increase its fuel economy on some of its biggest and most popular trucks without losing the things people buy trucks for, horsepower and pulling power.

That is another illustration of the fact that an argument which was utterly invalid in 1974 is utterly invalid in 1999.

Members of this body 25 years ago might have been excused for giving great credence to that argument. After all, we didn't know what was going to happen. It is very difficult to give credence to that argument given the tremendously positive results of the regulations which were adopted in 1974.

Mr. BRYAN. Mr. President, may I inquire further of the distinguished Senator, my friend from Washington, with another question.

Has the Senator had an opportunity to see this morning's issue of Congress Daily? On the back, there is an ad designed to uphold the thoughtful and well-considered resolution which the Senator from Washington, and our able

colleague, the distinguished Senator from California, I, and others are going to be offering for consideration. But the text of the ad says:

We work hard all year so our family can go fishing and camping together. We couldn't do it without our SUV—

Sport utility vehicle. It shows the man leaning on the hood of the SUV.

I guess my questions to the Senator would be twofold: No. 1, before the automobile manufacturers developed the sport utility vehicles, was it not possible for families in America to enjoy fishing and camping? Perhaps the Senator might be able to respond to that question.

Mr. GORTON. Mr. President, the question, of course, answers itself. It was.

Americans have acquired far greater choice today after the implementation of those fuel efficiency standards than they had previously. The interesting part of the ad, which was just handed to me—I had not previously seen it—says: Say yes to consumer choice and say no to a CAFE increase. In fact, the consumer can't choose a fuel efficient SUV at the present time. There isn't any consumer choice there. They are not competing over that proposition, though we may hope that someday in the future the Ford Motor Company, if it is thought correct, will do so. But as consumer choice increased after the last CAFE standards were imposed, so am I confident they will increase the next time around.

I greatly enjoyed this conversation with my friend from Nevada. I suspect he has more to say on the subject. I know the Senator from California wishes to speak on this subject. I don't want to monopolize the conversation, even on the pro side, and we will have opponents.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I first began to believe that global warming was a major threat in 1998 when a 92-mile long and 30-mile wide iceberg broke loose from the Antarctic Ice Shelf. It was 1½ times the size of Delaware. NOAA said it was a possible indicator of global warming.

I began to take a look at some of the other things that have happened in the last few years. I find that we have the first species extinction in Costa Rica because of it. I find that it now has an impact on the El Nino cycle in the Pacific Ocean. I find that there is a serious degradation of coral reefs in the Indian Ocean, and 70 percent of the existing coral reefs are affected.

I am a SUV owner. I own three jeeps. I love my jeeps. I have no doubt, though, that my jeeps can have the same kind of fuel efficiency standards as my automobile.

Then you have to look and say, well, if my three jeeps have the same kind of fuel efficiency, what would that do for global warming?

Carbon dioxide is the main culprit in global warming. Our country is the largest emitter and producer of carbon dioxide in the world. The United States saves 3 million barrels of oil because of fuel efficiency standards. If SUVs, similar to my jeeps, had fuel efficiency standards equal to those of automobiles, we would save another 1 million barrels of oil a day. If the 8 million or so of the other SUVs around the United States and the light trucks had these same standards, it would eliminate 187 million tons of CO2 from the air. The experts have said it is the largest single thing, bar none, that we can do to influence global warming in a positive way.

It seems so easy to do it. We know it can be done. We know it need not influence the efficiency of the engines. And we know there is technology that can make it so.

So raising these so-called CAFE standards or fuel efficiency standards so the SUVs are equal to other passenger automobiles at about 27 miles per gallon instead of 20 miles per gallon does not seem to me to be an unrealistic thing to ask Detroit to do. But instead, since 1995, there has been a rider in this bill which says to the Government that we can't even look, we can't even study, and we can't even make any findings to see whether, in fact, it is possible to bring SUVs up to automobile standards with respect to fuel efficiency.

I believe very strongly that this is the largest single positive environmental step this Congress can take to reduce carbon dioxide emissions in the atmosphere. To have a rider in a bill which says you can't even study it, you can't even see if what I am saying is true, I think makes no sense whatsoever.

As I say, I love my three jeeps. But I will tell you, I am going to look for a sports utility vehicle that has equal fuel efficiency standards in the future.

Additionally, what would this do for the consumer? It is estimated that by simply requiring SUVs to meet the same average CAFE requirements as automobiles would save the consumer more than $2,000 in fuel costs over the life of each vehicle. It seems to me that is a pretty easy way to give people almost a kind of tax rebate. You save money buying fuel for your car because you buy less of it over the life of the car. And it is estimated those savings are $2,000 per vehicle.

More importantly, 117 million Americans live where smog sometimes makes the air unsafe to breathe where asthma is on the increase and where respiratory problems are developing. Almost one-half of this pollution is caused by so-called nonpoint sources. That means the automobile. Attempting to improve the efficiency of vehicles we drive helps address this problem as well.

There is no substantive evidence to support the fact that this would provide technological problems that Detroit cannot meet.

I hasten to point out, we do not include in this amendment, and the intent of this amendment is not to include, agricultural equipment that works on agricultural products in fields. However, with this amendment we would learn a couple of things. One, the air would be cleaner. Consumers would save significant money in fuel costs—$2,000 over the life of each vehicle—and we would go a long way to address the problem of global warming.

I am hopeful that this measure will pass today.

I view with some surprise the degree to which this measure is being lobbied by automobile interests in this country. As an SUV car owner, as a jeep lover, as someone who would like to buy additional cars, this is an important point to me. It seems to me some automobile company ought to be willing to address it, to bring these SUVs up to automobile standards.

I stand strongly in support of the amendment. I thank my colleagues, Senator BRYAN, Senator GORTON, and others, who also support the amendment. I am hopeful there will be enough Senators to say: Let's not go about this with blinders; let's take one good look and see if this is really possible; let's do the necessary studies; let's work together to do the largest single thing we can do, relatively painlessly, to reduce global warming.

I yield the floor.

Mr. BRYAN. Mr. President, I thank my able colleague from California for her thoughtful and well-considered statement. I associate myself with her observations and the conclusions she makes.

This issue has been framed on a false premise, that somehow Members, including the able Senators from California and Washington who support this amendment, are interested in depriving the American public of their choice of automobiles.

I know firsthand, having seen the vehicles of my colleague from California—she is the proud owner of a sport utility vehicle—she would defend as vigorously as would I her right to own such a vehicle.

This has absolutely nothing to do with whether or not the American public chooses to purchase a minivan, a light truck, or a sport utility vehicle. My son and his wife and our first grandchild are in the Nation's Capital today. As a family, they have chosen a sport utility vehicle. I defend his right as vigorously as I defend the right of my colleague from California.

This is not what this debate is all about. That is a false premise. I think some Members are not only offended by the intellectual dishonesty of this kind of advertising that suggests the senior Senator from California and I somehow seek to deprive American families of their opportunity to go fishing and camping. That is just ludicrous. That defies any kind of rational argument.

Mrs. FEINSTEIN. Will the Senator yield?

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

Mrs. FEINSTEIN. I have not seen that particular ad. I am most interested. Would the Senator read it?

Mr. BRYAN. It shows two angelic children sitting on the hood of a sport utility vehicle. Strapped to the top of that vehicle looks to be a canoe, a boat of some type. Now we see a gentleman, perhaps the father of these two children, leaning on the hood. He is saying to them, ''You know, we work hard all year as a family so our family can go fishing and camping together. We couldn't do it without our sport utility vehicle.'' Then the tag line is: ''Say yes to consumer choice. Say no to a CAFE increase.''

I was explaining before my colleague's thoughtful question, the implication is that those who advocate simply taking a look at the standards, simply allowing those within the Department of Transportation to take a look at the standards—and I will comment later in my remarks as to the criteria involved—that somehow we are opposed to this family's right to camp and to go fishing. That is outrageous. It is not true. This Senator is greatly offended by the text of that ad.

Mrs. FEINSTEIN. Will the Senator yield?

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

Mrs. FEINSTEIN. One of the things I have found is the use of ''CAFE'' which we bandy around so much—most people don't know exactly what that means. We are really talking about the efficiency of a gallon of gas to go farther. Therefore, the efficiency of a gallon of gas is what we are talking about and applying those standards to SUVs as you would to passenger sedans.

Mr. BRYAN. The Senator from California is absolutely correct. She has the clarity of expression that sometimes escapes those who had the misfortune to go to law school. We get caught up with acronyms. CAFE means nothing to the average person. We are trying to get greater fuel efficiency.

In my colloquy with our colleague from Washington State, it was pointed out that this is a win-win-win for the American public.

The Senator from California and I represent two States that currently are experiencing enormous increases in the cost of gas. That takes money out of the pocket of America's families. That means less discretionary income. In the Senator's State as well as my own, an automobile is virtually a necessity to move from one place to another, to go to work, to enjoy the recreational opportunities we want to have with our family, to do the sort of thing that is part of our lifestyle in America.

If we can improve the CAFE standards for jeeps, sport utilities, minivans, and light trucks, we put more dollars in that family's pocket; we clean up the air, as the Senator from California pointed out; we reduce our dependence on foreign oil—it currently is about 50 percent; it drives some of the geopolitical policy debates in which the good Senator from California has taken a lead—and we help to reduce the trade deficit.

Our economy is performing magnificently, but one of the areas of concern to everyone is the mounting trade deficit. About $50 billion of that annual trade deficit is attributed to what we as Americans pay for oil that we import from around the world to fuel our economy, a good segment of which is transportation.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. BRYAN. The Senator from Nevada is always pleased to yield to the senior Senator from California.

Mrs. FEINSTEIN. One of the things that I think is particularly disingenuous about the opposition is that if SUVs and light trucks had the same fuel efficiency or even an increased fuel efficiency, it would impair the functioning of the car and the vehicle would not be able to function at optimal standards.

Would the Senator reflect on this for the Senate?

Mr. BRYAN. That is, as the Senator from California knows, an argument that has been raised. It is a specious argument.

The Senator from California hails from a jurisdiction which has been on the cutting edge of so much of the technology of the post-World War II era. Because of the Senator's own interest in technology and moving her own economy forward in California, I know she is deeply committed to that.

The Senator from California and many of our colleagues reflect that great confidence that the ingenuity and the entrepreneurial spirit of the American business community responds to challenges. But now there is a disconnect. The automobile industry didn't think they could ever do anything to improve economy. We couldn't suggest they look at that—somehow that would deprive us of our choice.

As the Senator from Washington responded to my question, these arguments were made back in 1974 when a representative at that time from the Ford Motor Company, testifying in opposition to the first fuel economy standards, said—without in any way belying the Senator's own youthful appearance, I think she may recall 1974, as the Senator from Nevada does. At that time, one of the leading automobiles that Ford produced was what I call a pint-sized Pinto. The Senator I am sure will recall that.

This is what the auto industry was arguing in 1974, should the first CAFE standards be enacted:

> That the product line [referring to the product line for automobile manufacturers in America] would consist of either all sub Pinto sized vehicles or some mix of vehicles ranging from a sub sub compact to perhaps a Maverick.

That statement was made in this century—in fact, the latter quarter of the 20th century.

This is a tribute to the industry and its ingenuity. The Lincoln Town Car, if not the largest automobile produced by the Ford Motor Company, gets better fuel economy today than the Pinto did in 1974. That is technology. It does not deprive one of choice. It seems to me for some reason the industry has created this facade that they cannot do these sorts of things.

We are saying—and I believe the Senator from California would agree—let's just take a look and see if we can't achieve these benefits we have just talked about.

Mrs. FEINSTEIN. I commend and thank the Senator for answering my questions. I appreciate it very much. If he would allow me one brief comment.

I think one of the reasons that for awhile the American automobile had lost the cutting edge was the reluctance to do research and development to develop those kinds of automobile products that became very popular, that were produced by the Japanese marketplace. Since then, the American automotive companies have changed dramatically. The very kind of innovation that was absent for so long has now been restored. So it would seem to me any innovation in weight or size or engine capacity could very easily overcome these problems and that these vehicles could function as efficiently. I will point out it is the largest single thing we could do to alleviate global warming. So I thank the Senator from Nevada.

Mr. BRYAN. I thank the senior Senator from California for her very thoughtful comments and excellent presentation.

Mr. President, I rise in support of the Gorton-Feinstein-Bryan amendment that would permit the Department of Transportation to consider whether fuel efficiency for SUVs and light trucks should be improved. The vote on this amendment will be one of the key environmental votes of this Congress. I think it is helpful for our colleagues to understand the context in which this debate occurs.

In 1995, the House of Representatives inserted an antienvironmental rider in the Department of Transportation appropriations bill that prohibited, that is precluded, the Department of Transportation from even considering whether an increase in automobile fuel efficiency made sense. That environmental rider has been added to each of the appropriations in years 1996, 1997, 1998, and currently we face the same situation.

I think the important thing to emphasize is that those of us who support the resolution are not arguing for a specific numerical standard. We are simply saying shouldn't the people who have the ability to make these judgments, under very carefully considered circumstances, have the opportunity to even inquire? In effect, what the rider accomplishes is a technology gag rule. It precludes consideration. So our amendment is an effort to show there is substantial support in this body that we should not prejudge the issue and,

instead, let the experts study the issue and decide what is in the Nation's best interests.

A bit of history may be instructive. Fuel efficiency standards are known, in the jargon of the Congressional and Federal professional bureaucracy, as CAFE standards, the acronym standing for corporate average fuel economy. Those standards have been on the decline in recent years, as automakers build bigger and bigger gas guzzlers.

This chart will be instructive. Prior to the enactment in 1974 of the fuel economy standards, the average fuel economy for a passenger vehicle in America was slightly less than 14 miles per gallon. As a result of the enactment of that legislation, over the intervening 15 years, fuel economy doubled to 27.5 miles per gallon. This chart reflects that.

What has occurred, in the late 1980s and 1990s, is the vehicle mix has shifted dramatically. We have seen a decline in overall fuel economy. Not that the vehicles referred to as ''passenger vehicles'' are less fuel efficient, but the American public, by choice, has included in its purchase agenda light trucks, sport utility vehicles, and minivans. These were not terms that were familiar in America in 1974, and millions of families have chosen light trucks or sport utility vehicles and minivans. As I indicated in my colloquy with the distinguished Senator from California, my own son and his family have such a vehicle in Nevada. A daughter and a son-in-law have such a vehicle in upstate New York. So nothing in this debate is in any way about limiting choice. But we cannot ignore the reality that the fleet mix has changed.

Today, nearly 50 percent of the vehicles sold in America for family use are sport utility, minivans, or light trucks. That reflects the percentage. If the chart went 1 more year, they would reflect basically about 50 percent of the vehicle mix.

When the legislation was enacted in 1974, there was a different standard for light trucks, which included minivans and the sport utility vehicle. So what this debate is all about is simply permitting—it is permissive. It in no way mandates, dictates, directs, commands; it simply is permissive. I think it may be helpful to read the language of the resolution itself. This is a sense-of-the-Senate resolution. The resolved paragraph says:

> It is the sense of the Senate that,
> (1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible.

Let me repeat.

> The issue of CAFE standards should be permitted to be examined by the Department of Transportation. . ..

There is no attempt to fix a precise numerical standard. This simply would permit an inquiry by the Department of Transportation. The effect of this would be to override the technology gag rule that has been imposed by the House since 1995 that prohibits or precludes its consideration.

Part 2 of the resolution simply says that:

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives.

That is the technology gag rule.

As fuel efficiency declines, oil consumption, trade deficits, and air pollution go up. Few actions have as many beneficial effects on our economy as improving fuel efficiency standards. As I said before, the amendment in no way seeks to restrict choice. For millions of Americans, that is their vehicle of choice and in some geographical climes it would be the only sensible choice.

We recognize, fully respect, and endorse the concept of choice. Contrary to all the foreboding in the 1974 testimony before the Congress, in point of fact, as my colleague from Washington State pointed out, we had greater choice in America after the fuel economy legislation was enacted a quarter of a century ago by the Congress.

So the real question is not whether Americans want and need a larger four-wheel-drive vehicle but whether these vehicles can be made more fuel efficient. That is what the amendment is attempting to find out. Many of us believe that answer will be yes. Others disagree. But all we are asking is to allow the experts to make that determination.

The current law provides a strict criteria to the Department of Transportation in considering what process needs to be involved before a CAFE standard could be increased. It requires the DOT to consider four factors:

First, the technical feasibility. My friend and colleague from Washington State mentioned an article in the Wall Street Journal and cited one of the automakers on the technology they currently have available. There are many of us who believe technology is there but that is not for us to determine. That is for the experts in the Department of Transportation, the technical feasibility.

Second, the economic practicability.

Third, the effect of other motor vehicle standards on fuel economy.

Finally, the need of the Nation to conserve energy.

These are four criteria, each of which must be found before the Department could be authorized to go forward with second fuel economy standards that build upon the 1974 legislation.

The auto industry, for all of its achievements in recent years—and I applaud them for this—for some reason has this myopic view of the future. Whereas most Americans are confident about the future, we recognize that changes in technology that are sweeping across the country are more vast and more pervasive than anything in the history of civilization, and there is no reason to believe the auto industry itself would be immune from these current changes, and that new technology will make it possible to do things more efficiently than we have in the past.

For some reason—and I do not understand the corporate mentality—there is this knee-jerk reaction: We don't want anybody to take a look at it; we couldn't possibly do it.

That was reflected in the debate the Congress had for a quarter of a century.

Who would be the beneficiaries? What public policy would be served if, indeed, the Department took a look at the evidence and concluded that some increase was warranted?

I can speak of my own State of Nevada, having spent 26 days in rural Nevada. If there was one question that came up in every townhall meeting, it was the price of gas. For reasons that are not altogether clear to me, and I have not been persuaded as to those that have been asserted to be the cause of it, gas prices in the West have skyrocketed. In central Nevada, gasoline prices are approaching $2 a gallon. I realize that is not the situation of my colleagues from the East and other parts of the country.

Who would be an immediate beneficiary of improved fuel economy standards? Those individuals who currently own sport utility vehicles would be purchasing another vehicle that would be more fuel efficient. That would put dollars back in the pockets of America's families. America's families would benefit.

What does the public think about this? In a recent poll conducted by the Mellman Group, nearly three out of four drivers who own minivans, pickup trucks, or sport utility vehicles think the automobile manufacturers should be required to make cleaner, less polluting vehicles, and more than two-thirds say they would be willing to pay a significant amount more for their next sport utility vehicle if it polluted less.

Opponents of our amendment will cry wolf and say our amendment will cause people to drive around in tiny subcompacts. This is kind of deja vu. We have been there before. We have heard that, and an earlier Congress had the courage to go forward. As a result, we save 3 million barrels of oil each day that we otherwise would be consuming as a result of those fuel efficiency standards that were first enacted.

To give perhaps the most graphic and encapsulated insight into the corporate culture that seems to pervade the automobile industry, the 1974 testimony before the Congress is the milestone.

As my colleagues will recall, the Congress was being asked for the first time to consider these fuel economy standards, and the auto industry, as one, came forward with this dire projection of doom and gloom. As I was saying earlier in a colloquy with the distinguished senior Senator from California, the Pinto was one of the smallest, if not the smallest, products the Ford Motor Company produced that year.

The testimony offered by the representative from Ford concluded that the ''product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from a sub-subcompact to perhaps a Maverick'' would be the consequence of that action.

That is absolutely unbelievable, but that was the testimony. Indeed, the refutation of that is today fuel economy has doubled as a result of this legislation, and the largest automobile the Ford Motor Company makes, the Lincoln Town Car, gets better mileage than the smallest car that Ford manufactured in 1974. That is efficiency. That is technology.

Indeed, 86 percent of the increases in fuel efficiency came from improved technology. And why not? This is the country that believes in technology. It has fueled our economy. It has made us the most productive society in the history of civilization and has produced the highest standard of living known in the history of the world.

The Union of Concerned Scientists estimates that using off-the-shelf technologies—that is, existing technology—that SUVs, or sport utility vehicles, could improve fuel efficiency by 50 percent to 28.5 miles per gallon.

The authors of this resolution do not ask you to believe that. That is a responsible assessment. This group of scientists may be right and they may be wrong, so this debate is not about whether they are correct in their conclusion. This debate is about whether or not the Department of Transportation should be allowed to consider that testimony, that evidence, and any other evidence that bears on point in making a determination as to whether or not improved fuel efficiency standards can be achieved. This can be done without shrinking the vehicle size or sacrificing safety.

I invite my colleagues' attention to this chart because safety does sometimes get into this debate. This chart depicts two trend lines: One is fuel economy, which has increased dramatically, as you see, from the 1970s, and the fatality rate. This is the rate of automobile deaths based on the vehicle miles traveled each year. We all know, without being a statistician or having a masters or Ph.D. in statistics, that there are more people in America today than in the 1970s, many more million automobiles and sport utilities and light trucks and minivans on the market, and today the average motorist travels further each year in his or her vehicle. But notwithstanding that enormous increase in traffic, vehicles, and further driving, the fatality rate has dropped precipitously, and that is a good news story.

The bottom line of that story is it came about because of technology improvements, and the auto industry has always reluctantly, for some reason, done a marvelous job with respect to improved safety standards. Those over at NHTSA have done a wonderful job in making sure we have sidebar protection and rollover standards and a whole host of other things, including seatbelt technology and airbags that today make our cars the safest in the world and traveling by vehicle safer today than at any time in our history. And that comes a quarter of a century after these dire prophecies of the consequences of enacting a CAFE standard.

What other benefits do we get? By raising the CAFE or the fuel efficiency standards for sport utility vehicles, we save up to 1 million barrels of oil a day, and that will save consumers money at the gas pump, as we just discussed, and reduce annually by 240 million tons the amount of carbon dioxide that is produced each year.

Carbon dioxide is the main culprit involved in what many may believe to be global warming. One does not have to embrace the concept of global warming. I know not everybody agrees. But virtually everyone agrees we ought to try to reduce the amount of carbon dioxide going into the atmosphere.

I had the privilege a couple of years ago of being in London and meeting with some of my colleagues with British Petroleum, one of the large petroleum producers in the world. They have come around to recognize that the role of carbon dioxide and a potential impact on global warming is something that they as a company, as part of its corporate responsibilities, need to address.

I know not all oil companies agree, but the vast majority of scientists would tell you that it is clearly in our best interest to reduce the amount of carbon dioxide emitted and going into the atmosphere. And most of them—not all—would draw that link between carbon dioxide and global warming and some of the implications it has for us in the future. But, again, you do not have to embrace the concept of global warming to agree with the vast majority, virtually all the scientific community, that it makes sense, as a matter of public policy, to reduce or to curtail the amount of carbon dioxide going into the atmosphere.

Finally, the good news on the economy continues: As inflation remains under control, the economy expands, unemployment is low. The stock market has been a little skiddy the last few days, but, by and large, the stock market has performed extraordinarily well. That is a good news story for the American people.

The only cloud on the horizon, the only shadow that may be casting a darker light on the economic future for us in America, is the trade deficit. We are importing far more than we are exporting, and ultimately there reaches a point in time in which we have to atone for that enormous imbalance.

Fuel economy standards play a part in that debate as well because part of that trade deficit—about $50 billion a year, a very substantial part—is attributed to what we in America pay those foreign countries that produce the oil we import into the United States. We would be reducing our dependency on that. That is why I conclude, as I said in my opening colloquy with the distinguished able Senator from the State of Washington, this legislation is a win-win-win for everyone.

So I urge my colleagues to support the amendment. It does not, as I have observed, require radical change. It simply permits the experts to look at what can be done and to make adjustments, if feasible, after engaging in a thorough and well considered rulemaking process in which all sides are able to be heard.

Mr. President, I urge my colleagues to end the technology gag rule that has ensnarled this piece of legislation since 1995.

I yield the floor.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so I can speak on the pending amendment.

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

Mr. REED. Mr. President, I rise in strong support of the Gorton-Bryan-Feinstein-Reed sense-of-the-Senate resolution that is being considered today.

As my colleagues have stated, our resolution calls on the House of Representatives to drop a rider which they have incorporated in the Transportation appropriations bill that effectively blocks the Department of Transportation from studying ways to improve the corporate average fuel economy standards for vehicles in the United States. These standards are currently referred to as the CAFE standards.

The current CAFE standard for passenger cars is 27.5 miles per gallon, while the standard for the so-called light trucks is just 20.7 miles per gallon.

A few years ago, this lower standard for trucks might have been less critical, but what we have seen over the last several years has been an explosion in the popularity of SUVs, sport utility vehicles. They are seen in places that are more akin to shopping malls than the rugged terrain for which originally they were designed. SUVs and minivans are everywhere.

As a result, we have to take a serious look at whether this light truck exemption makes sense, given the current marketplace. Their impact—these SUVs and minivans—on the air we breathe and on the amount of gasoline we consume, including increasing amounts of imported gasoline, cannot be ignored.

We know this is a simple law of supply and demand. When you have many more vehicles subject to lower CAFE standards on the road, the demand for gasoline goes up, the price of gasoline

goes up, and the amount of gasoline that is consumed goes up, all of which ultimately affects our atmosphere.

In my State of Rhode Island alone, it is estimated that consumers face about $39 million in excess annual fuel costs because of this light truck loophole. Nevertheless, the CAFE freeze rider has been inserted into the House DOT spending bill every year for the past 4 years. Each time that happens, Congress denies the American people the benefits of fuel-saving technologies that already exist, technologies that the auto industry could implement with no reduction in safety, power, or performance.

The existing CAFE standards save more than 3 million barrels of oil every day. If we did not have these standards, we would be paying much more for oil and strategically we would be much more vulnerable in terms of our oil supply from around the world. Each year, these CAFE standards reduce pollution by keeping millions of tons of carbon dioxide out of our atmosphere.

Shouldn't we at least give the Department of Transportation the chance to study this issue? That is at the essence of our request—not that we should move immediately or precipitously to the adoption of new standards but at least give the Department of Transportation the opportunity to study particularly this light truck loophole.

The House version wrongly precludes any consideration, study, or analysis. That, to me, is the wrong way to approach a public policy issue. Let's at least study it. It is time we lift this somewhat gag order that has been placed on our ability to consider the costs and benefits of higher CAFE standards. I believe, by readjusting the CAFE standards particularly in terms of these light trucks we can make significant progress in terms of fuel oil economy and also environmental quality. But at least we have to begin this analysis.

I urge my colleagues to support this important amendment. I commend the sponsors for their work and hope it will be incorporated in this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to deliver a short statement, because I know there are other matters pending that we would like to hear fairly promptly. While on the subject of the CAFE standards, I will register my support for the position outlined by the senior Senator from California and the Senator from Washington.

For the last 4 years, the Senate has accepted the House's CAFE freeze rider. The result has been serious consequences for the environment, for employment and for the health of people across the country.

There is a myth floating around that CAFE standards hurt consumers. The truth is, good CAFE standards help consumers. It's a simple concept. If your car or SUV uses less gas, you save money. Between 1975 and 1980, when the fuel economy of cars doubled, consumers with fuel-efficient cars saved $3,000 over the lifetime of the car. And that translated into $30 billion of savings in annual consumer spending.

Another benefit of CAFE standards is reduced pollution. Air pollution from cars has been a major environmental problem.

In fact, gas-guzzling cars and light trucks are responsible for 25 percent of this country's output of emissions that cause global climate change.

Few can hear those words, ''climate change,'' and not be concerned about the impact of the severity of storms and poor air quality we are seeing, such as the current hurricane threat, one of massive proportions, which seems to have mitigated a little bit. The fact is, there is concern that changes in our climate, changes that are created in the atmosphere as a result of pollution, are in some way responsible. We have to take a serious look at this, as we consider the question in front of us at the moment.

A Congressional study by the House Government Reform minority staff found that, from 1995 to 1998, exposure to the hazardous air pollutants measured in Los Angeles' air quality caused as many as 426 additional cancer cases per million exposed individuals.

When CAFE standards were first passed in the late 1970s, light trucks made up only 20 percent of the market. Back then, light trucks were used mainly for hauling. They didn't often travel through congested urban and suburban areas.

All that has changed. Today, light trucks—a category that includes SUV's and minivans—represent half of all vehicles sold. They produce 47 percent more smog-forming exhaust and 43 percent more global-warming pollution than cars. And each light truck goes through an average of 702 gallons of gas per year. Compare that to 492 gallons per year for cars, more than 200 gallons per year.

Mr. President, if CAFE standards for light trucks were increased from 20.5 miles per gallon to 27.5 miles per gallon—the standard for cars—then carbon dioxide emissions would drop by 200 million tons by the year 2010.

Jobs are also an important part of this discussion. The other side keeps insisting that CAFE standards will hurt employment, especially in the auto industry.

However, a study by the American Council for an Energy Efficient Economy says that money saved at the gas pump, and reinvested throughout the economy, would create 244,000 jobs in this country—that includes 47,000 in the automobile industry.

These statistics support the Feinstein-Gorton amendment. I think in the interest of our society, the one thing we can do is make sure we are treating the environment for human habitation in as friendly a fashion as we can. We know it is an accomplishable feat, and we ought to get on with it.

I urge my colleagues to join in favor of this sense of the Senate resolution.

With that, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. CHAFEE. Mr. President, I am extremely concerned about a provision in the Shelby amendment to H.R. 2084, the so-called Department of Transportation appropriations bill. This provision I am referring to is located on page 21, line 1, through page 22, line 11, of the committee-reported bill. It would reopen the distribution of funds agreed to in the Transportation Equity Act for the 21st century, which is the so-called TEA 21.

TEA 21 provides a process for distributing any additional gas tax receipts beyond those that were projected to be received when TEA 21 was passed. In other words, we made an estimate of what the funds would be, but we expected we might receive less than our anticipated receipts. The appropriations bill, as it stands, would change that process—in other words, the way the anticipated surplus or losses would be distributed. It is my view that the distribution of the highway trust fund moneys should not be revisited in annual appropriations bills.

As Members know, the dollars affected by this amendment are those that have come in because, as I said, gas tax receipts were higher than projected when we passed TEA 21. How much higher were they? They were about $1.5 billion higher than projected.

We anticipated that actual receipts might be different—as I said before, higher or lower than projected receipts. Therefore, TEA 21 says that a surplus, or a shortfall, should be distributed evenly across all the programs funded by TEA 21; in other words, in accordance with the formulas that existed in TEA 21. It is good news that receipts are ahead of projections and that we have a surplus rather than a shortfall to distribute.

But our colleagues should remember that when the administration discovered—who am I referring to? I am talking about the administration—there was a surplus, the administration tried to set aside the TEA 21 formula, as is being attempted under this appropriations bill, except that when the administration was dealing with it, the list of

programs which would have benefited from the end run that President Clinton proposed in his budget is quite different. The President wanted to increase the moneys for transit and to spend more money fighting environmental problems such as air pollution and urban sprawl. In other words, he got way out beyond what we were thinking about.

The day President Clinton's budget proposal came to Congress, I joined with Congressman BUD SHUSTER, who chairs the House Transportation Committee, in strong objection to any change in the TEA 21 formula. I would like to personally spend more money on transit and air quality and other items that would have benefitted from the President's proposal. As my colleagues can easily understand, these things are more important to Rhode Island than more dollars for highway construction. But I went on record the very day the President made his proposal strongly opposing any change in the TEA 21 formula.

Senator SHELBY is proposing to ignore TEA 21 in the same way, but his priorities are quite different. He wants all the money to go to the States for highway construction.

This is my point. Both the appropriations subcommittee and the President wanted to do different things with this money. When this bill leaves here, we have to remember that it will go to conference. I presume there will be some dickering between some members of the conference and the administration to produce a bill the President can sign. If the Senate endorses this proposed change to the formula, we will be opening the door to a deal on the allocation of this money—some of it for the President's priorities, some for the appropriators' priorities.

We can't really know what is going to come out of the conference once we get into that kind of action. If you vote with the appropriations subcommittee, you are giving them permission to ignore the TEA 21 formula. But that is not the end of the story. Your vote will merely trigger a real struggle between the conference committee and the White House, the administration, on the reallocation of these funds.

Let's suppose you are a Senator from a Western State that benefits from the public lands highway programs, which we have taken care of as we have in the past. That is in the original TEA 21 bill. These are programs that might very well be shortchanged if we set aside the formula. The programs that provide additional funds to States with large amounts of Federal land—and there are three or four of them—would get their fair share of the surplus if we stick with TEA 21. But these programs weren't on the list of programs that would have been winners under the President's end run. There are 100 percent losers under the proposal presented by the appropriations subcommittee.

So if the Federal lands highway programs are important to your State, where do you stand? If you vote with the appropriations subcommittee to set aside TEA 21, you have no idea how your State will fare until the conference people come back from the meeting at the White House that produces an agreement on this bill. That agreement will reallocate this $1.5 billion, in part, to meet the priorities of the President and, in part, to address the priorities of the appropriators. If their actions to date are any guide, the Federal lands programs will not get a dollar of this surplus.

I can make the same point about any number of other programs. By the way, let me read off a list of the programs that have been eliminated under the appropriations subcommittee, and that is from the additional moneys that come in. In all fairness, they haven't touched the moneys that are there. They have left those alone. The additional $1.5 billion I previously referred to would be chopped up, and about $150 million of that would have gone for these programs that are on this list, which are totally eliminated from the additional receipts: Indian reservation roads; public lands; park roads; refuge roads; national corridor planning and border infrastructure, which would be principally along the Mexico-Texas border; ferry boats and terminals, principally for Alaska.

Now, if you think TEA 21 is grossly unfair and ignores the special needs, such as Federal lands that affect your State, I suppose it makes sense to take a chance that the President and the appropriators will do a better job.

But you have another choice. You can support the allocation made in TEA 21. If you stick with TEA 21, you know exactly what to expect. These surplus dollars will be allocated across the entire transportation program in the same proportion as enacted by TEA 21. The special programs that benefit your State will get their fair share of the surplus, just as they get a fair share of the base authorization under TEA 21.

Let me discuss the particulars of why I believe this provision is legislation on an appropriations bill and should not be included in an appropriations act.

The provision in question begins with the phrase: ''Notwithstanding Public Law 105–178, or any other provision of law. . . .''

That phrase has long been recognized as legislative in nature. The effect of this provision is to overturn section 110 of title 23, which provides for the apportionment of contract authority from the highway trust fund.

Now, the Committee on Environment and Public Works has jurisdiction over the apportionment of contract authority from the highway trust fund. The Committee on Appropriations only has jurisdiction to impose an obligation limitation on the total amount of funds used. In other words, they have a role to play and we have a role to play—we being the Committee on Environment and Public Works.

In the House appropriations bill, there is no similar provision apportioning contract authority from the highway trust fund. Therefore, the Senate provision in question is not germane to the House appropriations bill. I realize the Committee on Appropriations will likely raise the defense of germaneness to my point of order, which I intend to propose.

Although the Appropriations subcommittee may be successful in identifying some provisions to which this provision could conceivably be germane, I can assure my colleagues that there is no similar provision in the House bill that changes the distribution of these additional gas tax receipts. If the Senate agrees with the defense of germaneness, it will be saying that almost anything is germane to an appropriations bill, thereby undercutting the intent of rule XVI to limit legislation on appropriations bills.

I urge my colleagues to vote no against the defense of germaneness should the managers raise this as a defense against the point of order which it is my intent to propose.

Mr. President, I have to say that I am disturbed. As you can tell from my description, this is clearly an authorizing provision. It was less than 2 months ago that the majority of this body came together and said the time had come to stop including authorization language on appropriations bills. The ink has barely dried on that resolution, and here we are rewriting the rules of the Senate.

So at the proper time it is my intent to raise a point of order that the provision which begins on page 21, line 1, through page 22, line 11, of the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

That will be my intent. Of course, I don't make that proposal right now because there are others who are prepared to speak. I look forward to hearing their comments.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased to join my distinguished colleague, the esteemed Senator from Rhode Island, Senator CHAFEE, to safeguard the funding allocation of the Transportation Equity Act for the 21st Century. We call it TEA 21, the Transportation Efficiency Act for the 21st Century.

What is it? It is a very large, massive transportation bill that this Congress passed a couple of years ago—about $217 billion over 6 years in highway funds and transit funds for the States. It is very important legislation to address this country's infrastructure needs.

The Senator from Rhode Island will soon raise a point of order under rule

XVI against a provision in that bill; that is, against a provision in this bill before us, the Transportation appropriations bill, the provision which rewrites a section of TEA 21, known as RABA. What in the world is RABA? RABA is the ''revenue aligned budget authority.'' I will explain that in just a second.

This section, the RABA section, is totally within the jurisdiction of one committee, the Environment and Public Works Committee, the authorizing committee, and thus the provision in this appropriations bill constitutes legislation on an appropriations bill in clear violation of rule XVI.

Let me briefly explain how we got to this point.

Last week, many of us—49 of us—stood together against another proposal in this bill to rewrite the TEA 21 formula when this case was for transit. Even though the proposed change would have reduced funds for only California and New York—that is, the transit provision that was earlier proposed by the Appropriations Committee—that provision would have increased funds for the remaining 48 States.

I was pleased that my colleagues supported the provision to not include that because it was the right thing to do.

The transit formula agreed to in TEA 21, along with other provisions in TEA 21, particularly the highway provision, was part of a grand bargain on which we worked together so hard to write last year. Even though most States would have benefited somewhat from the proposed change in this bill—that is, the transit provision I mentioned—we stuck together to preserve the original intent of TEA 21. We voted to protect the integrity of TEA 21; that is, the highway bill. We voted for the program as it exists and against the Transportation Committee rewrite of the bill.

The chairman of the subcommittee then removed that provision from the bill. I commend him for that. It was the right action to take. I compliment him for it. But, unfortunately, he solved only part of the problem; that is, the transit piece. I say ''unfortunately'' because the reported bill before us from the Appropriations Committee also contained a provision that redistributes a portion of the highway funds as well.

These funds are known as RABA, as I mentioned earlier—revenue aligned budget authority—that result from the greater than expected revenues coming into the highway trust fund because the economy is doing quite well; that is, more people are driving. The economy is doing well. That means more gasoline tax revenues. The RABA provision anticipated that. It explained how those increased funds should be dealt with. This year that increases because the economy is doing well. It amounts to about $1.45 billion again for the year.

The highway bill stakes out new ground by putting into law the requirement that all gas tax revenues coming into the highway trust fund—that is, about $28 billion for this year—should be spent on highways. That is, all gasoline tax revenue should be spent on highways and a portion for mass transit but not for other purposes.

A number of Members of this body worked very hard to achieve that goal—Senators BYRD, WARNER, GRAMM, LOTT, and many others —to say nothing at all about the House Members in the other body who worked equally hard. It is a landmark achievement. It restored some measure of trust to the highway trust fund.

TEA 21 provided that if gas tax receipts are greater than originally estimated—this is the RABA provision—the increased revenue will also go into the trust fund. That is what TEA 21 provides. And it will be distributed in a very specific way. Again, that is what TEA 21 specifically provides.

What did it provide? Approximately 90 percent would go to States by formula—that is, the core programs—and about 10 percent to a variety of smaller but equally important programs that were not tied to individual States.

The chart I have now before us shows that these include—that is, these other programs, the 10 percent include programs to fund roads on national parks. For example, it includes Federal lands highway programs and Indian reservation roads.

Just think about all of us who have Indian reservation roads in our States. The provision of the Transportation Subcommittee would say none of the increase would go to Indian reservation roads.

Public lands highways are very important to many Senators, particularly their States.

I mention the national parks and refuge roads.

What about the border infrastructure program? Many Senators, when writing the highway bill, came to us and said: We need a particular provision in the highway bill—that is, TEA 21—to address border infrastructure needs. We agreed. We put in that provision. But the Appropriations Committee said none of the increased funds will go to that.

What about the national scenic byways program? It is very important to many States so that the picturesque highways in our States have funds equally allocated as all other needs and will receive funds in the event of additional dollars.

Ferry boats and terminals: Yes, ferry boats and terminals would get none of the increase under the Transportation Committee bill—none. That is wrong because it was contemplated, when we wrote this bill together, they would get that.

Then I mention transportation and community preservation.

The main point is that these were bargained-for and fought-for provisions in TEA 21, the highway bill, and everyone assumed, because that was the provision in the highway bill, that if there were additional funds, they, too, would get their fair share of the increase.

It is very important for Members to realize that these are provisions which have not just increased dollars because of the provisions that are in the Appropriations Committee bill.

I don't have to remind you of the difficult debates we had over funding formulas among the Northeast States, the donor States, and the Western States. I have to tell you that it was not easy. There were many meetings. They were tough meetings. But in the end we achieved a bill—the TEA 21 bill—that was supported by 88 Senators. It was bipartisan. It was supported by Senators on both sides of the aisle.

It was not just a distribution of money among the States that generated so much support for TEA 21. It also is the host of the smaller programs I just mentioned. They are called the allocated programs or the discretionary programs in which individual Senators had very specific interests.

Senators from Alaska, Hawaii, and New Jersey came to support provisions such as ferry boats. Likewise, Senators from the public land States—from Idaho, Wyoming, New Mexico, and Nevada—wanted help in meeting unique needs in their States. These are the provisions we have written into the bill, the so-called allocated discretionary provisions that are not included in their fair share of the increase of highway funds in the bill provided for the forests.

Senators from border States—Texas, Arizona, New York, and California—needed special attention on the dilapidated border crossings impeding trade and economic development in their States.

In the same vein, Members along potential trade corridors through the Midwest had individual interests they wanted to include in the bill, but the provision before the Senate will not allow those provisions to get their fair share.

I mentioned Senators seeking help for scenic byways and communities across our country.

TEA 21 was not just about funding State highway programs; it was also about a broad range of transportation needs identified not just by States but by individual Senators.

Earlier, I mentioned gas tax revenues were flowing to the trust fund faster than expected, to the tune of $1.45 billion in fiscal year 2000. TEA 21 provided for a fair distribution of that revenue growth. Again, unfortunately, the Transportation appropriations bill prevents the allocated programs—the discretionary programs—from sharing in this growth.

The bill before the Senate zeros out about $120 million in funding for public lands, the border crossings, ferry boats, Indian reservations, research, and other allocated programs, and instead distributes that increase to the States

only through the core highway programs. I am not against the core highway programs. I strongly support them. But that is not the issue. What is at issue is the protection of the integrity of TEA 21 and fair treatment for these allocated programs I have just mentioned.

Why did the appropriations bill change this part of TEA 21? Is there a problem with the TEA 21 distribution? Is there anything wrong with these programs? If there is, it is news to me. I have not heard it. Nobody has mentioned it. More importantly, if something is flawed with the distribution of these programs, let's have a hearing, get the facts, and find out what is going on before we run off and start changing things for no good reason. Let's do it in the committee with jurisdiction of the highway bill, the Environment and Public Works Committee.

Some might ask, what is all this fuss over such a small amount of money? After all, this bill redistributes only about $120 million, an average increase of just one-third of 1 percent of the State's highway dollars. It is because I see this as a start of a very dangerous process. Highway bills are 6-year authorizations for a very good reason. Highways take time to plan, to design, to build. Our State highway departments need some level of certainty about future funding levels to plan properly.

I followed closely what my State of Montana is doing for planning these projects. Stable funding is absolutely vital; stability in highway spending is absolutely vital so States can plan. Without stability, highway and transit projects will proceed more slowly. As highway construction slows down, fewer jobs will be created, economic activity is reduced, working men and women—many with families to be supported—will be hurt.

Furthermore, once we send the signal that it is open season for highway funding in appropriations bills, whose ox will be gored next? Today it is the allocated programs, the discretionary programs, scenic roads, ferry boats, border crossings, park roads; today only $120 million. Tomorrow, who knows. I know Senator CHAFEE and I have a tough sell here. All 50 States will get a little more money under this bill than under TEA 21. Normally, around here that is called a no brainer. If it is more money, Members vote for it.

Look where the money comes from, and I ask if you still support this provision. Tell the tribal leader the Indian road program doesn't need anymore money. Tell the economic development leaders in your communities that border crossings, trade corridors, don't deserve anymore funding. Or tell the mayors that scenic byways and ferry boats have to get by with a little less than we promised last year, while others get a little more than we promised.

Let's treat all programs fairly, let them all share in the revenue growth, not just a few.

This is what our Governors, highway officials, and others say about the TEA 21 promises. This chart includes quotes from letters from key highway user groups.

Trust Coalition, the main coalition that worked so hard with us as we put together the highway bill:

> . . . remind Congress of the importance of keeping its proposition in TEA 21 in the annual budgeting and appropriations process.

Another letter from the American Association of State Highway and Transportation Officials:

> Expend additional. . . annual [highway trust fund] revenues . . ., and allocate them as provided under TEA 21.

From the National Governors' Association, a group this body listens to quite frequently and faithfully:

> Ensure that all increases in revenue in the Highway Trust Fund are directed to their intended purposes as outlined in TEA 21.

I ask my colleagues to think very carefully about this issue. To say this vote is about a few more dollars for your State on top of the hundreds of millions received under TEA 21 is to miss the point. Do not pit the interests of State against the interests of public lands or ferry boats or trade corridors or border crossings. Do not start down the path of turning highway funding into a political grab bag each year.

Unless someone can show me how the distribution formula of TEA 21 is broken and needs to be fixed, I am prepared to stick with the highway bill.

I urge my colleagues to join me, Senator CHAFEE, and Senator WARNER and reaffirm our support for TEA 21 and reject the redistribution contained in this bill.

A final point: When we raise this point of order, we mean no disrespect to the Appropriations Committee or its leaders. They have a very difficult job to do. They have a difficult job to do in the best years. This, I might add, is not the best of years with the problems they are facing with the budget caps and allocations. It is a very difficult problem. I understand that. I deeply respect that. They have their responsibilities and I respect that. But the authorizing committees also have their responsibilities. I hope the appropriators in the Senate respect that, too. That is why I supported the reimposition of rule XVI earlier this year. It is a matter of respect. The appropriations subcommittees do their work; we respect their work. The authorizing committees do their work, and we hope that work can be respected, as well. That is what this issue is about. It restores the will of order around here and allows the appropriations and authorizing committees to concentrate on what they know best. Let's keep it that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I pick up on the concluding note of my good friend, the ranking member of our committee.

We marked up the bill barely 30 days ago and pledged our allegiance to rule XVI. Now, the essence of what this debate is all about: Are we going to do a 180 and all run downhill? What is the public going to think of the Senate and how it conducts itself and how it observes its rules? That should be foremost in the mind of every Senator as that vote bell rings, hopefully, in but a few minutes, as this debate concludes.

As our distinguished chairman and ranking member have clearly said, our committee worked hard, not for a month, not for 2 months. I was subcommittee chairman of the subcommittee that did the initial draft of TEA 21.

It was a 2-year task, 2 years carefully going out amongst the 50 States and evaluating proposals of the various Governors, of the organizations that devote full time to America's transportation needs and they came forth with a variety of proposals. We worked very diligently to take all of that into consideration, and over a 2-year period we had many, many subcommittee hearings, and, indeed, hearings of the full committee, and crafted this legislation with the intent of seeking equity and fairness among the 50 States, of correcting what many of us viewed as an inequity between the donor States, of which mine was one, and the donee States. Therein was the most difficult battle. Two years' work stands on the brink of being disassembled on this vote. The precedent of rule XVI stands to be stripped down momentarily on this vote.

As my colleague from Montana stated, if this provision regarding the surplus is changed, what is next year? Is it the donee-donor fight? Does that become the next debate within the appropriations cycle? It was for the very reason this institution has regarded this legislation as law it should remain intact for 6 years. This is not a 1-year bill or a 2-year bill; this is a 6-year bill, a formula to remain in place to provide equity among the States for 6 years. Momentarily, the vote will be taken to make the first break, barely after 1 year of operation of this bill.

There is a tradition in this great body not to personalize anything, but I just happened to observe there were 70 Senators who sought the exact provision that is the subject of this amendment, and that was a 10-percent set-aside for Federal programs. Seventy Senators came to our committee with a wide range of programs they felt were essential for their States which would not be covered in the general disbursal of the balance of the 90 percent. How interesting, the State of New Jersey fought hard for the Intelligent Transportation Systems funds, ITS; the State of Alabama fought hard for new corridor programs and ARC, just two little footnotes.

I urge Senators to go back—we have it here in the correspondence—and have the staffs advise their Senators what they asked of the Environment

and Public Works Committee, and what was included in this bill in direct recognition of their needs, 70 colleagues. That is the reason for the creation of this provision.

Our chairman mentioned the House. The House appropriations bill, I say to the chairman, as he well knows, had a number of provisions in there which his counterpart, Congressman SHUSTER, recognized as legislation on an appropriations bill. He went to the floor of the House, and in 18 consecutive instances the House backed up their chairman and struck those provisions, one by one, from that bill.

I daresay, should this provision survive, regrettably, that same chairman will see in conference that it is removed. That is why I think it is incumbent on our body to likewise remove this legislation, and at the same time uphold the credibility of our action some 30 days ago and reaffirm rule XVI. This is equity. This is legislative process to achieve that equity.

We put in place a magnificent piece of legislation, accepted all across America. As I traveled my State this summer, I saw instance after instance of construction on our roads. I said to myself: There is the taxpayers' money coming back from the highway trust fund, going straight to the States, and now being used to improve our system. It is working. TEA 21 is working. That is why we are here today, to ask our colleagues to let it remain intact because it is serving the purpose for which this body adopted it but a year ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I believe it is important that all Members of the Senate clearly understand the distribution of revenue aligned budget authority—that we called RABA—which the subcommittee integrated into this bill.

The philosophy of the Transportation Act for the 21st century was that highway funding is intrinsically linked to receipts to the highway account of the highway trust fund, and that increased gas tax receipts should be passed along to the States for highway construction and improvement projects.

The provision in TEA 21 that I described is a mechanism to guarantee additional revenue in the trust fund from greater than anticipated gas tax receipts would be spent for that purpose. The Transportation Appropriations Subcommittee's provision, which we have been talking about, ensures this intent is met and it is completely consistent with the spirit of TEA 21.

The President's budget submission, however, requested to divert a third of these funds away from the Federal aid highway program to fund other programs and their initiatives. The subcommittee rejected this approach. Instead, we adopted one that honors the commitment Congress made to the States when it passed TEA 21, which I supported along with others.

Our bill sends the funds directly to the States in order to maximize the Federal resources flowing to each State. I want to be clear this afternoon. This does not alter the TEA 21 formula. It, in fact, embraces the formula by strictly adhering to each State's individual guaranteed share under section 1105 of TEA 21.

This is one of those rare instances where Congress is able to put forward a proposal that benefits every Member in every State in the Union. Within a constrained Federal budget, it is an approach which increases the amount that is available to the States for highway construction. I believe it makes sense and at the proper time I believe my colleagues—I hope, at least, they will support it.

Mr. WARNER. Will the chairman yield for a question?

Mr. SHELBY. I will be glad to yield.

Mr. WARNER. He says it does not change the formula. But, if he had nothing in his legislation, these funds would flow in accordance with TEA 21. He is putting a switch in the track that diverts that 10 percent. I say to my good friend, that is clear documentation of a change to the formula.

Mr. SHELBY. I will answer that. It says in the bill:

> Provided further, That notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for the fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000.

That is the formula of TEA 21.

Mr. WARNER. If I may say, Mr. President, it is that first word, ''notwithstanding''—one of those magical words that resonates in this Chamber to signal this law is being changed, this formula is being changed. If you did not have this provision in there, these funds would flow precisely as this Chamber directed those funds to flow when they overwhelmingly adopted TEA 21.

I say to my good friend, it is clear as the light of this given day what is taking place.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. LAUTENBERG. Who has the floor?

Mr. BAUCUS. I want to point out the provision referred to by the distinguished chairman of the Appropriations Subcommittee on Transportation in his own bill says clearly ''notwithstanding Public Law 105–178.'' Even though the law says differently, this is what the committee is going to find. The committee's own language indicates that it is a change because the committee's language says, as just reported by the chairman of the committee, notwithstanding the ISTEA bill; that is, in spite of the ISTEA bill, this is the change we are going to make.

Mr. WARNER. Mr. President, my colleague from Montana is correct. I see my good friend from New Jersey standing. Why don't I ask him: Would not the result of what you are requesting be simply asking the Senate to go up the hill on rule XVI, turn around, and run down the hill?

Mr. LAUTENBERG. Mr. President, in deference to my friend and colleague from Virginia, I am going to decline to answer the question that he puts to frame my speech. After I deliver my message, then I will be happy to respond. Perhaps I will have covered the turnaround the Senator describes. I will wait until I get the floor before I take a question.

Mr. WARNER. I am happy to yield the floor and await with eagerness for a reply to my question.

Mr. LAUTENBERG. I hope the Senator has a glass of water there. I am going to deliver my missive.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what we are seeing is much more a question of interpretation rather than a violation of the rule. Because the distinguished Senator from Virginia says we had agreed to a specific 10 percent, I think more accurately, in all due respect, is that we agreed to sums of money that added up to approximately 10 percent of the total funding. The programs that were detailed in the list that was going to be supported have grown, by the way. They have grown as the appropriations have grown for highway funding.

The one thing to which I want to return, and I am sorry our colleague from Alabama is not here because I want him to know I agree fully with what he has said thus far and the proposition that we are considering, and that is extra moneys that are found in the surplus go directly to the States to finance their programs as they see them.

It is funny because so often we have a debate about States rights and Big Brother Government and that kind of thing. But here we are, some of us find ourselves on opposite sides of the debate. The fact of the matter is that each State—and I want my colleagues to know this—is going to get more money. They are going to decide where the highway needs are in their States. They are going to decide what is critical, and they are going to decide it in a year in which the whole country is burdened with congestion. Those States will have those moneys to use for highway construction or as they see fit under their programs.

The fact we agreed to a series of programs at the time TEA 21 was developed, and though there was a lot of hard work—and I respect the work the Senator from Rhode Island and the Senator from Montana did on TEA 21—I disagreed with them. They knew it. I voted finally for the bill because they had some compromises thrown in. My State went from one level of funding in the formula to a lower level, when my State sends more money to this Federal Government than any State in the

country. They said: Frank, agree with us because we will take care of you in this program or that program to try to get a compromise.

Believe me, if I had the 50 other votes, I would not have agreed, but I did not have them. So I went along. It was not a happy day. It wasn't a happy day for New Jersey or this Senator who serves, by the way, on both the EPW Committee as well as the Appropriations Committee.

What we are seeing is a nuclear explosion in the middle of a chance to dynamite a new hole for a new road. I understand how jurisdictions want to be preserved, and I support that. But the fact is, I agree with the chairman of the subcommittee that this is our interpretation of how that money, how that surplus should be spent.

I point out to our colleagues who may be listening who are going to vote on this, every one of your States get more money directly for the programs on what your transportation commissioners, your Governors want to spend money. I do not know that we have heard from any Governors who have called up and said: Listen, don't give us that extra money, put it into those Federal programs. I do not think that message goes particularly well out there.

The message that does go well out there is your States get more money. All of the programs that were detailed in TEA 21 are fully financed as outlined in the original TEA 21 legislation, and each one of them has gotten more money as a result of the expanded funding available. So we are not cheating anybody. What we are saying is that as we see it, these funds should be distributed directly to the States, simplify it rather than winding up with I do not know how small the smallest change would be on the list of programs, but it would get down to relatively tiny sums of money. We give it to the States. It is done clearly and everybody understands it.

My friend from Virginia—this is my closing remark—talked about the ITS program that I worked so hard on, intelligent vehicles. Notice I never said intelligent drivers. Intelligent vehicles was a program I worked very hard to get.

New Jersey, I am told, gets $5 million, I say to the Senator from Virginia, out of that $211 million that we are devoting to intelligent transportation systems. New Jersey, though it deserves far more, only has a very small percentage of that. It was not New Jersey based. That was a program I felt strongly about for my country and for the benefit of those who drive across the highways and the byways of this great Nation, including reducing congestion wherever we can and expediting traffic flow. That is what that was. That was not a ''New Jersey special,'' I can assure the Senator.

I hope when all is said and done, and very often more is said than is done, we will have our colleagues' support and carry this bill. Let's get done with it. Yes, the debate was worthwhile having because our colleagues wanted it and we respect our colleagues, the Senator from Rhode Island, the Senator from Virginia, the Senator from Montana, but we differ with them. We have a job of getting this bill out and into the hands of those who are going to be using it for their construction needs in the next year, and we ought to move along with it as quickly as we can.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to talk about germaneness for just a minute. I know the point of order has not been made yet, but I want my colleagues to know that the Senators who could raise the rule XVI point of order are trying to characterize the bill's RABA provision as not germane to this bill. But before bringing this provision to the floor, we checked again with the Parliamentarian, and he indicated the defense of germaneness did, in fact, exist on this provision by virtue of legislative language in the House-passed text.

This language was not drafted with the goal of creating germane language. If my colleagues will recall, the rule XVI point of order was reestablished after this bill had been reported from committee and we did not need to modify the provision in order to make it germane. It is germane because it is germane, and it is consistent with rule XVI.

What my colleagues are asking—if they do this—is to rule against a provision that is clearly germane pursuant to existing Senate rules under rule XVI. I urge my colleagues to reject at that time, if that is done, that proposition and uphold the germaneness of this provision.

My colleagues have probably thrown a lot of smoke at you as to why you should not support the existing Senate appropriations provision, things such as preserving the genius of TEA 21. Some Western or public land States may get hurt under this provision, but do not let this confuse you.

Be careful, I would suggest, when Members argue jurisdiction and in the same breath claim that your State might—yes, I repeat, might—be disadvantaged by a provision, and then raise a point of order—if they do—rather than voting on the merits of the issue.

Why? Because what the Appropriations Committee has done is simple and straightforward and directly benefits every State. Let me be clear again. Every State will receive more money because of this provision because all the money will go directly to the States with fewer strings attached than it would otherwise.

In addition, the money will get to the States sooner, so they can tackle the most critical transportation problems without having to wait on some Washington bureaucrats to deem their problems worthy of Federal funding.

I believe it is clear that we cannot—yes, we cannot—always count on the Washington bureaucrats to be fair and impartial when making decisions about these discretionary highway funding issues.

In fact, I have here a General Accounting Office study—a copy of the study is on the desk—that shows that the Department of Transportation does not always follow its own policies when distributing discretionary highway funds and that the distribution process can be highly politicized.

The Appropriations Committee provision does not hurt Western or public land States in any way. Each of these States will have a guaranteed increase in highway funds, and they will get their money earlier. They can use these additional resources on public lands projects or whatever they want.

So why raise a point of order—if, in fact, they do—as I anticipate, instead of voting on the provision? Because the opponents know they are asking Members to vote against their own States' interests. They are hoping you will not see that if the vote is on the point of order.

What the Members objecting to the appropriations provision are asking you to do is forgo two birds in the hand, we might say, on the off chance that there might be a smaller bird in the bush somewhere else. Think about it. Not a very good deal, in this Senator's estimation, and not one which is in the best interests of any Senator's State. If you think so, check with your Governor in your State.

Mr. BAUCUS. Mr. President, will the Senator yield for a question?

Mr. SHELBY. I am glad to yield.

Mr. BAUCUS. Mr. President, the Senator says this legislation on his appropriations bill is germane because he says in the House bill there is language which redistributes the funds. Therefore, he says it is germane.

I ask the Senator if he could point out to me where that language is in the House bill. And let me say, before the Senator answers the question, that it is highly unlikely, as all Members of this body know, that such language exists, because the chairman of the Transportation Committee in the House, Mr. SHUSTER, would not stand for it.

So I would like, if the Senator could, for him to show me in his bill where——

Mr. SHELBY. Reclaiming my time, I want to answer that, if I may.

We have checked with the Parliamentarian. That is why we have a Parliamentarian here, among other things, for guidance at times. We have been told that the affirmative defense of germaneness would lie here because of the legislation.

Mr. BAUCUS. Could the Senator point out the language?

Mr. SHELBY. Because of H.R. 2084, the House bill, on page 15.

Mr. BAUCUS. Could the Senator cite the language?

Mr. SHELBY. Page 15. I will read it to you, the language, on page 15, where

it says: ''Federal-Aid Highways, (Liquidation of Contract Authorization), Highway Trust Fund).''

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,125,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

That is the provision.

Mr. BAUCUS. Mr. President, I say, with all respect to my very good friend and colleague, that language refers to just spending the money that must be spent under ISTEA. There is no language there which addresses a reallocation of additional dollars. I must very respectfully say to my good friend, the language he cited does not in any way purport to do what he likes to say it does.

I just follow up by saying that what this comes down to is respect. We in the authorizing committee respect the job of the Appropriations Committee. They have a very difficult job. They do their work very well. I just hope the Appropriations Committee members will respect the work of the authorizing committee.

As the Senator from Virginia pointed out, there is a reason that this is a 6-year bill, that every year we do not come back and try to pass a highway bill. It is because of the nature of the beast. Highway legislation requires long-term planning. It does not make sense for this body to start going down the road—no pun intended—of starting to rewrite the highway bill every year in the Transportation Appropriations Committee. That is just bad public policy. It is the wrong thing to do. I think every Member knows it is the wrong thing to do, if he or she just stops to think about it.

I thank the Chair and my colleague very much, and particularly I thank my friend and colleague from Rhode Island, the leader of our committee, who is bringing this issue to our attention.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in light of the discussion today about weather, indeed, the Appropriations Committee has gotten into the authorization area, let's just take a look at what has happened to this bill, what the major changes are.

There are some very substantial changes in this bill to TEA 21. What we are talking about is the additional money that is coming in. In that case, the additional money totals $1.5 billion. About $150 million of that has been set aside—has been in the past and would be, but for this legislation—for a series of programs that we thought were necessary—indeed, the whole Senate did, and the Congress did—for the good of our Nation.

So what are we talking about? We are talking about is that Indian reservation roads don't get a nickel. They don't get a nickel from the additional moneys under the proposal of the Appropriations Subcommittee on Transportation: Public land roads, not a nickel; park roads, not a nickel; refuge roads in our wildlife refuges, where we have had testimony that the roads are just in atrocious condition, desperately need money; the national corridor planning of the border infrastructure, where there is a lineup of trucks under NAFTA trying to come into the country, and we set aside money to give them some assistance; ferry boats and terminals, $2 million they would get from the funds but for the amendment of the Subcommittee on Transportation.

So there is no question but that there are major changes in this legislation by the Appropriations Committee, getting deeply into the territory where we spent months trying to work out a compromise in the authorization committee.

It is my understanding that all who wished to speak have spoken on this.

I now raise a point of order that the provision which begins on page 21, line 1, through line 11 on page 22, of the language added by the committee-reported bill is legislation on an appropriations bill in violation of rule XVI.

I ask my colleagues to stand with me and put a stop to the destructive practice of including legislation on appropriations measures.

Mr. GRAHAM. Mr. President, I rise today in support of the Rule XVI motion offered by my colleagues, Senators BAUCUS and CHAFEE.

The changes to the TEA 21 funding formulas included in the transportation appropriations bill are unacceptable. They will have a severe impact on the ability of the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs to meet their responsibilities in managing our nation's public land trust.

The question we face today on this appropriations bill is one of many that will determine the answer to the larger question, can we live up to the legacy of our forefathers and protect our federal land trust?

We are beginning the third century of our nation's history. The first and second were highlighted by activism on public lands issues.

The first century was marked by the Louisiana Purchase, and added almost 530 million acres to the United States, which changed America from an eastern, coastal nation to one covering the entire continent.

The second century was marked by additions to the public land trust, led by President Theodore Roosevelt.

While in White House between 1901 and 1909, he designated 150 National Forests; the first 51 Federal Bird Reservations; 5 National Parks; the first 18 National Monuments; the first 4 National Game Preserves; and the first 21 Reclamation Projects.

He also established the National Wildlife refuge System, beginning with the Pelican Island National Wildlife Refuge in Florida in 1903.

Together, these projects equated to federal protection for almost 230 million acres, a land area equivalent to that of all the East coast states from Maine to Florida and just under one-half of the area purchased in the Louisiana purchase.

Roosevelt said, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

As we enter the third century of our history, we must again ask ourselves this question and take action to meet this challenge.

The action taken with the language in the Transportation Appropriations bill does not meet this challenge.

In 1916, Congress created the National Park Service:

. . . To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The ''unimpaired'' status of our national parks and our refuges is at-risk. The language in the Transportation Appropriations amendment would reduce funds in the Federal Lands Highways Program by $1 million for the Fish and Wildlife Service; $12 million for the National Park Service; and $14 million for the Bureau of Indian Affairs.

The National Park System and the Fish and Wildlife Service have extreme needs for these funds. We are all aware of the infrastructure needs for transportation faced by Grand Canyon National Park that were highlighted in the August 20 USA Today. I ask unanimous consent that this article be inserted into the CONGRESSIONAL RECORD.

The Fish and Wildlife Service has similar needs within the National Wildlife Refuge System. Last year, in the state of Florida, the Wildlife Drive at the J.N. Ding Darling National Wildlife Refuge located on Sanibel Island, Florida was closed for over 2 weeks when one of the seven water control structures under the road was washed out by heavy rains.

After this incident, the Ft. Myers Daily editorialized on this subject, stating:

The Wildlife Drive is a huge success, a blessing to the old and infirm who can comfortably enjoy great recreation from their cars. It's a place where countless curious novices and bored children have been bitten by the bug of bird watching . . . And for all that, it is still a must on the list of world-traveled ornithologists . . . Fish and Wildlife [Service] needs to . . . fix this crown jewel of American ecotourism.

This article calls for action by the Fish and Wildlife Service. However, this is our responsibility. We, the Congress, must recognize the responsibility we have to maintain our public lands in the park system and the wildlife refuge system.

As we consider this motion, let us remember the challenge that President Theodore Roosevelt posed for us with his words, ''We must ask ourselves if we are leaving for future generations an environment that is as good, or better, than what we found.''

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. In relation to this point of order that has been raised, I raise the affirmative defense of germaneness.

The PRESIDING OFFICER. Under rule XVI and the precedents of the Senate, the Chair submits to the Senate the question for its decision, Is the provision challenged by the Senator from Rhode Island germane to language in the House bill H.R. 2084?

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) is necessarily absent.

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—63

Abraham	Fitzgerald	Lott
Akaka	Frist	Lugar
Allard	Gorton	Mack
Ashcroft	Gramm	McConnell
Bennett	Grams	Mikulski
Brownback	Grassley	Moynihan
Bryan	Hagel	Murray
Bunning	Harkin	Nickles
Byrd	Hatch	Reid
Campbell	Helms	Roberts
Cleland	Hutchinson	Rockefeller
Cochran	Hutchison	Roth
Collins	Inouye	Santorum
Conrad	Jeffords	Sessions
Coverdell	Kerrey	Shelby
Craig	Kohl	Snowe
DeWine	Kyl	Specter
Domenici	Landrieu	Stevens
Dorgan	Lautenberg	Thompson
Durbin	Leahy	Thurmond
Edwards	Lincoln	Torricelli

NAYS—34

Baucus	Feingold	Robb
Bayh	Feinstein	Sarbanes
Biden	Graham	Schumer
Bingaman	Hollings	Smith (NH)
Bond	Inhofe	Smith (OR)
Boxer	Johnson	Thomas
Burns	Kennedy	Voinovich
Chafee	Kerry	Warner
Crapo	Levin	Wellstone
Daschle	Lieberman	Wyden
Dodd	Murkowski	
Enzi	Reed	

NOT VOTING—3

Breaux	Gregg	McCain

The PRESIDING OFFICER. On this vote, the ayes are 63 and the nays are 34. The amendment is germane. The point of order falls.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending amendment is amendment No. 1677 from the Senator from Washington, Mr. GORTON.

Mr. SHELBY. I ask unanimous consent that the amendment be temporarily set aside in order that the Senator from North Carolina, Senator HELMS, be recognized to offer an amendment.

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

AMENDMENT NO. 1658

(Purpose: Expressing the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census)

Mr. HELMS. Mr. President, I call up amendment number 1658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. INHOFE, Mr. KYL, Mr. SMITH of New Hampshire, Mr. BROWNBACK, and Mr. NICKLES, proposes an amendment numbered 1658.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

Mr. HELMS. Mr. President, Americans should be disturbed that the U.S. Census Bureau obviously no longer regards marriage as having any importance.

When the Census Bureau compiled its list of questions to be included in the 2000 decennial survey, the decision was obvious that it would be unnecessary and burdensome for the Bureau to include marital status in the census forms sent to the majority of American households.

So the Census Bureau decided to delete the marital status question from the census ''short form'' which it is called—which goes to approximately 83 percent of the American population—but continue to use the question on the ''long form''—which goes only to approximately 17 percent of the American population.

This will mark the first time since 1880 that the decennial census will not gather from the majority of the U.S. population, a count of those who are single, married, divorced, or widowed. This is especially disturbing, at least to this Senator, when one considers that the survival of the American culture is dependent upon the survival of the sacred institution of marriage. Moreover, marital status has heretofore regularly been viewed as vital information because there has always been great value placed in the institution of marriage.

It is irresponsible for the U.S. Government to suggest or imply that marriage is no longer significant or important, but that is precisely the message that will go out if marital status is eliminated from the short form by the Census Bureau.

However, Mr. President, the Census Bureau feels far differently when it comes to compiling statistics on various other things including race. The Census Bureau made it a top priority to learn the race of the majority of Americans; therefore the agency is asking, not one, but two questions relating to racial identity.

One can only speculate the reasoning behind this bizarre maneuver removing marital status from the short form, while asking two questions about race. It's important to remember that every year, more than $100 billion in Federal funding is awarded based on the data collected by the Census Bureau. Considering that American people will foot the bill on the Census Bureau's strange inclinations, should not Congress remind the U.S. Census Bureau that its job is not to seek out information to promote a social agenda.

For this reason, Mr. President, I am offering a sense-of-the-Senate amendment to the Transportation appropriations bill, expressing that the U.S. Census Bureau was wrong to eliminate

marital status from the census short form. The U.S. Census Bureau should include marital status on the short form census questionnaire—the one going out to the vast majority of Americans for the 2000 decennial census.

Unfortunately, most of the census short form questionnaires have already been printed without the important marital status question being included. Notwithstanding that, does not Congress have a moral obligation, as caretaker of America's culture, to set the record straight in emphasizing that marriage is still at the forefront of America's national survey?

I believe this sense-of-the-Senate resolution deserves careful consideration of all Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor. I thank the Chair.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, I ask unanimous consent the Helms amendment, which I understand is the pending business, be temporarily set aside. We are trying to work on a time to vote on it a little later.

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

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

AMENDMENT NO. 1661

(Purpose: To make available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1661.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama (Mr. SHELBY), for Mr. DASCHLE, proposes an amendment numbered 1661.

Mr. SHELBY. 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:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

Mr. SHELBY. Mr. President, I am offering this amendment on behalf of Senator DASCHLE. It deals with airport eligibility. It has been cleared by both sides of the aisle. I see no opposition to it.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1661) was agreed to.

AMENDMENT NO. 1663, AS MODIFIED

(Purpose: To express the sense of the Congress that the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers)

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendment No. 1663, as modified. This is an amendment I will be offering on behalf of Senator INHOFE dealing with the TARDIS program. It has been modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. INHOFE, proposes an amendment numbered 1663, as modified.

The amendment follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

Mr. SHELBY. Mr. President, this amendment has been cleared by both sides. I urge its adoption.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1663), as modified, was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. ABRAHAM. I inquire of the Chair what the pending business before the Senate is.

The PRESIDING OFFICER. Two amendments have been set aside to the Transportation appropriations bill. Therefore, an amendment is appropriate at this time.

Mr. ABRAHAM. I am not here to present an amendment. I am interested in knowing if the pending amendment is the Gorton amendment.

The PRESIDING OFFICER. The Gorton amendment was the first amendment set aside.

Mr. ABRAHAM. I am interested in speaking on that amendment at this point, if that is in order.

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

AMENDMENT NO. 1677

Mr. ABRAHAM. Mr. President, there are a number of us on the floor who want to speak about this issue. Earlier we heard from the proponents of the amendment. They brought it to the floor at a time when those of us who opposed the amendment were not in position to respond. I know there is a desire, and we certainly are amenable, to get to a vote in the next hour and a half, or so. We would like to have an opportunity to present our side of this debate, at least for a reasonable period of time, and if there needs to be a further time agreement, then we will be able to enter into one.

I see Senator LEVIN on the floor and Senator ASHCROFT. I know they would like to follow. I ask unanimous consent that following my remarks, Senators ASHCROFT and LEVIN be permitted to speak prior to any other speakers on this amendment.

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

Mr. ABRAHAM. I thank the Chair.

Mr. President, I rise to oppose the amendment offered by Senators GORTON, FEINSTEIN, and BRYAN.

I oppose this amendment because it will impose an unnecessary and unacceptable burden on the working men and women of this country, and of my state in particular.

Throughout Michigan, men and women are working hard every day to produce the cars that make our economy and our nation move. They and their families depend on the jobs produced by our automobile manufacturing industry, just as the rest of us depend on the cars they produce.

But those jobs and Michigan's economy are jeopardized by efforts to increase standards for corporate average fuel economy or CAFE.

I have come to the floor because I want to make certain that my colleagues are aware of the extremely serious impact of increased CAFE standards, not just on Michigan, but on every state in the union. And make no mistake, increased CAFE standards are the intention of the amendment we are debating today, and will be the result should it be adopted.

The Federal Government currently mandates that auto manufacturers maintain an average fuel economy of 27.5 miles per gallon for cars, and 20.7 miles per gallon for sport utility vehicles and light trucks.

Since 1995 Congress has prohibited federal transportation funds from being used to unilaterally increase these standards. We have recognized that it is our duty, as legislators, to make policy in this important area of economic and environmental concern.

Now, however, a number of my colleagues are calling for an end to this congressional authority. This sense-of-the-Senate urges the Senate conferees to the Transportation appropriation bill to reject the House funding prohibition on raising CAFE standards.

It does not call for the Department of Transportation to study the benefits and costs of raising CAFE standards, as some proponents of this amendment have suggested. Rather, the amendment states: ''The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.''

Make no mistake and I reiterate this, if the House funding prohibition is stripped from this bill, the Department of Transportation will raise CAFE standards. Current law requires D.O.T. to set CAFE standards each year at the ''maximum feasible fuel economy level.'' And the Secretary is not authorized to just ''study'' CAFE. He must act by regulation to set new CAFE standards each year.

In 1994, the last year prior to the CAFE freeze, the administration began rulemaking on new CAFE standards. Department of Transportation's April 6, 1994 proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

So let us be clear, this is not and never has been about a study. This proposed sense-of-the-Senate amendment is a precursor to higher CAFE standards on Sport Utility Vehicles and light trucks.

Mr. President, this action is misguided. It will hurt the working families of Michigan. It will undermine American competitiveness. And it will reduce passenger safety.

Higher CAFE requirements cost jobs. It really is that simple. Let me explain what I mean.

To meet increased CAFE requirements, automakers must make design and material changes to their cars. Those changes cost money, and force American manufacturers to build cars that are smaller, less powerful and less popular with consumers.

In addition, the National Academy of Sciences found that raising CAFE requirements to 35 mpg would increase the average vehicle's cost by about $2,500. And that is just a low-end estimate.

Japanese automakers have escaped these costs because sky-high gasoline prices in their home markets forced them to make smaller, lighter cars years ago. Increased CAFE requirements will continue to favor Japanese auto makers. And that means they will continue to place an uneven burden on American automobile workers.

Increased CAFE standards also reduce consumer choice, contrary to the assertions made in the earlier debate.

For example, the principal reason full sized station wagons have disappeared from the market is the need to meet fleet mileage requirements under the CAFE program.

Full-size station wagons, long popular with the American public, simply cannot be engineered economically to achieve high enough gas mileage to make them worth selling.

Consumers suffer when their choices are narrowed. and auto makers and their employees suffer when they are forced to make cars the public simply does not want.

In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors notes that in 1982:

> We were forced to close two assembly plants which had been fully converted to produce our new, highly fuel-efficient compact and mid-size cars. The cost of these conversions was $130 million, but the plants were closed because demand for those cars did not develop during a period of sharply declining gasoline prices.

This story could be repeated for every major American automaker, Mr. President. And the effects on our overall economy have been devastating.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of American depend on the health of our auto industry.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards, or to build cars that Americans will not buy. In either case the real victims are American workers and consumers.

Nor should we forget, that American automakers are investing almost $1 billion every year in research to develop more fuel efficient vehicles.

Indeed, we do not need to turn to the punitive, disruptive methods of CAFE standards to increase fuel economy for American vehicles.

Since 1993, the Partnership for a New Generation of Vehicles has brought together government agencies and the auto industries to conduct joint research—research that is making significant progress and will bridge the gap to real world applications after 2000.

By enhancing research cooperation, the Partnership for a New Generation of Vehicles will help our auto industry develop vehicles that are more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's midsize family sedans. All this while producing cars that retain performance, utility, safety, and economy.

We have made solid progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand.

Finally, I wish to address the issue of vehicle safety. For a number of years now, the federal government has taken the lead in mandating additional safety features on automobiles in an attempt to reduce the number of lives lost in auto accidents.

How ironic to learn that federal CAFE requirements have been costing lives all this time.

The Competitive Enterprise Institute recently estimated that between 2,600 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing.

USA Today, in a special section devoted to the issue of CAFE standards and auto safety, calculated CAFE's cumulative death toll at 46,000.

I ask unanimous consent that the July 2, 1999, USA Today series on CAFE be printed in the RECORD.

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

[From USA TODAY, July 2, 1999]

DEATH BY THE GALLON

(By James R. Healey)

A USA TODAY analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

Californian James Bragg, who helps other people buy cars, knows he'll squirm when his daughter turns 16.

''She's going to want a little Chevy Cavalier or something. I'd rather take the same 10 to 12 thousand bucks and put it into a 3-year-old (full-size Mercury) Grand Marquis, for safety.

''I want to go to her high school graduation, not her funeral.''

Hundreds of people are killed in small-car wrecks each year who would survive in just slightly bigger, heavier vehicles, government and insurance industry research shows.

More broadly, in the 24 years since a landmark law to conserve fuel, bug cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars, according to USA TODAY's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed.

The law and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon vs. 14 mpg in 1975.

But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

Small cars—those no bigger or heavier than Chevrolet Cavalier or Dodge Neon—comprise 18% of all vehicles on the road, according to an analysis of R.L. Polk registration data. Yet they accounted for 37% of vehicle deaths in 1997—12,144 people—according to latest available government figures. That's about twice the death rate in big cars, such as Dodge Intrepid, Chevrolet Impala, Ford Crown Victoria

''We have a small-car problem. If you want to solve the safety puzzle, get rid of small cars,'' says Brian O'Neill, president of the Insurance Institute for Highway Safety. The institute, supported by auto insurers, crash-tests more vehicles, more violently, than all but the federal government.

Little cars have big disadvantages in crashes. They have less space to absorb crash forces. The less the car absorbs, the more the people inside have to.

And small cars don't have the weight to protect themselves in crashes with other vehicles. When a small car and a larger one collide, the bigger car stops abruptly; that's bad enough. But the little one slams to a stop, then instantly and violently accelerates backward as the heavier car's momentum powers into it. People inside the lighter car experience body-smashing levels of force in two directions, first as their car stops moving forward, then as it reverses. In the heavier car, bodies are subjected to less destructive deceleration and no ''bounce-back.''

The regulations don't mandate small cars. but small, lightweight vehicles that can perform satisfactorily using low-power , fuel-efficient engines are the only affordable way automakers have found to meet the CAFE (pronounced ka-FE) standards.

Some automakers acknowledge the danger. ''A small car, even with the best engineering available— physics says a large car will win,'' says Jack Collins, Nissan's U.S. marketing chief.

Tellingly, most small-car crash deaths involve only small cars—56% in 1997, from the latest government data. They run into something else, such as a tree, or into one another.

In contrast, just 1% of small-car deaths—136 people—occurred in crashes with midsize or big sport-utility vehicles in '97, according to statistics from the National Highway Traffic Safety Administration, the agency that enforces safety and fuel-efficiency rules. NHTSA does not routinely publish that information. It performed special data calculations at USA TODAY's request.

Champions of small cars like to point out that even when the SUV threat is unmasked, other big trucks remain a nemesis. NHTSA data shows, however, that while crashes with pickups, vans and commercial trucks accounted for 28% of small-car deaths in '97, such crashes also accounted for 36% of large-car deaths.

Others argue that small cars attract young, inexperienced drivers. There's some truth there, but not enough to explain small cars' out-of-proportion deaths. About 36% of small-car drivers involved in fatal crashes in 1997 were younger than 25; and 25% of the drivers of all vehicles involved in fatal wrecks were that age, according to NHTSA data.

GAS SHORTAGE WORRIES

U.S. motorists have flirted with small cars for years, attracted, in small numbers, to nimble handling, high fuel economy and low prices that make them the only new cars some people can afford.

''Small cars fit best into some consumers' pocketbooks and drive-ways,'' says Clarence Ditlow, head of the Center for Auto Safety, a consumer-activist organization in Washington.

Engineer and construction manager Kirk Sandvoss of Springfield, Ohio, who helped two family members shop for subcompacts recently, says that's all the car needed.

''We built three houses with a VW bug and a utility trailer. We made more trips to the lumber yard than a guy with a pickup truck would, but we got by. Small cars will always be around.''

But small cars have an erratic history in the USA. They made the mainstream only when the nation panicked over fuel shortages and high prices starting in 1973. The 1975 energy act and fuel efficiency standards were the government response to that panic.

Under current CAFE standards, the fuel economy of all new cars an automaker sells in the USA must average at least 27.5 mpg. New light trucks—pickups, vans and sport-utility vehicles—must average 20.7 mpg. Automakers who fall short are fined.

In return, ''CAFE has an almost lethal effect on auto safety,'' says Rep. Joe Knollenberg, R-Mich., who sides with the anti-CAFE sentiments of his home-state auto industry. Each year, starting with fiscal 1996, he has successfully inserted language into spending authorization bills that prohibits using federal transportation money to tighten fuel standards.

Even if small cars were safe, there are reasons to wonder about fuel-economy rules:

Questionable results. CAFE and its small cars have not reduced overall U.S. gasoline and diesel fuel consumption as hoped. A strong economy and growing population have increased consumption. The U.S. imports more oil now than when the standards were imposed.

Irrelevance. Emerging fuel technologies could make the original intent obsolete, not only by making it easier to recover oil from remote places, but also by converting plentiful fuels, such as natural gas, into clean-burning competitively priced fuel.

And new technology is making bigger, safer cars more fuel efficient. The full-size Dodge Intrepid, with V–6 engine, automatic transmission, air conditioning and power accessories, hits the average 27.5 mpg.

''Improving fuel economy doesn't necessarily mean lighter, inherently less-safe vehicles,'' says Robert Shelton, associate administrator of NHTSA.

Cost. Developing and marketing small cars siphons billions of dollars from the auto industry. Small cars don't cost automakers much less to design, develop and manufacture than bigger, more-profitable vehicles. But U.S. buyers won't pay much for small cars, often demanding rebates that wipe out the $500 to $1,000 profit.

Consumers pay, too. Though small cars cost less, they also depreciate faster, so are worth relatively less at trade-in time. And collision insurance is more expensive. State Farm, the biggest auto insurer, charges small-car owners 10% to 45% more than average for collision and damage coverage. Owners of big cars and SUVs get discounts up to 45%. ''It's based on experience,'' spokesman Dave Hurst says.

CAFE has been ''a bad mistake, one really bad mistake. It didn't meet any of the goals, and it distorted the hell out of the (new-car) market,'' says Jim Johnston, fellow at the American Enterprise Institute in Washington and retired General Motors vice president who lobbied against the 1975 law.

HERE TO STAY

CAFE is resilient, although concern over its effect on small-car safety is neither new nor narrow.

A 1992 report by the National Research Council, an arm of the National Academy of Sciences, that while better fuel economy generally is good, ''the undesirable attributes of the CAFE system are significant,'' and CAFE deserves reconsideration.

A NHTSA study completed in 1995 notes: ''During the past 18 years, the Office of Technology Assessment of the United States Congress, the National Safety Council, the Brookings Institution, the Insurance Institute for Highway Safety, the General Motors Research Laboratories and the National Academy of Sciences all agreed that reductions in the size and weight of passenger cars pose a safety threat.''

Yet there's no serious move to kill CAFE standards.

Automakers can't lobby too loudly for fear of branding their small cars unsafe, inviting negative publicity and lawsuits. And Congress doesn't want to offend certain factions by appearing too cavalier about fuel economy. Nor, understandably, does it want to acknowledge its law has been deadly.

''I'm concerned about those statistics about small cars, but I don't think we should blame that on the CAFE standards,'' says Rep. Henry Waxman, D-Calif., who supported CAFE and remains a proponent.

Pressure, in fact, is for tougher standards.

Thirty-one senators, mainly Democrats, signed a letter earlier this year urging President Clinton to back higher CAFE standards. And environmental lobbyists favor small cars as a way to inhibit global warming.

Although federal anti-pollution regulations require that big cars emit no more pollution per mile than small cars, environmental activists seize on this: Small engines typical of small cars burn less fuel, so they emit less carbon dioxide.

Carbon dioxide, or CO_2, is a naturally occurring gas that's not considered a pollutant by the Environmental Protection Agency, which regulates auto pollution.

But those worried about global warming say CO_2 is a culprit and should be regulated via tougher CAFE rules.

Activists especially fume that trucks, though used like cars, have a more lenient CAFE requirement, resulting in more CO_2.

''People would be much safer in bigger cars. In fact, they'd be very safe in Ford Excursions,'' says Jim Motavalli, editor of E: The Environmental Magazine, referring to a large sport-utility vehicle Ford Motor plans to introduce in September. ''But are we all supposed to drive around in tanks? You'd be creating that much more global-warming gas. I demonize sport utilities,'' says Motavalli, also a car enthusiast and author of the upcoming book Forward Drive: The Race to Build the Car of the Future.

Not all scientists agree that CO_2 causes global warming or that warming is occurring.

SEEKING ALTERNATIVES

Worldwide, the market is big enough to keep small cars in business, despite the meager U.S. small-car market of 2 million a year. Outside the USA, roads are narrow and gas is $5 a gallon, so Europeans buy 5 million small cars a year; Asians, 2.6 million.

Automakers are working on lightweight bigger cars that could use small engines, fuel-cell electric vehicles and diesel-electric hybrid power plants that could run big cars using little fuel.

But marketable U.S. versions are five, or more likely 10, years off. That's assuming development continues, breakthroughs occur and air-pollution rules aren't tightened so much they eliminate diesels.

Even those dreamboats won't resolve the conflict between fuel economy and safety. Their light weight means they'll have the same sudden-stop and bounce-back problems as small cars. Improved safety belts and air bags that could help have not been developed.

IIHS researchers Adrian Lund and Janella Chapline reported at the Society of Automotive Engineers' convention in Detroit in March that it would be safer to get rid of the smallest vehicles, not the largest.

Drawing on crash research from eight countries, Lund and Chapline predicted that if all cars and trucks weighing less than 2,500 pounds were replaced by slightly larger ones weighing 2,500 to 2,600 pounds, there would be ''nearly 3% fewer fatalities, or an estimated savings of more than 700 lives'' a year. That's like trading a 1989 Honda Civic, which weights 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researches conclude, eliminating the largest cars, SUVs and pickups, and putting their occupants into the next-size-smaller cars, SUVs and pickups would kill about 300 more people a year.

MARKET SKEPTICISM

U.S. consumers, culturally prejudiced in favor of bigness, aren't generally interested in small cars these days:

Car-buying expert Bragg—author of Car Buyer's and Leaser's Negotiating Bible—says few customers even ask about small cars.

Small-car sales are half what they were in their mid-'80s heyday. Just 7% of new-vehicle shoppers say they'll consider a small car, according to a 1999 study be California-based auto industry consultant AutoPacific. That would cut small-car sales in half. Those who have small cars want out: 82% won't buy another.

To Bragg, the reasons are obvious: ''People need a back seat that holds more than a six-pack and a pizza. And, there's the safety issue.''

That hits home with Tennessee dad George Poe. He went car shopping with teenage daughter Bethanie recently and, at her insistence, came home with a 1999 Honda Civic.

''If it would have been entirely up to me, I'd have put her into a used Volvo or, thinking strictly as a parent, a Humvee.''

Mr. ABRAHAM. Mr. President, even the National Highway Traffic and Safety Administration, which runs the CAFE program, has recognized the deadly effects of CAFE standards.

In its publication ''Small Car Safety in the 1980's,'' NHTSA explains that smaller cars are less crash worthy than large ones, even in single-vehicle accidents. Small cars have twice the death rate of drivers and passengers in crashes as larger cars.

And smaller light trucks will mean even more fatalities. These trucks and SUV's have higher centers of gravity and so are more prone to rollovers. If SUV and truck weights are reduced, thousands could die.

I believe it is crucial that we get the facts straight on the true effects of CAFE standards so that we can come to the only rational conclusion available: safe, economically sensible increases in gas mileage require cooperation and research and technology, not Federal mandates.

Therefore, I urge my colleagues to oppose the Gorton-Feinstein-Bryan amendment.

Mr. President, it is very simple. When Washington makes these dictates, when unelected bureaucrats make these decisions and impose them on an industry, the ramifications can and will be serious. We have seen that before in the auto industry. If this were to go forward, we would see it again. The autoworkers in my State and around this country, and the people who work in other industries that are related to the sale of automobiles, will have their lives in jeopardy, as well as their jobs in jeopardy, if we move in this direction.

Mr. SHELBY. Will the Senator yield for a UC request?

Mr. ABRAHAM. Let me conclude in 10 seconds.

For those reasons, I urge opposition to the amendment.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I ask unanimous consent that the vote occur on or in relation to the pending amendment at 6:40 p.m. with the time allocated as follows: 30 minutes under the control of Senator GORTON, 40 minutes under the control of Senator ABRAHAM, and 10 minutes under the control of Senator LEVIN. I further ask that no other amendments be in order prior to the 6:40 vote. I also ask that immediately following that vote, a vote occur on amendment No. 1658, with 2 minutes for explanation prior to the vote. I understand this request has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Therefore, it is my understanding the next two votes will occur on a back-to-back basis at 6:40 p.m. this evening.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

Mr. LEVIN. Will the Senator yield for an inquiry?

Mr. ASHCROFT. I certainly will.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. I thank my friend.

Mr. ASHCROFT. I thank the Senator from Michigan and the Chair. I also thank the Senator from Michigan, Mr. ABRAHAM, for his enlightening remarks about this important challenge we face—a challenge which would seriously undermine and erode America's competitive position in the production of automobiles.

I want to focus on a different aspect of the corporate average fuel economy debate.

Most Americans, if you talk about CAFE standards, think you will be talking about health standards in a restaurant or cleanliness in corporate a local coffee shop. In this particular setting, CAFE means average fuel economy. Basically, it is the average fuel economy of the car produced by a particular company. A company that had a car that had a very high corporate average fuel economy also would have to build very small vehicles because it takes less fuel to run a small vehicle than it does a large vehicle.

The concept of a corporate average fuel economy standard was developed during the oil crisis of the 1970s. It required automobile manufacturers to develop vehicles that could travel further with less gas. This was due to the shortage of the gasoline that had been imposed by the oil industry cartel which had curtailed the availability of energy resources to this country.

The CAFE standards at that time required automakers to maintain, fleetwide, an average fuel efficiency of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks.

This is how the CAFE standards got started. It was to try to help the United States get past the energy embargo imposed in the 1970s. It was not instituted—I repeat—it was not instituted for clean air purposes. Rather, it was adopted to conserve gasoline.

In fact, Federal regulations require that big cars emit no more pollution per mile than small cars. I have to confess, with all Americans, that our air is cleaner today than it was 5 years ago or 10 years ago, and we are pleased that we continue to make progress. The air continues to get cleaner and that is a good thing.

I will focus on the safety impact of increasing CAFE standards. In doing so, I will talk about the consequences of imposing CAFE standards—but not in terms of making sure we have enough gas to burn in the country because the embargo was lifted decades ago.

I want to focus on the safety aspects of what happens when you demand that cars get more and more efficient—that somehow they must be able to go farther and farther on a gallon of gas. It does not take any special level of intelligence, you do not have to be a rocket scientist to understand that in order to meet fuel economy standards, cars and trucks have to be made lighter. So in an effort to make cars go further on a gallon of gas, the cars and trucks had to be made lighter and lighter. Common sense tells us when a lighter and smaller vehicle is involved in an accident, passenger injuries will be more severe.

Since CAFE standards were enacted in the 1970s, the average weight of a new car has dropped by about 1,000 pounds. So if you look at the weight of a car as being protection—the protective barrier that surrounds a passenger—there is 1,000 pounds less of protection in the new car than in the cars prior to CAFE standards.

A recent study from the National Highway Traffic Safety Administration, the agency that administers CAFE standards, found that increasing the average weight of each passenger car on the road by 100 pounds would save over 300 lives annually. So if instead of decreasing the weight of cars

in order to reach higher levels of fuel economy we were to add 100 pounds to the weight of cars, we would save 300 lives every year.

We are really not debating whether or not we are going to add weight to cars; however, this is a debate over whether we are going to mandate that car manufacturers make cars out of lighter and lighter materials. When you do that, it has a cost in terms of the relatives of the Members of this body, our families and our constituents and our constituents families.

A number of studies have been conducted to determine the actual effect that the CAFE standards have had on highway safety. I want to emphasize that these studies are conducted by very credible agencies—agencies that would not be anticipated to try and develop information that would somehow support the car industry. The National Highway Traffic Safety Administration is a Federal agency that administers the CAFE standards. This agency is talking about the standards, which are its job to administer, when it says that if we could increase the weight instead of decrease the weight and we did so only by 100 pounds per vehicle, we would save 300 lives a year. One person a day, roughly, would be saved in America if we had slightly heavier cars. The Competitiveness Enterprise Institute found that of the 21,000 car-occupant deaths that occurred last year, between 2,600 and 4,500 of them were attributable to the Federal Government's new car fuel economy standards. We have between 2,500 and 4,500 people who don't exist anymore, who died because we have demanded lighter and lighter cars in order to meet the so-called CAFE standards, just last year.

That is from the Competitiveness Enterprise Institute. This is not from the car manufacturers. This is from an independent think tank.

A 1989 Harvard University-Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for a 14- to 27-percent increase in annual traffic deaths. These are deaths—they argue that would not have happened but for the fact that the new car fleet must be downsized in order to meet the stricter standards. As long as 10 years ago, researchers at Harvard University and the Brookings Institution determined that the CAFE standards and the imposition of the CAFE standards then extant were responsible for between 1/7 and 2/7 of the increase in the annual traffic deaths—just that much of a reduction in the weight of cars.

So we have the National Highway Traffic Safety Administration, we have the Competitiveness Enterprise Institute, the Harvard University-Brookings Institution study. We have the National Academy of Sciences in this decade. This is not a wholly-owned subsidiary of GM, Ford, or Daimler-Chrysler.

The National Academy of Sciences 1992 study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. That study found:

> Safety and fuel economy are linked, because one of the most direct methods manufacturers can use to improve fuel economy is to reduce vehicle size and weight.

I really don't want to pick at the National Academy of Sciences. It is not just one of the most direct methods used to boost fuel economy; it is a very important method.

The most troubling conclusion from the National Academy of Sciences study was:

> It may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences.

We could go over the litany again: The National Highway Transportation Safety Administration, the Harvard University/Brookings Institution study, the Competitiveness Enterprise Institute, and the National Academy of Sciences—all of these organizations understand that it is not a cost-free operation to say we will save a few gallons of gas and sacrifice our citizens and their safety on the highways.

Continuing to quote the National Academy of Sciences:

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

I personally say we ought to carefully reconsider this approach. One study said in 1 year between 2,600 and 4,500 individuals died because we have mandated that car manufacturers lighten automobiles so substantially that they become death traps for the occupants. I think safety ought to be foremost in our consideration. When the National Academy of Sciences says we ought to reconsider the approach of lightening these cars by demanding more and more fuel economy, I think we ought to take that particular admonition seriously.

> The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

It is with that in mind that when the National Academy of Sciences says we ought to carefully reconsider this approach, I think we ought to reject attempts by Members of this body to extend this approach.

What is at the core of the National Academy of Sciences argument is this: They care about these lives that are lost on our highways, people who are riding in cars without adequate protection.

The proponents of this measure dismiss the safety considerations as if they are an aside. Frankly, in a setting where our environment continues to improve, where our air continues to get cleaner and cleaner, we ought to be careful about the number of people we are willing to put in jeopardy and at risk. We are not talking about risk of a stubbed toe or a hangnail; we are talking about situations where individuals lose their lives.

These standards, according to these studies—whether it is Harvard-Brookings, the Competitive Enterprise Institute, the National Highway Transportation Safety Administration, the National Academy of Sciences—are responsible for Americans losing their lives.

There are those in this body who want to make these standards even tougher, in the face of very clear predictions and a conceded understanding that to make these standards tougher means more and more people die on the highway. Based on experience and research, increasing CAFE standards to 40 miles per gallon—that is less than proposals supported by the President and Vice President of the country; they want to take the standards even higher than that—would cost up to 5,700 people their lives every year.

I am not even beginning to address the aspect of the government telling its citizens what kind of cars they should be driving. This is to say that we won't let people buy safe cars, we will make them unavailable, and 5,700 a year will lose their lives because we have decided that we know better what kind of car people should drive than people could know by making their choices in the marketplace.

I want you to know that this isn't all. I am pleased that Senator ABRAHAM submitted for the RECORD this particular item, which was a reprint from the USA Today: ''Death by the Gallon.'' I brought this particular chart to show that a USA Today analysis of previously unpublished fatality statistics that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

As far as I am concerned 46,000 is 46,000 too many. But to think that we want to extend this so as to invite the deaths of as many as 5,700 more people a year by downsizing this container in which people travel called an automobile and lightening it to the extent that it provides no cushion of safety for people, or an inadequate cushion of safety, is a very serious proposal.

Forty-six thousand people have died due to the implementation of CAFE standards. Is it time to reexamine those standards, or is it time to expand those standards? Forty-six thousand angels looking at the Senate should be telling us: Reexamine; do not extend those. Forty-six thousand people is the equivalent in my State to Joplin, MO. The deaths of 46,000 people in my State would wipe out the entire town of Blue Springs, MO, or all of Johnson or Christian Counties.

The average passenger vehicle in 1975 was 14 miles per gallon; today it is 20 miles per gallon. That averages 7,700 lost lives for every gallon of increased fuel efficiency. I don't think 46,000 lives are worth it. I know they are worth more than that. I mean that is not worth the 46,000 lives.

I asked the Insurance Institute for Highway Safety to give me an opinion on raising CAFE standards and on the

impact it would have on highway safety. I will insert their response in the RECORD.

I ask unanimous consent to print this correspondence with the Insurance Institute for Highway Safety in the RECORD.

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

INSURANCE INSTITUTE
FOR HIGHWAY SAFETY,
Arlington, VA, August 27, 1999.

HON. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: This is in response to your letter of August 20 requesting information from the Institute about relationships between Corporate Average Fuel Economy (CAFE) standards and vehicle safety.

Although the relationships between CAFE standards and vehicle safety are difficult to quantify precisely, there is no question that the two are related because smaller/lighter vehicles have much higher occupant fatality rates than larger/heavier vehicles. But the safer larger/heavier vehicles consume more fuel, so the more ''safer'' vehicles a manufacturer sells the more difficult it becomes to meet the CAFE standards.

Institute analyses of occupant fatality rates in 1990–95 model passenger vehicles show that cars weighing less than 2,500 pounds had 214 deaths per million registered vehicles per year, almost double the rate of 111 deaths per million for cars weighing 4,000 pounds or more. Among utility vehicles the differences are even more pronounced: Those weighing less than 2,500 pounds had an occupant death rate of 330, more than three times the rate of 101 for utility vehicles weighing 4,000 pounds or more.

It is important to recognize that these differences are due to factors in addition to the greater risks to occupants of lighter vehicles in collisions with heavier ones. Even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The occupant death rate in single-vehicle crashes of cars weighing less than 2,500 pounds was 83, almost double the rate of 44 for cars weighing 4,000 pounds or more. In the lightest utility vehicles the occupant death rate was 199, again more than three times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

The key question concerning the influence of CAFE standards on occupant safety is the extent to which these standards distort the marketplace by promoting additional sales of lighter, more fuel efficient vehicles that would not occur if CAFE constraints weren't in effect. Because CAFE standards are set for a manufacturer's fleet sales, it seems likely that raising these requirements for cars and/or light trucks would encourage a full-line manufacturer to further subsidize the sale of its smaller/lighter vehicles that have higher fuel economy ratings. This would help meet the new requirements while continuing to meet the marketplace demand for the manufacturer's much more profitable larger/heavier vehicles. Obviously the potential purchasers of the larger/heavier vehicles are unlikely to be influenced to purchase subsidized small/light vehicles, but at the lower ends of the vehicle size/weight spectrum these subsidies likely would produce a shift in sales towards the lightest and least safe vehicles. The net result would be more occupant deaths than would have occurred if the market were not distorted by CAFE standards.

Sincerely,

BRIAN O'NEILL,
President.

Mr. ASHCROFT. The institute found that even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, single-car crashes, people in lighter vehicles are at greater risk. I think we could have figured that out. It is pretty clear from 46,000 deaths that that is understandable.

The letter also stated:

. . . the more ''safer'' vehicles a manufacturer sells, the more difficult it becomes to meet the CAFE standards.

So if a manufacturer tries to sell safer, heavier vehicles, it makes it impossible for them to meet the Federal standards.

I want to make one thing very clear. I believe in promoting cleaner air. I believe we should be environmentally responsible, and we are getting there. I don't believe we should do it at the risk of human lives. CAFE standards have killed people. They will continue to kill people because cars have been lightened to the extent that they don't protect individuals.

Consumers are not choosing small cars. They look at convenience and safety, and then they buy a larger automobile. According to a national poll, safety is one of the three main reasons for the popularity of sport utility vehicles. Small cars are only 18 percent of all vehicles that are on the road, yet they accounted for 37 percent of all the deaths in 1997. They are one out of every six vehicles on the road, and they are involved in more than one out of every three deaths on the highways.

Some argue these numbers are so high because the small cars are getting into accidents with the bigger SUVs. The data does not support that. Based on figures from the National Highway Transportation Safety Administration, only 1 percent of all small-car deaths involve collisions with midsize or large SUVs—1 percent. The real tragedy is that these cars are unsafe in one-car accidents or in accidents with each other.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. And according to that same source, 82 percent who have purchased small cars say they would not buy another. Safety-conscious consumers, whether they are my constituents in Missouri, or others, are purchasing larger automobiles, or sports utility vehicles. But now Washington wants to tell them what kind of car to buy, to disregard a value which they place on their own safety. We spend millions of dollars a year trying to make our highways safer: We fight drunk driving; we mandate seatbelt use; we require auto manufacturers to install airbags. Yet today we are being asked to support a policy to make our highways more dangerous and more deadly than ever before.

I urge my colleagues to reject this attempt to impose higher and higher CAFE standards. The attempt to impose higher and higher CAFE standards is clearly headed for a consequence of higher and higher levels of fatalities. We have seen data from the National Highway Transportation Safety Administration. We have seen data from the Harvard/Brookings Institution. We have seen data from the National Academy of Sciences. We have seen the kind of comprehensive review of data published in the USA Today. It is pretty clear, as the Competitive Enterprise Institute chimes in, that lightening cars—taking the strong substances out of the vehicle so that it goes farther for marginal gains in economy, results in more and more people dying.

I urge my colleagues to be sensitive to the fact that America can ill afford to elevate the carnage on our highways by eliminating the kind of substance in our vehicles that would be required if we were to adopt the amendment that is pending. So I urge them to reject the attempt to elevate CAFE standards and, in so doing, protect the lives of themselves and their families.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the purpose of the amendment before us is very simply to increase CAFE, despite all the flaws with the CAFE system. This is not just a study as is being suggested. The purpose of this amendment is very clear from the wording of every single whereas clause and every resolve clause: it is to increase CAFE, despite the many flaws in the current CAFE system.

If anybody has any doubt about what the purpose of this amendment is, I urge them to read it, and particularly the last paragraph which urges the Senate not to recede to section 320 of the bill as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, some have said all this amendment does is provide for a study. Well, this is a study whose results have been prejudged and preordained, by the authors of this amendment, because there is not one word in this amendment about safety concerns, as the Senator from Missouri and my colleague from Michigan have talked about, or about the increase in the number of deaths which have resulted from CAFE. Those are not our allegations but safety experts' allegations. There is not one word in this amendment about the loss of American jobs and the discriminatory impact of CAFE against domestic production. I will get into that in a moment.

This isn't just a study we are talking about. The sense-of-the-Senate resolution specifically says that the Senate should not recede to a section in the House bill which prevents an increase

in CAFE standards. It doesn't say anything about not receding to a section which prevents a study. It doesn't talk about a study which looks at highway safety, impact on domestic employment, favoritism toward imports, discriminatory impacts on domestic manufacturers and workers. It doesn't talk about that at all. There is not a word about any of these issues in this amendment—only about increasing the CAFE standards.

There are many flaws in the CAFE approach. My colleagues have already gone into some of those flaws at length. But first I want to again quote, very briefly, from the National Academy of Sciences' automotive fuel economy study, so that people don't think opposition to this amendment comes only from folks who have a lot of automobile production in their State—although we do and we are proud of it, and we are determined that it be treated fairly and sensibly. We surely stand for that, and we do so proudly. But this is the National Academy of Sciences speaking here. The National Academy of Sciences said the following in this automotive fuel economy study:

The CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.

''Defects that are sufficiently grievous.'' There is not a word about studying those defects in this amendment. I have looked really hard through this amendment. I read it a couple of times this afternoon. I can't find anything about studying those defects that are ''sufficiently grievous,'' according to the National Academy of Sciences—that they should be part of the study. The purpose of this resolution is to increase CAFE, to bring about the result that CAFE is increased.

Now, why not do that? Why not increase CAFE? Sure, let's just increase the number from 20 to 25, or 30 to 35, or 35 to 40. Why not? We will save fuel. The answer is, because there are a number of other considerations that have to be looked at, which weren't looked at when this CAFE system was put into place. CAFE has had a discriminatory impact on the domestic industry and has had a horrendous effect on safety and resulted in the loss of thousands of lives.

Now, the safety issue has been discussed this afternoon, but I want to just highlight one or two parts of it, although the Senator from Missouri has just spoken to it. There was a USA Today study. This isn't an auto industry study. This isn't an auto supplier study. This isn't the UAW study. This is a study by USA Today looking at statistics on automobile highway deaths.

Here is what the USA Today study found. They found that in the 24 years since a landmark law to conserve fuel was passed, big cars have shrunk to less-safe sizes, and small cars have poured on the road, and, as a result, 46,000 people have died in crashes. They would have survived in bigger, heavier cars, according to the USA Today analysis of crash data since 1975 when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy standards it imposed have improved fuel efficiency. The average passenger vehicle on U.S. roads gets 20 miles per gallon versus 14 miles per gallon in 1975. But the cost has been, roughly, 7,700 deaths for every mile per gallon gained, this analysis shows.

Is it worth looking at fuel economy? Of course it is. Is it worth looking at 46,000 deaths? Is it worth putting that on the scale and at least looking at it? It sure ought to be. There is not a word about that in this resolution, nothing about safety. We are told this amendment is only about a study. Well, if so, it is the most one-sided study I have ever seen.

Now, it has been argued: Wait a minute, aren't these deaths the result of small cars running into big vehicles? Again, the study answers that. Tellingly, it says most small-crash deaths involve only small cars—56 percent in 1997, from the latest Government data. They run into something else, such as a tree, or into one another. In contrast, just 1 percent—according to this article—of small-car deaths occurred in crashes with midsize or big sport utility vehicles in 1997, according to statistics from the National Highway Traffic Safety Administration, according to the agency that enforces the safety rules.

That is one of the major problems with CAFE—the safety problem, the loss of life.

There are other problems as well. I would like to spend a few of the minutes allotted to me to talk about the discrimination of this system against domestic production. One of the many problems with CAFE is that it looks at the entire fleet. It looks at the average of the manufacturers' fleet. That fleet could be predominantly small in size. It could be predominantly medium in size. It could be predominantly large in size. It doesn't make any difference what your mix is; you must meet the same corporate fleet average.

If you have produced, for instance, historically many small vehicles, then because of the way the CAFE rules are jiggered, there are no effective limits on how many large vehicles you can sell. But if historically you have produced larger vehicles, then it has a tremendous impact on your production and a penalty for the production of more.

The result of this is that if, as in the case with the imports, you have focused on lighter vehicles rather than the heavier vehicles, which are very much now in demand, CAFE has no effect whatsoever on your production or on your sales. But if you are a domestic manufacturer that has focused on the larger vehicles, it has a huge effect on you and on the number of jobs you might have.

There is no logic or fairness to that kind of approach. CAFE didn't say you have to increase by 10 percent the efficiency of your light vehicles, or your medium-size vehicles, or your heavier vehicles. It says: Take your whole fleet together and reach a certain standard.

Some people say: Well, aren't the imports more fuel efficient? The answer is no. Pound for pound, there is no difference between an imported vehicle and a domestic vehicle. A domestic vehicle is probably a little bit more fuel efficient.

Take two vehicles of the same size. Take a GM and Toyota pickup truck—the GM Sierra, and the Toyota Tundra. They both weigh about the same. These are their highway ratings: 18 miles per gallon for the GM vehicle, and 17 miles per gallon for the Toyota vehicle. The GM vehicle is more fuel efficient than the Toyota. These are the same size vehicles. Now we are comparing apples and apples—not fleet averages which are apples and oranges, but apples and apples. The city rating is the same thing. The GM Sierra has a 15-miles-per-gallon rating. The Toyota Tundra has a 14-miles-per-gallon rating.

So the discriminatory impact does not have anything to do with the efficiency of vehicles of the same size since, if anything, the domestic vehicle is at least as efficient as the import when you compare the same size vehicles.

Then where is the discriminatory impact? The discriminatory impact arises because the import manufacturers have tended to focus on the smaller vehicles instead of the larger vehicles. They have room to sell as many large vehicles as they want without any impact. CAFE does not affect them. Any manufacturer that has focused on the smaller vehicles instead of the larger suffers no impact when CAFE goes up.

Let's go back to that Tundra and that Sierra. How many more vehicles could General Motors sell? These are the same size vehicles. With the GM vehicle being slightly more fuel efficient than the Toyota vehicle, how many more can GM sell under CAFE? None. How many more can Toyota sell? Over 300,000 more.

Does that do anything for the air? It is costing American jobs. It doesn't do a thing for the air. All it does is tell people if they want to buy a vehicle, a large vehicle, they have to buy the imported vehicle, and not the domestic one. The domestic manufacturer is penalized if it is produced under the CAFE approach.

CAFE was designed in a way—I don't think intentionally, and I pray to God it wasn't—but it was designed in a way which has a discriminatory impact on the domestic producer because of the way in which their fleets happened to be designed historically—because of the type of cars they sold historically—and not because the imported vehicle is more fuel efficient. It isn't.

These numbers are typical. If you have two vehicles of equal size, one import and one domestic, they are about the same in terms of fuel efficiency.

So when you increase CAFE, all you are saying is buy an import. That is what this thing drives people to do. The import manufacturer isn't penalized. There is no limit effectively on how many larger vehicles the import manufacturers can sell. It bites on the domestic manufacturers—not on the imports. That is a huge effect on jobs in America, with no advantage to the air.

Do we think it does good to the air to tell people to buy yourself a Tundra instead of a Sierra? Does that do anything for the air? Quite the opposite. It hurts the air. The Tundra is not as fuel efficient as the Sierra. Yet there is no penalty whatsoever under CAFE for the import manufacturer selling basically an unlimited number of heavy vehicles.

We have a system in place now which has had a very negative effect on safety and an increase in the number of highway deaths. These are not our figures but figures of people who are on the outside looking at the statistics of the highway safety folks. It has had a negative effect in terms of domestic versus imports, which is discriminatory.

Again, I want to emphasize this. It is a very important point. Some people think the imports are more fuel efficient. They are not.

It is the key point. They are not more fuel efficient—slightly less; if I had to characterize—there is no difference, basic difference, pound for pound.

What does this amendment do? It expands the current system. We have CAFE; let's increase the CAFE standards. Let's not even look at impact on safety, increased highway deaths, or discriminatory impact on domestic production. That is not referred to in this amendment. Just fuel. That is it.

But CAFE's discriminatory impact takes such a narrow vision, a narrow view on jobs in America. I hope this amendment is defeated. It is pointing in a very narrow direction, in a direction which ignores the discriminatory impact on jobs in America. It ignores safety issues and focuses on one piece of an issue, ignoring totally the other parts.

Finally, the Government and the private sector or private industry have put together a partnership for new vehicles. This partnership is focusing on new technologies and new materials, trying to see if we cannot find ways to have larger vehicles with higher fuel economy. This partnership is looking at lightweight materials, advanced batteries, fuel cells, hybrid electric propulsion systems; experimental concepts sometimes, but things which will—in a cooperative way—achieve the kind of goal which CAFE theoretically was aimed at achieving.

This partnership approach for a new generation of vehicles is working. It is in operation now. It is the right way to go. The Government contribution to this partnership has been about $220 million a year. The private sector's annual contribution to this partnership has been slightly under $1 billion a year. We have this investment in a partnership, in a new generation of vehicles which is aimed at achieving significant improvements in fuel efficiency without the downsides, which have been described here—the negative safety impacts and the negative effects on domestic production. That partnership is now in its fourth year. We should allow that partnership to proceed. It is on a cooperative track, aimed at achieving goals without such negative side effects.

I hope the Senate will reject this resolution and will keep on the partnership track which is being so productively followed.

I yield the floor.

Mr. BURNS. Mr. President, I rise today in opposition to the pending resolution that will give the Department of Transportation the green light to raise CAFE standards. According to the proponents of the resolution, the amendment just lets DOT ''study'' the issue. I am concerned that is not accurate. The DOT has already recommended up to a 35 percent increase in light truck standards.

The CAFE program has been in place for 25 years. We know this program doesn't work. We know this program has not reduced America's dependence on foreign oil. In fact, America's dependence on foreign oil has increased from 35 to 50 percent.

Pollution controls on today's automobiles have driven down pollution levels in this nation. It's the older automobiles that have been targeted—it's the folks who cannot afford to buy a new $30,000 fuel efficient car. Believe it or not Mr. President, but a 1982 Chevy pickup is a very popular vehicle on Montana's highways. We can't expect to make new cars affordable if we make them more expensive by driving up the cost of these new cars through increased government regulation.

Fuel economies in vehicles have been reduced as a result of manufacturer efforts. Since 1980, light trucks fleet fuel economy has increased by nearly 2.5 miles per gallon. Passenger car fleet fuel economy has increased by nearly 4.5 miles per gallon.

In my state of Montana, we are very highway dependent. Our roadways are our only means of transportation. We cannot efficiently rely on transit modes of transportation. Montana is also dependent on vehicles that have adequate clearance and power for roads that are not up to the standard of a paved highway. We have farmers, ranchers, outdoorsmen and sportsmen that use these roads often.

CAFE standards have failed to achieve their goals. Despite these standards, oil imports are up and Americans continue to drive more miles annually than they did in the 1970s. CAFE standards force automakers to produce many smaller, lighter vehicles to increase fuel economy. Studies have demonstrated an increase in highway injuries and deaths as a result.

We know it's not government regulation that drives fuel economy. Rather competition drives fuel economy. That is why I will not support this amendment.

Ms. MIKULSKI. Mr. President, I oppose the Gorton amendment on CAFE standards. I oppose lifting the freeze on CAFE standards because it would hurt American workers, American consumers and our economy.

First, if we raise CAFE standards—we lose American jobs. More and more American workers are building larger cars and sport utility vehicles. That's because these are the cars that Americans want to buy. But if we raise CAFE standards, U.S. car makers will be forced to build smaller cars. That means higher costs—for new equipment, new product lines, new tests. I'd rather see these resources used to leapfrog to new technologies that make cars safer and more efficient.

Meanwhile, our foreign competitors won't have to do anything. They won't face new costs. So by raising CAFE standards, we'll put American workers at a competitive disadvantage with their foreign competitors.

Second, raising the CAFE standards means fewer choices and higher prices for American consumers. Americans are buying larger cars and SUVs because they're safer and better fit their families' needs. So by raising CAFE standards, consumers will have fewer large cars to choose from. They'll also face higher prices—since manufacturers will pass on their higher costs.

Finally, we cannot forget the reason why so many Americans are buying larger cars—because they are safer. If we have more small cars on the road, we will likely have more injuries and fatalities that result from car accidents.

We need to save America's economy, America's jobs and American lives. I urge my colleagues to join me in rejecting this effort to lift the freeze on CAFE standards.

● Mr. MCCAIN. Mr. President, unfortunately I will not be present when the Senate votes on the amendment offered by Senators GORTON, BRYAN, and FEINSTEIN. The amendment expresses the sense of the Senate that it should not recede to the House position of prohibiting the Department of Transportation from preparing, proposing or promulgating any regulation regarding Corporate Average Fuel Economy (CAFE) standards for vehicles.

As my colleagues know, I have been and will continue to be a proponent of the CAFE program. The fuel conservation goals embodied in the original CAFE standards are still important. However, I would not support the amendment offered today. CAFE is an extremely complex issue. It involves a

delicate balance between environmental, safety and economic concerns. CAFE standards need and deserve the full attention of the Congress.

The structure of the CAFE statute appears to no longer make sense in light of the current auto market. For example, the statute draws a distinction between non-passenger vehicles, essentially light trucks and sport utility vehicles (SUVs), and passenger vehicles. The statute establishes a default standard for passenger vehicles and allows the Department of Transportation to adjust the level up or down based upon certain criteria.

The statute does not establish a standard for light trucks. Instead, the agency sets the standard at its discretion based upon criteria in the statute. One of the reasons for the distinction was the size of the non-passenger vehicle market. At the time the CAFE was enacted, light trucks and SUVs represented approximately 15 percent of the market. Now, they are approximately 50 percent of the market. In some states like my home state of Arizona they represent more than 54 percent of new car sales. I question the wisdom of allowing an agency sole discretion over the fuel economy standards of 50 percent of the auto market without any guidance from Congress.

In 1992, the National Research Council conducted what is considered to be the most comprehensive study of the CAFE program. In the executive summary of that report, the study committee made the following statement ''[I]n this committee's view, the determination of the practically achievable levels of fuel economy is appropriately the domain of the political process, not this committee.'' The Committee rightly concluded that many of the issues surrounding CAFE involve tradeoffs that are public policy decisions, not a simple scientific conclusion. It is my intent to follow this advice and bring this debate back to Congress to determine how we should approach fuel economy standards as we enter the new millennium.

As chairman of the Senate Commerce Committee, it is my intention to hold hearings on CAFE early next year to examine this structure. Over the next few weeks, I will contact the Department of Transportation, the General Accounting Office, environmental groups, the major automobile manufacturers and the highway safety groups to solicit their views and begin the process of examining the statute.

Some of my colleagues argue that we should allow the Department of Transportation to move forward on a parallel track with the legislative process. I disagree with this argument for two reasons. First, the rule making process will further polarize and distract all of the parties on a specific proposal before consideration is complete on substantive changes to the law. Second, should a legislative solution be crafted, the agency, as well as interested members of the public will have wasted time and resources developing and responding to a standard, which will never be implemented.

Mr. President, I look forward to holding hearings on this matter and, I look forward to the participation of my colleagues on both sides of this issue as we move forward.●

Mr. ABRAHAM. I inquire how much time remains for the various sides?

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, has 1 minute; the Senator from Michigan, Mr. ABRAHAM, has 19 minutes and the Senator from Washington has 30 minutes.

Mr. ABRAHAM. I know there may be other speakers on our side. As I indicated earlier, the proponents of the amendment had over an hour to initially make their case. We agreed to a time agreement that gives less than that in terms of bringing it up to balance. I don't want to run any more time off of our clock at this stage.

I ask unanimous consent that time during a quorum call run off the time of the Senator from Washington.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, it is often said, I think accurately, that what differentiates human beings from most other animals, most other mammals, is the extraordinary ability of human beings to learn from experience. Yet on the floor of the Senate this afternoon we have heard eloquent statements opposing this current amendment that indicate that experience is of no value to some Members and to some of their arguments.

Mr. President, 25 years ago the predecessors of the opponents to this amendment repeatedly stated on the floor of the Senate, as well as in the hearing rooms of the Senate, that to require more fuel-efficient automobiles and small trucks was to endanger the safety and the lives of the American people and to sentence them to driving in subcompacts and sub-subcompacts.

There are only two differences between the circumstances of the argument in 1974 and the circumstances of the argument in 1999. The first of those differences is that all of the arguments of those who opposed setting higher fuel efficiency standards for automobiles and small trucks made in 1974 were proved dramatically to be in error. At one level, the most important of those arguments was that people would no longer have choice; they would all be forced into smaller automobiles. Here it is 25 years later. We know that is not the case. The requirements imposed in 1974 were, for all practical purposes, completely met within a period of 6 years, and the course has been essentially flat since that day.

Every single day of the week, every year, 7 days a week, 365 days a year, the people of the United States save 3 million gallons of gasoline. Multiply 3 million gallons by $1.50 a gallon. That is $4.5 million. They pollute the air less; they spend less money; they contribute less to our international trade deficit that continues to grow year after year. And, second, our highways are far safer now than they were then. Traffic deaths per million miles driven have declined by more than 50 percent in the years since those fuel efficiency standards were imposed on the American people. Yet we hear some of the same arguments being made over and over again.

But there is another difference between the argument in 1999 and the argument in 1974. In 1974, the Senate was debating whether or not to allow specific new standards to go into effect. In 1999, we are arguing whether or not to allow the Federal Government to engage in a proceeding that determines whether or not new and more fuel-efficient standards are appropriate and achievable. So in addition to ignoring history and experience, the opponents have to say that they oppose knowledge, that they oppose even a vitally important study of if and how much fuel efficiency standards can be improved, consistent with safety and consistent with the economic well-being of the American people.

While I have not heard every word that has been stated on this floor in opposition to this bill, it does seem to me there is at least a minor difference. There does not seem to have been a claim that more fuel-efficient cars will not benefit the environment that is to say, to cause us to have cleaner air and fewer emissions into our air. Whatever the debate was in 1974, that is not a statement now. Nor has any one of our opponents stated that it is a poor idea to save the American people millions of dollars a day in their bill for motor vehicle fuel. Nor have they made any statement that somehow or another our huge trade deficit, largely caused by imported petroleum products, is a matter to which we as Americans should be indifferent.

Almost all of their argument has been on the safety issue. But it has been on the safety issue in the teeth of the experience of the American society, and it has been on the safety issue in the teeth of the proposition that if we carry out the policies contained in this amendment, this sense-of-the-Senate resolution, we are not automatically going to impose new fuel efficiency standards. We are simply going to go into an orderly process to determine whether or not new standards are feasible and, if so, how strict they should be and, if so, how long it should take to implement them.

I find it breathtaking that Members of the Senate should say, no, we don't want that knowledge. We are not even willing to wait until some specific standards are proposed and specific knowledge gained to debate whether or not the imposition of those standards is worthwhile.

No, we want the Senate to vote to stay ignorant, not even to learn what good public policy might be and what any of the offsets to that good public policy might be as well.

Mr. President, I am not a great fan of the current national administration, but I do not think anything irrevocable is going to take place in the next year, in any event, and certainly not over the objections of the Congress of the United States. But I am not so mistrustful of a group of professionals that I am willing to say even to this administration we should not allow them to examine this issue. Incidentally, this freeze has gone through Republican administrations, as well as Democratic administrations, in any event.

No, there are only two arguments being made against this amendment. The substantive argument is that we should ignore history and believe arguments in 1999 that were made in 1974 and shown to be entirely invalid in 1974; and second, the proposition that we should remain ignorant, that this is not important enough, not significant enough to the American people that we should even begin a process of determining whether or not we can clean up our air, make our cars more fuel efficient, become less dependent on foreign oil, and at the same time, increase the safety standards in our automobiles.

The debate is neither more complicated nor less complicated than just that. It should be understood by everyone, and I plead with my colleagues in this body to allow this process to go forward and to debate a real proposal, not a theoretical set of objections that were invalid in 1974 and are equally invalid in 1999.

Mr. FEINGOLD. Mr. President, I rise in support of the sense-of-the-Senate resolution on fuel economy standards. This resolution has been controversial in my state, and I believe its effect on automobile fuel economy standards has been misunderstood by some. I want to make my position clear: though I will vote in favor of this resolution, I have reservations about some of the language it contains, reservations I made known to the amendment sponsors.

My vote today is about Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress. I will support this resolution because I am concerned that Congress has for 5 years now blocked the National Highway Traffic Safety Administration, NHTSA, part of the Federal Department of Transportation, from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards by legislative rider since Fiscal Year 1996. The resolution simply says the Senate should not recede to Section 320 of the House bill.

I believe that the outcome of any assessment of fuel economy standards needs should not be pre-judged. I am concerned that the wording of this resolution needlessly fails to be fully neutral. It tips too far toward saying that the result of an assessment should be a quote increase unquote in fuel economy standards. I have made no determination about what fuel economy standards should be. NHTSA is not required under the law to increase fuel economy standards, but it is required to examine on a regular basis whether there is a need for changes to fuel economy standards. NHTSA has the authority to set new standards for a given model year taking into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, and the need to conserve energy. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I will expect them to do that, and I will respect their judgement. After NHTSA makes a recommendation, if it does so, I will then consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens about their perspectives on NHTSA's recommendation.

However, just as the outcome of NHTSA's assessment should not be prejudged, the language of the House rider certainly should not have so blatantly pre-judged and precluded any new objective assessment of fuel economy standards. Section 320 of the House bill states:

None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

The House language effectively prevents NHTSA from collecting any information about the impact of changing the fuel economy standards in any way. Under the House language, not only would NHTSA be prohibited from collecting information or developing standards to raise fuel economy standards, it couldn't collect information or develop standards to lower them either. The House language assumes that NHTSA has a particular agenda, that NHTSA will recommend standards which can't be achieved without serious impacts, and uses an appropriations bill to circumvent the law's requirements to evaluate fuel efficiency and maintain the current standards again for another fiscal year. I cannot support retaining this rider in the law at this time.

The NHTSA should be allowed freely to provide Congress with information about whether fuel efficiency improvements are possible and advisable. Congress needs to understand whether or not improvements in fuel economy can and should be made using existing technologies. Congress should also know which emerging technologies may have the potential to improve fuel economy. Congress also needs to know that if improvements are technically feasible, what is the appropriate time frame in which to make such changes in order to avoid harm to our auto sector employment. I don't believe that Congress should confuse our role as policymakers with our obligation to appropriate funds. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

I deeply respect the views of those who are concerned that a change in fuel economy would threaten the economic prosperity of Wisconsin's automobile industry. Earlier this year I visited Daimler Chrysler's Kenosha Engine plant and I met with union representatives from the Janesville GM plant. In those meetings I heard significant concerns that a sharp increase in fuel economy standards, implemented in the very near term, will have serious consequences. I want to avoid consequences that will unduly burden Wisconsin workers and their employers. In the end, I would like to see that Wisconsin consumers have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as can be achieved while balancing energy concerns with technological and economic impacts. That balancing is required by the law. At its core this resolution does not disturb that balance, but I wish the language had been more neutral, so that all concerned could be more confident that the process is neutral. In that spirit, I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this resolution, I take the position that the agency responsible for collecting information about fuel economy be allowed to do its job, in order to help me do my job. I expect them to be fair and neutral in that process and I will work with interested Wisconsinites to ensure that their views are represented and the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. CHAFEE. Mr. President, I am pleased to join in support of the Gorton-Feinstein sense-of-the-Senate resolution which would allow the Department of Transportation to evaluate and update the Corporate Average Fuel Economy (CAFE) standards. For the past four legislative sessions, a rider has been attached to the transportation bills to prevent evaluations of CAFE. This year, 31 Senators signed a letter to President Clinton urging him

to support their efforts to increase CAFE standards. We are not here today to raise the standards but merely to allow the Department of Transportation to consider the potential benefits and costs of existing or future CAFE standards.

CAFE standards were originally enacted in response to the oil crisis of the 1970s and were adopted in 1975 to reduce oil consumption. Currently the standard for new passenger cars is 27.5 miles per gallon and for light trucks is 20.7 miles per gallon. CAFE standards have had the effect of making cars and trucks more energy efficient than they would have been without the standards. As such, energy efficiency, decreased oil consumption, and global climate change are intertwined.

Global climate change is an issue that has been quite contentious in international and domestic circles alike, however, the undeniable scientific truth exists that the burning of fossil fuels and emissions from mobile sources results in the emission of numerous greenhouse gases: the major contributor being carbon dioxide. A study on the impacts of CAFE has the potential to lessen the impact of automobile emissions into the environment based on the directly proportional relationship of a cars' miles per gallon and the amount of carbon dioxide emissions produced. The Department of Energy reported in 1997 that transportation accounts for more than two-thirds of U.S. oil consumption and comprises about one-third of U.S. carbon dioxide emissions. The increase in sales of less fuel efficient SUVs and light trucks has and will continue to result in growing energy consumption and related emissions in the transportation sector. CAFE standards are regarded by many as an effective way to reduce greenhouse gas emissions from automobiles.

The bottom line today is that the emissions of greenhouse gases must be reduced. We must develop industrial practices and means of transportation which are less dependent on fossile fuels. Allowing a reevaluation of CAFE standards is one way to start.

Mr. LIEBERMAN. Mr. President, I rise today to voice my strong support for the bipartisan effort to remove yet another anti-environment rider from an important appropriations bill. This rider, which is attached to the House Transportation Appropriations bill, would prohibit the Department of Transportation from even considering an increase in the corporate average fuel economy standard (CAFE). This rider would prevent DOT from evaluating, in any way, the cost-effectiveness and pollution-prevention dividends that could result from requiring greater fuel efficiency from cars and trucks.

I am particularly concerned with this anti-CAFE rider, in part, because it is another in a long line of riders designed to limit our government's ability to consider meaningful, appropriate, effective, and economical strategies to combat local and regional air pollution as well as global climate change.

More than 117 million Americans live in places where smog makes their air unsafe to breathe. Nearly one-third of this pollution, which aggravates respiratory diseases, especially among vulnerable groups such as children, asthmatics, and the elderly, is emitted from car and truck tailpipes.

Cost-effectively protecting people's health by improving local air quality requires that we consider each of the sources that contribute to the pollution problem. It just makes sense that any efficient, fair, and reasonable pollution prevention strategy should consider all sources of pollution, including vehicles.

There are many ways to address pollution from cars and trucks. For example, more rigorous emissions limits are currently being proposed by the Environmental Protection Agency. Efficiency standards represent another approach. The original CAFE standards have helped keep fuel consumption nearly 30 percent lower than if CAFE had not been implemented. Efficiency standards led to dramatic improvements in other sectors as well, such as major appliances. The purpose of the clean air resolution is not to mandate one approach over another but to allow the Administration to explore the benefits and costs of all the options.

From a global perspective, there is a growing scientific and international consensus that air pollution, largely caused by burning fuels such as coal and oil, is causing changes in the earth's climate. I believe that America has a moral obligation to meet the tremendous challenge of climate change head on rather than leaving a bigger problem for our children and grandchildren.

As the world's biggest emitter of the pollution that contributes to climate change, the United States has the responsibility to lead the international community toward a solution. And because our cars and trucks currently represent nearly one-third of America's greenhouse gas emissions, and projections suggest that our miles driven will increase by roughly 2% a year through the next decade, vehicle emissions are a big part of a giant challenge.

A recent report by the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and several other groups, found enhanced CAFE standards to be an essential part of a comprehensive strategy to address global climate change. The study found that increased CAFE standards could be part of a plan to achieve a 10% reduction in carbon dioxide emissions while creating 800,000 jobs and saving $21 billion annually in reduced oil imports.

Improving the gas mileage of the cars and trucks we drive would provide many other benefits to both the consumer and the country. Whereas less money spent at the pump means more money in Americans' pockets, less money spent at the pump also means less dependence on unpredictable imported oil.

Unfortunately, there is an active misinformation campaign underway opposing the clean air resolution and CAFE standards. Chief among the claims is that the CAFE standards we have had for the last 25 years kill people. This is a ludicrous argument underpinned by contorted misinterpretations of long-since refuted assumptions. One simple observation puts CAFE opponents faulty logic to rest: since CAFE standards were adopted in 1973, the number of deaths per mile driven have been cut in half. The increased safety of our vehicles is largely attributable to material and design improvements that increase fuel efficiency at the same time they improve acceleration, braking, handling, durability and crashworthiness.

Finally, I would alert my colleagues to a poll released yesterday regarding fuel efficiency standards. The poll, which was conducted by the Mellman Group for the World Wildlife Fund, indicates that 72% of sport utility vehicle (SUVs) owners believe that minivans and trucks should be held to the same efficiency standards as passenger cars. In addition, nearly two-thirds SUV owners support Congressional action to require equitable emissions requirements for cars and light trucks.

The clean air resolution introduced today by Senators GORTON, FEINSTEIN, BRYAN, and REED ensures that enhanced CAFE standards are on the menu of options when the Department of Transportation considers the implications of vehicle efficiency for local, regional, and global air pollution, consumer protection and satisfaction, and energy security. I encourage my colleagues to support the clean air resolution.

The PRESIDING OFFICER. Who seeks time?

Mr. BRYAN. Mr. President, I will be happy to yield to the distinguished Senator from Michigan if he wants to make a response to my friend from Washington, and then I would like to ask the Senator from Washington after such time as the Senator from Michigan speaks that I might be reserved a little time.

Mr. ABRAHAM. Mr. President, I have been informed we have Members on our side who still want to speak, so I have been holding our remaining time for them. I do not want to put the Senator from Washington and the Senator from Nevada in the position of exhausting all of their time before we have rebuttal. I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes and the Senator from Washington has 11 minutes 45 seconds.

Mr. BRYAN. May I inquire, if the Senator is not going to go forward, as I understand the unanimous consent

agreement, when we are in a quorum call, all of the time is charged to our side. I certainly am not trying in any way to preempt the comments the Senator wants to make, but if we go back into the quorum call, it seems we will have it charged to our side.

Mr. GORTON. Mr. President, rather than sitting here doing nothing, will the Senator from Michigan allow the Senator from Nevada to speak and it be charged against the time both are not using equally?

Mr. ABRAHAM. I will make some comments then. I wanted to clarify the amount of time we have, and we will see if other Members come down. Let me do the following: I will suggest the absence of a quorum and suggest the time be taken off my time while I prepare to make these comments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. ABRAHAM. 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. ABRAHAM. Mr. President, I will make some brief remarks in response to some of the comments that have been made by the Senator from Washington and others, as well as to elaborate on some of my earlier remarks today.

First, I point out that with respect to the safety issues, the question is not whether on a cumulative basis there have been fewer fatalities since the implementation of CAFE standards. The question is what the consequence is or the correlation is between fatalities and CAFE standards.

Since 1975, on a variety of fronts, safety efforts have gone forward to protect passengers and drivers in motor vehicles ranging from the introduction of airbags to State laws which require the use of seatbelts, primary laws that require the use of seatbelts to the introduction of countless child safety and passenger protection activities and child safety seats. One cannot draw that correlation.

What one can, of course, do is follow the studies of USA Today and the National Academy of Sciences that try to determine what the direct effects of CAFE have been, and those effects are quite clear. As the Senator from Missouri and my counterpart, my colleague from Michigan, have indicated, the conclusion is the direct consequence of CAFE standards has been an increase in fatalities since 1975 of an estimated 46,000 people who lost their lives as a consequence of CAFE standards because of the lighter vehicles and the less safe vehicles that CAFE has fostered.

Mr. President, I note the Senator from Ohio is here. He wishes to speak, and I yield up to 5 minutes to him.

Mr. DEWINE. Mr. President, I thank my colleague from Michigan. I join in his comments. We have heard talk on the floor about the environment. I want to talk, though, about another aspect of this, and it is the aspect my friend from Michigan has just been talking about. That is the question of highway safety.

I vehemently oppose this amendment. We are dealing with a question of lives. The basic facts are that heavier cars, heavier vehicles are safer, and the statistics are absolutely abundantly clear.

I will share some statistics with the Members of the Senate so everyone knows exactly on what we are voting.

An analysis by the Insurance Institute shows that cars weighing less than 2,500 pounds had 214 deaths per million vehicles per year. That is almost double the rate of vehicles that weigh 4,000 pounds or more. For vehicles that weigh 4,000 pounds or more, the death rate was 111 per million. For cars weighing less than 2,500 pounds, that was 214 deaths per million. It is double, absolutely double the figure.

The reality is that the majority of car fatalities in this country today occur in single vehicle crashes. To determine what costs lives and what does not, it is essential and important to look at single car weights and death rates.

I share another statistic with my colleagues, again, to emphasize what we are saying.

This is not just an ''environmental issue.'' This is not just an ''easy environmental vote.'' This is a question of life and death that we can measure.

Among utility vehicles, the results are even more pronounced. For those weighing less than 2,500 pounds, the death rate per million was 83. That was almost double the rate of 44 for cars weighing 4,000 pounds or more. So again, under 2,500 pounds for utility vehicles, the death rate was 83 per million; but for cars weighing 4,000 pounds or more, it was only 44 per million. Again, it is double the rate.

In the lightest utility vehicles, the occupant death rate was 199; again, in this case, more than 3 times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

In conclusion, I join my colleague from Michigan. He is absolutely correct. This vote is about a lot of different things. I am sure we can talk about the environment, we can talk about many things, but the one thing we know is that lighter vehicles mean more people die; heavier vehicles mean more people live. It is as simple as that.

So if the Congress makes this decision and says we should artificially mandate and tell the American consumer, you need to be driving in lighter cars because Washington knows best, when we do that, when the arm of the Federal Government comes in and does that, it is not an academic exercise. It is not just the freedom to choose a car or a vehicle that people lose; what we lose are human beings.

Make no mistake about it. If this resolution prevails, ultimately, through the Congress, more people will die. The statistics are absolutely abundantly clear. And that is exactly what this vote is about. It is not an academic exercise. It is not an academic vote. It is not a free environmental vote one way or the other. This is about people living. This is about people dying.

I thank my colleague from Michigan and yield the floor.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. DEWINE. I ask unanimous consent that Arthur Menna, a congressional fellow on my staff, be given floor privileges for the remainder of the debate on the Transportation appropriations bill.

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

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. 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. ABRAHAM. I yield to the Senator from Oklahoma such time as he may consume on this issue.

Mr. NICKLES. Mr. President, I thank my colleague from Michigan, Senator ABRAHAM, as well as Senator DEWINE from Ohio, for their statements. They are exactly right. I do not need to repeat their statements, but I think it is vitally important that they prevail in beating this amendment.

I hope my colleagues will pay attention. This is not an esoteric amendment. As the Senator from Ohio said, there are lives at stake. Do we really think we can have a big increase in the corporate average fuel economy standards mandated on sport utility vehicles without having economic consequences?

There are going to be consequences. Vehicles may cost more. It is quite likely they will have to reduce the weight of the vehicles. The vehicles will not be as safe.

We are superimposing Government wisdom on manufacturers and on consumers. The sales of these vehicles are going quite well because consumers want them. Nobody is forcing them to buy them. Yet if we come up with a Government-mandated higher fuel economy standard, presumably with the idea that this is going to be more fuel efficient, it may make the vehicles more expensive. It may make the vehicles more unsafe. It may cost lives. It

has significant economic consequences on families.

So I urge my colleagues to defeat the amendment that is pending. I again compliment my friends and colleagues, including Senator LEVIN, as well as Senator ABRAHAM and Senator DEWINE, for their excellent statements.

Mr. President, I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I might inquire of the Chair, how much time remains?

The PRESIDING OFFICER. The Senator's side has 11 minutes 45 seconds.

Mr. BRYAN. If I might inquire of the Senator who controls the time—we have approximately 11 minutes left—would the Senator from Washington be amenable to allowing the Senator from Nevada to use, say, 6 minutes?

Mr. GORTON. Yes. The Senator from Washington will be delighted if the Senator takes that time.

Mr. BRYAN. I thank the Senator from Washington.

Mr. President, I understand that in the most famous debating institution in the world, and in the history of civilization, differences of opinion can arise on matters of public policy. That is what this place is all about. But I have to tell you, I find the amount of hysteria engendered by this issue to be absolutely astonishing.

In a series of ads put out by the industry, we have one now that talks about: ''Farming's tough enough with healthy-size pickups. Imagine hauling feed barrels around in a subcompact.'' That implies that this amendment we are proposing will be antithetical to the best interests of America's farmers.

We have an ad involving the soccer moms and dads: ''This picture is brought to you by a fantastic soccer team and a minivan just big enough to handle them.'' The clear inference is, if we allow the Department of Transportation to examine these standards, some soccer moms are not going to be able to take their kids to soccer games.

Then we have an ad: ''As a small business owner, my truck and I are joined at the hip. An increase in CAFE would put both of us out of business.''

May I say, with great respect to our friends on the other side of the aisle, many of whom are good friends I greatly respect, this is utter nonsense. This is just plain nonsense.

I will repeat, as I did earlier, the thrust of what this resolution does. It mandates no standard, no increase. The resolution simply says the issue of CAFE standards should be permitted to be examined by the Department of Transportation so that consumers may benefit from any resulting increase in the standards as soon as possible. It is permissive only; it mandates nothing.

During the time 1989 to 1995, when this technology gag rule was not in effect, during those 6 years, there was no increase in CAFE standards for automobiles, and with respect to light trucks it was 1 percent. So I think that is a pretty clear indication that nobody is going to rush to judgment.

The other thing that needs to be understood, it seems to me, is the Department of Transportation has some very comprehensive guidelines they must consider in any review. Among those factors are: Is it technically feasible? Is the technology there? The economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the Nation to conserve, all of which would be open to the rulemaking process in which the industry and their supporters would have an ample opportunity to respond.

Let me try to respond briefly to the safety issue. And my friend from Michigan has indicated to me he would allow me to engage him in a colloquy for a couple questions. I appreciate his courtesy, as always.

From 1970 through 1999, the highway fatality rate in America has gone down. At the same time, fuel economy is up. That is at the same time that many more vehicles are on the highway, with a great amount of additional traffic congestion. The average motorist is driving more each year.

So the notion that somehow this is anathema to health and safety standards simply, in my judgment, does not bear out scrutiny. Indeed, an objective study by the General Accounting Office concluded that the unprecedented increase in the proportion of light cars on the roads since the 1970s has not increased the total highway fatality rate.

I think the safety issue is somewhat of a red herring. We are all concerned about safety. Nobody on the floor is going to advocate that the industry make and sell a product which is unsafe, and one would have to assume that the industry itself would not put such a product on the market.

Let me also point out that with respect to the fuel achievements we have had in terms of increased efficiency from 1974 to the 1989 timeframe, 86 percent of those improvements were as a result of new technology. This information comes to us from the Center for Auto Safety. It seems to me the clear and compelling evidence is that safety and fuel economy standards are not mutually exclusive. We can do both.

All we are saying is that those who choose to purchase sport utility vehicles, my son and daughter-in-law being two, should have the same right as other motorists who select other passenger vehicles to derive the benefits of improved technology. I have great confidence in what the industry can do, notwithstanding the prophecy of doom they forecast in 1974 that everybody would be driving around in a sub-subcompact or a vehicle the size of a Maverick or a Pinto. Indeed, the industry did some astonishing things and doubled the fuel economy. Today's Lincoln Town Car gets better fuel economy than the smallest product that the Ford Motor Company manufactured in 1974.

If I could engage my friend from Michigan in a couple of questions. He is a distinguished lawyer, a graduate of Harvard Law School. I ask him: Is there anything in this resolution, in the opinion of the distinguished Senator from Michigan, that in any way mandates an increase in these standards. We may disagree in terms of whether the technology is available.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. GORTON. I yield the Senator 2 more minutes.

Mr. ABRAHAM. I thank the Senator from Nevada for his confidence in my legal skills. As I read the sense-of-the-Senate resolution which has been proposed, it says, in its concluding section, the resolution section:

> It is the sense of the Senate that the issue of CAFE standards should be permitted to be examined by the Department of Transportation.

And then in subsection (2):

> The Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

Now, if we do not include that provision, if the sense-of-the-Senate resolution were to prevail and that were to be the ultimate outcome and section 320 as contained in the House version of the legislation were to not survive the conference and the final resolution of the legislation, it is my understanding that we would then revert back to the process which is in the law otherwise, which, by my understanding of it, mandates that the Department of Transportation, under 49 USC subtitle 5 part (c) section 32902, required that the Department of Transportation set CAFE standards each year at ''the maximum feasible average fuel economy level.''

I believe that is what would happen at the Department of Transportation. The Secretary of Transportation is not authorized to just study CAFE. He must act by regulation to set new CAFE standards each year. That has not happened because of the moratorium which has been imposed over recent years, since 1995. Prior to the CAFE freeze in 1994, the administration began rulemaking on new CAFE standards. On April 6 of 1994, again, in the last year—I don't want to take all the Senator's time; I will try to be quick—the proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard.

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

Mr. ABRAHAM. My sense, reading the history of this, is that is where the starting point would be. I believe, in effect, if we do not have this, if this is not in place, that that would be the mandated effect.

Mr. BRYAN. Will the Senator from Michigan yield a few minutes of his time so I may follow up with a question?

Mr. ABRAHAM. How much time do we have?

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes. The Senators from Washington and Nevada have 3.

Mr. ABRAHAM. What I would propose is that by unanimous consent, the Senator from Nevada be able to make further inquiry without reducing his time below 3 minutes or my time below 5 minutes, a reasonable amount of time.

Mr. BRYAN. If the Senator from Washington is agreeable, I think that is fair.

Mr. ABRAHAM. That would leave 5 minutes and 3 minutes for summation.

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

Mr. BRYAN. Would the Senator not agree that before any increase could be effected by the Department, that the Department is, under the current law, required to consider four factors: the technical feasibility, the economic practicability, the effect of other motor vehicle standards on fuel economy, and the need of the Nation to conserve energy? Would not the Senator agree that that is part of the law as well?

Mr. ABRAHAM. Obviously, the law sets forth criteria that are to be employed. I don't have those in front of me. I will accept the contention of the Senator from Nevada that those are the criteria. The question is whether a prejudgment as to the outcome is already ordained. In my judgment, the positions that were already in process in 1994, prior to the implementation of the moratorium, suggest that those decisions 5 years ago had already essentially resulted in a preliminary decision to increase the standards by 15 to 35 percent. If, in effect, the moratorium does not go forward, I believe we would, indeed, be moving a process that will mandate this kind of increase.

Mr. BRYAN. I thank the Senator for his answer. We obviously have reached a different conclusion.

I point out to my friend and colleague from Michigan that we had precisely the situation in 1989 to 1995. The technology gag rule was not in effect and, indeed, no increase was made during that period of time with respect to automobile standards. And only a very modest increase was made with respect to the light truck standards.

I hope that will give some comfort to him and to those who have raised some concerns that this is not a mandate but simply permissive in nature.

Again, I thank the Senator from Michigan and yield the floor but reserve the remainder of the time that is allocated to our side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does this Senator from Michigan have any time remaining?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. I thank the Chair.

Let me quickly comment on the question of highway deaths. The study of USA Today is that 46,000 people have died in crashes that would have survived in larger cars. I have not heard that fact disputed. We have seen a chart which shows that there are fewer highway deaths and that we have better fuel economy, but that chart doesn't show the two are causally connected.

Indeed, the fewer highway deaths may come from seatbelts, a greater effort on the anti-alcoholism campaign, Mothers Against Drunk Drivers, a number of other causes. But the outside figure, not the auto industry, not the unions, not the supplier, not the insurance industry, which opposes this amendment, the outside survey done by USA Today says 46,000 people lost their lives who would not have lost their lives but for this CAFE approach.

When we look at the resolution, we don't see any reference to safety. We don't see any reference to the discriminatory impact on domestics that have a different mix in their fleets. We only see a reference to fuel. That is the one factor at which this resolution looks.

Then at the end it makes it very clear what it is driving at—talking about driving. This resolution is aimed at one thing: to increase CAFE standards. This isn't just ''let's have a study, look at the impact on safety, look at the discriminatory impact on domestic production.'' This isn't just let's have a study. This is the sense of the Senate that the Senate should not recede to a House provision which prevents an increase in CAFE standards, not which prevents a study. This resolution, by every single provision in its whereas clauses, is driving us towards an increase in CAFE standards, without consideration of safety impacts or the discriminatory impact on domestic production.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I believe I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ABRAHAM. There are other opponents on my side who wish to speak. Let me summarize with a few concluding remarks.

I want to first reiterate what my colleague from Michigan, Senator LEVIN, has said. A chart that shows the correlation between increases in CAFE and decreases in fatalities is not based on a study that relates the two. The studies that do relate the two, particularly as he said, the outside study by the National Academy of Sciences, suggest a contrary finding. In fact, the implementation of CAFE standards has led to approximately 46,000 lost lives as a consequence of the lighter vehicles being in our fleets.

The second point I make relates to the broader point that also was made earlier by my colleague from Michigan. Higher CAFE standards are going to affect American manufactured products, but not necessarily the products of our competitors from overseas. Hence, the same kind of vehicles, with virtually the same types of fuel efficiency levels, as well as the same types of emission levels, will be purchased by the same market that wants and craves these vehicles today. The only difference will be the kind of difference we saw back in the late 1970s and early 1980s and throughout much of the decade of the 1980s when we found the foreign imports' share of the American market continuing to go up, at the expense of American domestically manufactured products, and ultimately at the expense of American autoworker jobs.

In summation, this is simple to me: Do we want to put at risk the safety of people who will be purchasing sports utility vehicles, light trucks, and others by making a change in CAFE standards? I hope the answer is no. Do we want to risk the jobs of American autoworkers? I speak not just for those autoworkers in Michigan, who tend to be on the front lines, but many other people in this country who are working in related industries and whose jobs are affected by the sale of domestically manufactured automobiles. Do we want to put at risk all of these jobs? I don't think so. Do we want to risk the investments made by the auto companies in new, more fuel-efficient vehicles, and the significant investments that we have made in the partnership for a new generation of vehicles? Do we want to derail those efforts as a result of this type of action?

In my judgment, we should say yes to more safe vehicles; we should say yes to American autoworkers; we should say yes to the technological advances that have been and are continuing to be made. That is ultimately how we are going to have more fuel-efficient vehicles. If we say yes to all of those, then, in my judgment, we must say no to this amendment because to have a Washington bureaucracy made up of unelected individuals who impose upon this very significant sector of our economy these kinds of standards, the likely outcome will be exactly the opposite of what I have proposed today. I think it will hurt our economy and the American automobile industry, although it may help the automobile industries of other countries. I think it will make the vehicles that come about as a result of higher standards less safe, as the studies that we have cited here today demonstrate.

So for those reasons, I urge my colleagues to vote against the Gorton-Bryan-Feinstein amendment.

Before I conclude, I ask that a letter produced by the United Auto Workers be printed in the RECORD at this point as an expression of their views on this issue, which are consistent with those my colleagues and I on this side of the issue have been offering here today.

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

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Washington, DC, June 30, 1999.

DEAR SENATOR: When the Senate considers the FY 2000 Transportation Appropriations bill, we understand that amendments may be offered to eliminate or modify the current moratorium on increases in fuel economy standards for autos and trucks (commonly known as CAFE, the Corporate Average Fuel Economy standards). The UAW strongly opposes such amendments and urges you to vote against them.

The UAW supported the CAFE standards when they were originally enacted. We believe these standards have helped to improve the fuel economy achieved by motor vehicles (which has doubled since 1974). This improvement in fuel economy has saved money for consumers and reduced oil consumption by our nation.

However, for a number of reasons the UAW believes it would be unwise to increase the fuel economy standards at this time. First, any increase in the CAFE standard for sport utility vehicles (SUVs) and light trucks would have a disproportionately negative impact on the Big Three automakers because their fleets contain a much higher percentage of these vehicles than other manufacturers. Second, any increases in CAFE standards for cars or trucks would also discriminate against full line producers like the Big Three automakers because their fleets contain a higher percentage of full size automobiles and larger SUVs and light trucks. The current fuel economy standards are based on a flat miles per gallon number, rather than a percentage increase formula, and are therefore more difficult to achieve for full line producers. Taking these two factors together, the net result is that further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

The UAW believes that additional gains in fuel economy can and should be achieved through the cooperative research and development programs currently being undertaken by the U.S. government and the Big Three automakers in the ''Partnership for a New Generation of Vehicles''. This approach can help to produce the breakthrough technologies that will achieve significant advances in fuel economy, without the adverse jobs impact that could be created by further increases in CAFE standards.

Accordingly, the UAW urges you to oppose any amendments that seek to eliminate or modify the current freeze on increases in motor vehicle fuel economy standards. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. ABRAHAM. Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, first point. I regret that the Senators from Michigan believe that the automobile industry located in that State and the magnificent workers who are employed there are unable to compete with foreign automobile companies when we try to make our automobiles more fuel efficient. In fact, they have shown their magnificent ability to compete, and to compete very well, in the past decade. I am certain that they would continue to do so.

Second, this sense-of-the-Senate resolution simply asks the conference committee members from the Senate to reject a House provision that says that nothing can take place. It certainly does not say that the conference committee cannot condition the moving forward of the Department of Transportation on future CAFE standards in any way it would like to do so. But the net effect, as I have said before, of the House position, supported by the opponents of this amendment, is that we need to put our heads in the sand; we don't need to study—as a matter of fact, we should be prohibited from studying whether or not we can improve the fuel efficiency of our automobiles and small trucks, improve the quality of our air, reduce the cost of fuel to the average American consumer, reduce our trade deficit, all consistent with the safety of our drivers and of the passengers in our automobiles.

I, for one, am convinced that we can do so. But more than that, I am convinced that we ought to determine whether or not we can do so, and the opponents of this amendment simply say we should not even try.

Mr. President, that is a terribly pessimistic attitude toward the technological ability of the people in the industries of the United States, and one that I don't think the Senate of the United States should accept.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1677. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. WARNER (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Rhode Island, Mr. CHAFEE. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Rhode Island (Mr. CHAFEE), are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from South Dakota (Mr. DASCHLE) are necessarily absent.

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—40

Akaka	Feinstein	Lautenberg
Baucus	Gorton	Leahy
Bingaman	Graham	Lieberman
Boxer	Gregg	Moynihan
Bryan	Harkin	Murray
Cleland	Hollings	Reed
Collins	Inouye	Reid
Dodd	Jeffords	Robb
Dorgan	Johnson	Rockefeller
Durbin	Kennedy	Sarbanes
Edwards	Kerrey	Schumer
Feingold	Kerry	Snowe
Smith (OR)	Torricelli	Wellstone
		Wyden

NAYS—55

Abraham	Enzi	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Bayh	Gramm	Murkowski
Bennett	Grams	Nickles
Biden	Grassley	Roberts
Bond	Hagel	Roth
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Burns	Hutchinson	Shelby
Byrd	Hutchison	Smith (NH)
Campbell	Inhofe	Specter
Cochran	Kohl	Stevens
Conrad	Kyl	Thomas
Coverdell	Landrieu	Thompson
Craig	Levin	Thurmond
Crapo	Lincoln	Voinovich
DeWine	Lott	
Domenici	Lugar	

PRESENT AND GIVING A LIVE PAIR—1

Warner, against

NOT VOTING—4

Breaux	Daschle
Chafee	McCain

The amendment (No. 1677) was rejected.

Mr. THOMAS. I move to reconsider the last vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1658

The PRESIDING OFFICER (Mr. BROWNBACK). There are now 2 minutes equally divided on the HELMS amendment. Senator Helms has yielded back his time.

Who seeks recognition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I understand the Senator from North Carolina had yielded back his time.

The PRESIDING OFFICER. That is correct.

Mr. LIEBERMAN. I note I support the resolution and yield back the remainder of the time on this side as well.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 1658. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote ''aye.''

The result was announced, yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—94

Abraham	Fitzgerald	Mack
Akaka	Frist	McConnell
Allard	Gorton	Mikulski
Ashcroft	Graham	Moynihan
Baucus	Gramm	Murkowski
Bayh	Grams	Murray
Bennett	Grassley	Nickles
Biden	Gregg	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Robb
Boxer	Hatch	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Voinovich
Edwards	Lieberman	Warner
Enzi	Lincoln	Wyden
Feingold	Lott	
Feinstein	Lugar	

NOT VOTING—6

Breaux	Daschle	McCain
Chafee	Domenici	Wellstone

The amendment (No. 1658) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, during this discussion of the Transportation appropriations bill, I've been reminded of a piece of Senate history—the push to break the railroad companies' iron grip on railroad rates by setting up the Interstate Commerce Commission. It was a fierce battle that pitted the public's interest against the economic and political might of the railroads, a clash that was ultimately won by those favoring regulation, resulting in the passage of the Hepburn Act in 1906.

One powerful voice for consumer interests in those days belonged to Senator Robert M. La Follette, Sr., of my home state of Wisconsin, one of the greatest Senators ever to hold the office. It's fitting that his portrait now hangs in the Senate Reception Room outside of this chamber along with four other legendary Senators—Daniel Webster, Henry Clay, John C. Calhoun, and Robert Taft.

A fearless champion of the American people in the face of the powerful influence of special interests, La Follette did not hesitate to speak out against the railroad companies. In fact, he did so during his first speech in the U.S. Senate in April of 1906, when La Follette broke the unwritten rule that freshman Senators did not make floor speeches.

And La Follette didn't just make any floor speech—he delivered an oration that lasted several days and covered 148 pages in the CONGRESSIONAL RECORD.

During those remarks, La Follette addressed the power of the railroad monopolies and declared:

> At no time in the history of any nation has it been so difficult to withstand these forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body.

La Follette's battle with the railroad industry came to a head in the summer of 1906, when he embarked on a speaking tour around the country. When visiting the states of his colleagues, he took the unprecedented step of reading the roll call, name by name, of votes on amendments he had proposed earlier that year to make railroad regulation more responsive to consumer interests. This ''Calling of the Roll'' became a trademark of La Follette's speeches, and its effect on his audiences was powerful. When these constituents discovered that their representatives were voting against their interests as consumers and in favor of the railroads, they were outraged. According to the New York Times,

> The devastation created by La Follette last summer and in the early fall was much greater than had been supposed. He carried senatorial discourtesy so far that he has actually imperiled the reelection of some of the gentlemen who hazed him last winter.

In 1906, La Follette Called the Roll on amendments affecting the railroad industry, and today, in the spirit of that effort, I'd like to Call the Bankroll on the railroad industry, which today is composed of a handful of companies that monopolize the various regions of the U.S. rail system.

In 1906, Congress saw the need to regulate the railroad monopoly. Today, rapid consolidation in the industry has left us with four Class I railroads, two in the East and two in the West. This merger mania has resulted in reduced competition and another virtual monopoly for the railroad companies. For rail customers and consumers today, this is sure to lead to higher costs and less attention to providing good service, just as it did at the turn of the century. But the railroad companies are resisting any change, and backing up their point of view with almost $4 million dollars in PAC and soft money contributions in the last election cycle alone.

During 1997 and 1998, the four Class I railroads gave the following to political parties and candidates:

CSX Corporation gave more than $600,000 in unregulated soft money to the parties and nearly $275,000 in PAC money to federal candidates;

Union Pacific gave more than $600,000 in soft money and more than $830,000 in PAC money;

Norfolk Southern gave more than $240,000 in unregulated money to the parties and almost a quarter million to candidates;

Burlington Northern Sante Fe gave more than $445,000 in soft money and nearly $210,000 in PAC money.

Mr. President, I Call the Bankroll on the railroad industry today because I'm deeply concerned about how little has changed since La Follette called the roll so many years ago. In 1907, a year after the passage of the Hepburn Act, Congress passed the Tillman Act, finally enacting campaign finance legislation that had been under consideration since an investigation a few years earlier of insurance industry contributions to the political parties. The Tillman Act banned corporations from making political contributions in connection with federal elections, and yet today the railroad companies and thousands of other corporations are giving millions of dollars—totally unregulated—to the political parties.

At the beginning of the century, we banned corporate spending in connection with federal elections, but today that spending is rampant, ruling our political system and ravaging our democracy. At the beginning of the century, special interests used money as leverage to win legislation in their favor. Today, with all the historic changes this century has brought, this fact is more true, and more destructive to the people's confidence in our government, than ever.

But just as Congress had the power to pass the Tillman Act in 1907, Congress has the power today to pass legislation to curb the influence of money in politics by shutting down the soft money loophole. It's time to put an end to the unregulated contributions that were outlawed nearly 100 years ago. It's time to pass McCain-Feingold and consign soft money to the dustbin of history.

Mr. President, I yield the floor.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I rise to request a colloquy with my colleague from Washington state, Senator GORTON.

On June 10, 1999, 277,000 gallons of gasoline leaked from an underground pipeline in Bellingham, Washington. It ignited and exploded. Three people were killed: an 18-year-old young man and two 10-year old boys. This is a tragedy.

The Office of Pipeline Safety, the National Transportation Safety Board, the FBI, the EPA and state agencies have spent the last four months trying to determine why this happened. We still don't know the direct cause and may not know for some time.

I wish I could say this was an isolated instance, but I can't. Recent pipeline accidents have occurred in other places. In Edison, New Jersey, one person died when a natural gas pipe exploded. In Texas, two people lost their lives when a butane release ignited. In fact, last November the owner of the pipeline that exploded in Bellingham had an accident in another part of my state that took six lives.

These pipelines are potential threats. There are some 160,000 miles of pipelines in the U.S. carrying hazardous materials. Many of these pipes run

under some of our most densely populated areas; under our schools, our homes, and our businesses.

I am disappointed that this year the Transportation Appropriations Subcommittee did not adequately fund the Office of Pipeline Safety, the authority governing interstate pipelines. I tried to get the appropriations in this year's bill to the level requested by the President. Unfortunately, we were unable to do so. It is my hope we can increase funding in next year's appropriations.

I am also committed to strengthening OPS's oversight of pipelines and commitment to community safety in next year's reauthorization of OPS.

I will be working with Senator GORTON, who is on the committee, to ensure greater OPS effectiveness and oversight of the industry.

I also want to point out U.S. Transportation Secretary Rodney Slater's prompt attention to this issue. Immediately following the accident, he met with me and granted my request to have a full-time OPS inspector stationed in Washington State. He has also been very helpful and informative as we've progressed through the investigation phase. I thank him. I know he will continue to work with us in the future on OPS's appropriations and next year's authorization.

Mr. GORTON. I thank my colleague from Washington state. She has been out front on this issue, and I commend her for her persistence.

I look forward to working with Senator MURRAY during the reauthorization of the federal Office of Pipeline Safety, a piece of legislation in which I will fully engage when it comes before the Senate Commerce Committee next year. While the interstate transportation of hazardous materials in above and underground pipelines has proven to be the safest and most cost-effective means to transport these materials, the Bellingham tragedy has once again alerted us to its tragic potential. During the OPS reauthorization process I intend to ensure that the federal law and the federal agency are performing their jobs of ensuring that tragedies like the one in Billingham are not repeated. I will work closely with Chairman MCCAIN, the majority leader, and my Democratic colleagues to make this a top priority next year.

Mrs. MURRAY. I thank my colleague. I will also continue to push for reform. We must take a long hard look at the effectiveness of OPS's oversight activities; review ways to develop new technologies for detecting pipeline defects; consider the effect of aging pipelines on safety; review industry's influence on the regulation of pipelines; and focus on our training and testing procedures for inspectors and maintenance workers. I also intend to look at ways to treat environmentally sensitive and highly populated areas, recognizing the multitude of safety and ecological problems operating pipelines in these places can create.

Finally, I will work to strengthen communities' ''right to know,'' so people are aware when there are problems with the pipelines that threaten their neighborhoods.

Mr. GORTON. I share the Senator's concerns and I am certain we will deal with those questions and ideas in the context of reauthorization legislation.

Mrs. MURRAY. I thank the Senator.

Mr. FEINGOLD. Mr. President, I rise today to comment on an aspect of the Transportation appropriations bill that I think deserves mention during this debate. It's a factor that influences legislative debate, but one that we consistently sidestep in our discussions on this floor—money in politics.

Well, Mr. President, I'm trying to change that with what I call the Calling of the Bankroll. When I Call the Bankroll on this floor, I describe how much money the various interests that lobby us on a particular bill have spent on campaign contributions to influence our decisions here in this chamber. I have already Called the Bankroll on several bills; for instance, when I discussed the contributions of the high tech industry and the trial lawyers during debate on the Y2K bill, and, more recently, when I pointed out the contributions of the managed care companies and the pharmaceutical industry, among others, during the debate on the Patients' Bill of Rights.

And now, we come to the fiscal year 2000 Transportation appropriations bill, as it relates to the airline industry, which has been battling against another bill of rights. While in June the airline industry unveiled its own Passengers' Bill of Rights, it falls far short of what was outlined in other pending Senate legislation, including the Airline Passenger Fairness Act, of which I am a proud cosponsor. I want to take this opportunity to thank my colleague, Senator WYDEN, for his leadership on this issue, and his commitment to giving airline passengers across the country a real bill of rights. I am proud to be a co-sponsor of both amendments offered by my friend from Oregon.

The Airline Passenger Fairness Act establishes a national policy to provide consumers with a basic expectation of fair treatment by airlines and to encourage airlines to provide better customer service by outlining minimum standards. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their air travel plans.

But, Mr. President, there is a serious obstacle facing supporters of a comprehensive Passengers' Bill of Rights—the PAC and soft money contributions of the airline industry.

The six largest airlines in the United States—American, Continental, Delta, Northwest, United and US Airways—and their lobbying association, the Air Transport Association of America, gave a total of more than $2 million dollars in soft money and more than $1 million dollars in PAC money in the last election cycle alone.

Northwest was the largest soft money giver among these donors, giving well over half a million dollars to the political parties in 1997 and 1998. Mr. President, you may remember that Northwest Airlines made headlines across the country earlier this year when they left thousands of passengers stranded on snow-clogged runways in Detroit, leaving some of their customers without food, water or working toilets for more than eight hours.

Mr. President, according to the Department of Transportation, consumer complaints about air travel shot up by more than 25 percent last year. Those complaints run the gamut from erratic and unfair ticket pricing; being sold a ticket on already oversold flights; lost luggage; and flight delays, changes, and cancellations.

We can and should address these problems, Mr. President. The American people are demanding change; as legislators, we should respond.

But we have yet to do anything concrete in this Congress to guarantee airline passengers the rights they deserve.

The American people can't help wondering why, Mr. President, so today I offer this campaign finance information to my colleagues and the public to help to present a clearer picture of the influences surrounding this aspect of the Transportation appropriations bill, and the influence of those with a stake in the debate on a comprehensive Passengers' Bill of Rights.

I yield the floor.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business.

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

THE TRUTH ABOUT BUDGET SURPLUSES

Mr. VOINOVICH. Mr. President, now that the tax cut bill will assuredly be vetoed, it is time to turn our attention to passing a budget that will respond to the needs of our citizens, keep our spending under control, maintain the integrity of the Social Security trust funds, and not increase our terrible national debt.

When I was back in Ohio during the August break, almost everybody I talked to said they were glad that I opposed the tax cut that was based on the 10-year rosy projections, which I referred to as a mirage. Every expert in America said that to base tax cuts or new spending on such projections was fiscally irresponsible.

The people who I spoke with told me that if it was not a mirage, then Congress should use the money to pay down the $5.6 trillion national debt and get out of dealing with the problems of Social Security and Medicare.

They also said if we got to a point down the road where we got real money for a tax cut, we should do it when the

economy needs stimulation and not right now.

Quite a few of these same Ohioans said to me: For goodness sakes, Congress should not sit down with President Clinton and negotiate a tax reduction for spending increases—just pass an honest budget.

As my colleagues know, the President has hinted that he may be willing to strike a deal for small tax cuts in exchange for a few spending increases. That would be an absolute disaster for our country's financial health, and I am pleased the majority leader has firmly rejected this approach.

I have no doubt that the President will promise future tax cuts while insisting on immediate spending. The problem will be, I fear, that the tax cuts will never materialize, and the spending will fund programs that will become entrenched. And what's worse, he will use the so-called surplus to pay for this new spending.

Let's get back to basics: There is no surplus. I have said it before and I will say it again: The only surplus we have is made up of Social Security funds.

Let me just say right here that I really wish the President, the Congress, and the media would start giving an accurate portrayal of the surplus and call it what it is—either the ''Social Security'' surplus or the ''on-budget'' surplus. And right now, the only surplus we have is a Social Security surplus.

I want to show a chart I have used in other speeches on the floor. It basically shows that even in 1999, when we are talking about a surplus, we are actually running a budget deficit of some $4 billion. The first time we are going to have the real on-budget surplus in approximately 30 years is next year, as projected by CBO. We have not yet accumulated, this year, all of the tax revenues necessary to meet and exceed our spending in fiscal year 1999.

The only way we can claim a budget surplus today is by taking the surplus that is accumulating in the Social Security trust fund and using it to mask the deficit, just as has been done in previous years. The $14 billion projected ''on-budget'' surplus for next year—which would be the first on-budget surplus, as I said, in over 30 years—is by no means secure.

In fact, CBO Director Dan Crippen has already warned us that if we stay on the current path with the appropriations bills, we could turn the $14 billion projected ''on-budget'' surplus into an $11 billion deficit. And by doing so, we would be breaking our word with the American people to never again raid the Social Security trust funds. That would be outrageous given all the promises we have made to them and given all the debate I have heard on the Senate floor over Social Security lockbox legislation.

Right now, our primary responsibility is to be as conscientious as possible and come up with the best budget plan for fiscal year 2000.

We also need to resist the President's push to expand current programs and to create new entitlements. The President has consistently been bringing his case directly to the American people, proposing new spending programs wherever he goes.

At the same time, he says he is for debt reduction and saving Social Security. That is plain hogwash. What most people don't know is the President's latest budget proposal would boost spending in 81 Government programs, create budget deficits, and as a result, raid billions of dollars from the Social Security trust funds over the next 10 years.

This year, in accordance with the 1997 Balanced Budget Act, which Congress passed and President Clinton signed, we are supposed to spend $27 billion less than last year. In other words, when the budget agreement was put together by Congress, they anticipated we would spend $27 billion less this year than last year.

Let's face the facts. The only way we are going to deal with the budget and handle all of these items that need to be addressed is one of four ways:

One, we can tighten our belts by finding places to cut spending in current Federal programs and reallocate those resources; two, we can raise taxes in order to provide services —a course of action I don't favor; three, we can use whatever on-budget surplus we may have next year, although in all likelihood it has already been spoken for; four, we can use the Social Security surpluses by raiding the trust funds.

Those are the alternatives. All in all, these are four difficult choices, but I think most Americans would agree that the most responsible choice is to cut unnecessary spending.

For example, we could start by eliminating the Welfare-to-Work Program. This program, which was initiated by the President, has had a total of $3 billion appropriated to it over the last 2 years. However, in the same period, the States and territories that chose to participate—and not all of them did—have only spent $182 million of those funds. That's because the money comes with too many strings attached for States and because it is a complete duplication of the Temporary Assistance for Needy Families program, or, TANF.

Last year when I was governor, Ohio and five other States didn't even apply for the money under Welfare-to-Work. In Ohio, we rejected $88 million. I believed that Ohio and the Federal Government had made a deal; that we were going to take care of our responsibilities under the new welfare law with the money that Congress allocated to us in the welfare reform legislation.

After Welfare-to-Work, we should take the time, do the hard work and make the tough choices by determining what other Federal programs and pork-barrel spending we can trim in order to find the money necessary to meet our Nation's priorities.

We should be just as enthusiastic, in my opinion, in terms of reducing taxes as we are just as conscientious in terms of finding ways we can cut funding.

Most importantly, we need to instill truth-in-budgeting. The last thing we want to do is ruin our credibility by being dishonest. We need to end all the accounting gimmicks, such as extending the calendar to 13 months in order to accommodate excess spending, or ''forward funding'' certain programs to avoid having to pay for them this year. In fact, as I understand from Senator DOMENICI, Chairman of the Senate Budget Committee, the President has $19 billion in his budget that encompasses forward funding.

We should let the American people know that we're doing such things. It's their money; they have a right to know. But, we should strive at all times not to use ''smoke and mirrors'' to make the debt look smaller or the budget appear balanced on paper when in reality, it is not. They are onto it.

We shouldn't be ''mixing and matching'' to give us the numbers that will give us the best budget results. We need to agree on a set of numbers exclusively. If we're going to use CBO numbers, then we should consistently use CBO's numbers. Same thing with OMB. It is intellectually dishonest to constantly change numbers —picking and choosing as we go along.

Well, we will use CBO's numbers and next we will use OMB's figures.

When I was Governor of Ohio, the first thing we did was sit down with the legislature and we said let's agree on the numbers. We agreed on the numbers. That is what we dealt with.

In addition, if we want to avoid dipping into Social Security, then we should be prepared to make the hard choices and not declare everything an emergency. As every Member of this body knows, ever since the statutory spending caps were first enacted in 1990 to rein in runaway discretionary spending, Congress has used the ''emergency'' loophole to get around them.

Mr. President, we have to stop these gimmicks! It's game playing! It's smoke and mirrors! And our constituents know it and they want us to put an end to it.

It's high time we start to give serious consideration to a two year budget cycle like many states have, including Ohio. It doesn't make sense that we go through this budget exercise each year; a process that just exhausts this body and prevents us from being able to work towards down-sizing government and lowering our expenses.

If we had 2-year budgets, we could spend some time on the oversight that this body has a responsibility to be doing.

Until then, if something is truly an emergency, then Congress should be more than willing to come up with the money to pay for it. Only in times of war or severe economic crisis should we even be talking about dipping into Social Security. As I have said before, Social Security is the Nation's pension

fund, and no responsible citizen would tap into their retirement fund unless it was an absolute last resort—and they would certainly look to pay it back. Congress must act accordingly.

Mr. President, all of us in Congress should take the equivalent of a blood oath that we are not going to touch Social Security. Period. It would be the most important thing we could possibly do to bring fiscal accountability to this country because we've been using the social security trust funds and public borrowing to fund tax reductions and spending for the last 30 years and in that same period of time, we've seen our national debt increase over 1,300 percent.

Think of that—1,300 percent.

We have to remember that there is no such thing as a free lunch, but there are such things as hard choices. That is what we should be about—making the hard choices.

I know that first hand because as Governor, I have been there; I had to make the $750 million in spending cuts, but because of the fiscally responsible choices we made, we had the lowest growth in 30 years and had 17% fewer employees—excluding prison workers.

In addition, we ultimately gave Ohio a general revenue rainy day fund of over $935 million—after it had been depleted to 14 cents.

Think of that. It was at 14 cents—a Medicaid rainy day fund of $100 million and real tax cuts. I am talking about real tax cuts for the last 3 years, including last year for all Ohioans who had an across-the-board reduction in their State income tax of almost 10 percent.

That is why I came to Washington—to try and bring fiscal responsibility to our nation and this Congress so that my children and my grandchildren as well as all children and grandchildren are not saddled with the cost of those things that my generation did not want to pay for, and guarantee our covenant to the American people in regard to Social Security and Medicare.

I would like to remind my colleagues that with each passing day, we're paying $600 million in interest payments just to service the national debt—a national debt that is $5.6 trillion.

Most Americans do not realize that 14 percent of their tax dollar goes to pay off the interest on the debt. Fifteen percent goes for national defense. Seventeen percent goes to non-defense discretionary spending. And 54 percent goes for entitlement spending.

So how much is our interest payment in comparison to other federal spending? It is more than we spend on Medicare. It's five times more than the federal dollars we spend on education. And it's 15 times more than we spend on medical research at NIH.

If we are fortunate enough that the projections of an on-budget surplus actually occurs—I would like to see that—the best possible course of action that we could take is to use those funds and pay down the debt. With debt reduction you get lower interest rates, a continued strong economy and lower government interest costs.

Indeed, as Federal Reserve Chairman Greenspan testified before the House Ways and Means Committee ''(T)he advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public and its virtuous cycle on the total budget process is a value which I think far exceeds anything else we could do with the money.''

Mr. President, we must avoid using Social Security to meet our financial obligations. Instead, we should greet the millennium with a promise to our citizens that we will engage in truth-in-budgeting, not use gimmicks and reorder our spending to reflect our national priorities.

Mr. President, I believe that a statement I made in my 1991 Inaugural Address as Governor of Ohio is relevant today:

> Gone are the days when public officials are measured by how much they spend on a problem. The new realities dictate that public officials are now judged on whether they can work harder and smarter, and do more with less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I commend my good friend and colleague, Senator VOINOVICH from Ohio, who I think has brought to the attention of this body in a timely manner a very appropriate and important issue; that is, the realization that the President is going to reject any proposal for a tax cut—and bring to the attention of this body the realization that, indeed, that accumulated debt of $5.6 trillion, which the Senator from Ohio referred to, is costing us interest.

As the Senator from Ohio is well aware, I was in the banking business for about 25 years. People do not recognize the carrying charge. I think the figure that was used was $600 million per day.

Interest is like the old saying of having a horse that eats while you sleep. It is ongoing. It doesn't take Saturdays or Sundays off.

If one considers the significance of, I think the figure was 14 cents out of every dollar going for interest, one can quickly comprehend what we could do if we were free of that heavy obligation.

I commend the Senator for bringing this matter to the attention of this body and assure him of my eagerness to work with him to bring about and resolve in a responsible manner a program to address the accumulated debt.

As he has pointed out, there is an awful lot of procedure around here relative to the bookkeeping method of the Federal Government, which few people understand.

Nevertheless, there is a harsh reality that we have a hard debt of $5.6 billion. We have an opportunity now with the Social Security surplus to address that debt. I agree with the Senator and his efforts to try to bring a consensus on this issue. I commend him highly. Let me assure the Senator of my willingness to work in that regard.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1591 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

POWDER RIVER BASIN COAL INITIATIVE

Mr. DASCHLE. Mr. President, yesterday my colleagues, Senator ENZI and Senator GORTON, discussed the importance of a proposed new clean coal initiative that offers the opportunity to create a new type of cleaner-burning coal that will help to meet our nation's energy needs and the requirements of the Clean Air Act. I want to lend my strong support to this initiative, and express my hope that the Department of Energy and Congress can work together to find a way to fund this important project.

Under this initiative, the Black Hills Corporation of Rapid City, South Dakota, would work with the Department of Energy to test a new method of processing sub-bituminous coal to remove its moisture content and increase its heat-value. This new technology is much less capital intensive than any other coal enhancement technology known to exist today and has the real potential of becoming the first such process to be commercially feasible. It is my understanding that the upgraded coal which would be produced by this new process would be environmentally superior to current sub-bituminous coal and less expensive to ship, allowing coal users across the country to benefit from it.

There are extensive reserves of sub-bituminous coal in the Powder River basin, and particularly on the reservation of the Crow Indian Tribe. By expanding the market for coal from this area, we can help to promote economic development across the west. At the same time, we can provide coal users throughout the United States with cleaner-burning coal, and help to improve our air quality.

It is my hope that we can move forward with this project as quickly as possible. I urge my colleagues to give it their strong support.

WEATHERIZATION ASSISTANCE PROGRAM

Mr. JEFFORDS. Mr. President, I rise to thank Senator SLADE GORTON, Chairman of the Interior Appropriations Subcommittee, for his, as well as his staff's, efforts to work with me and my staff to address concerns regarding

a potential funding freeze for the Weatherization Assistance Program. I am very pleased that the Chairman was able to obtain an additional $2 million, at my urging, for the Weatherization Assistance Program, increasing the FY 2000 funding level to $135 million.

Weatherization is an especially critical program to the Northeast-Midwest region. It increases energy efficiency in low-income homes, reducing energy use by up to one-third. More than four and a half million households have been weatherized through this program over the past twenty years. Weatherization returns $1.80 in energy savings for every dollar spent; and provides an additional $0.60 in employment and environmental benefits.

This year, 31 Senators voiced support for an increase in weatherization funding. In light of recent forecasts of rising fuel costs, weatherization funding has never been more critical. By providing targeted support in anticipation of extreme weather conditions, we can ensure the health, safety, and well-being of millions of low-income families, including the especially vulnerable populations of low-income children and elderly.

BRYAN AMENDMENT OF THE INTERIOR APPROPRIATIONS BILL

Mr. SPECTER. Mr. President, I have sought recognition to state my views on the Bryan amendment regarding the Timber Sales Management program within the National Forest Service. I am concerned about environmental protection and safeguarding our Nation's Forests, providing that there is an appropriate balance for economic development and job opportunities.

My state of Pennsylvania has one of the best run National Forests in the country. The Allegheny National Forest has some of the most valuable timber in the world, particularly its black cherry, which is used internationally for fine furniture and veneers. As an above cost forest, the Allegheny returns approximately $10 million to the Treasury annually and generates $44 million in total income and an estimated 732 jobs. The rural Pennsylvania counties that surround the Allegheny National Forest substantially rely on these revenues to fund their local school systems.

The Bryan amendment would provide the Timber Sales Management Program with the level of funding requested by the Administration. This is the program that funds the important work that is done to ensure that all timber cutting in our National Forests is done in an environmentally appropriate manner. The program is vital to restoring, improving and maintaining the health of our National Forests and it ensures that forests fully comply with the National Environmental Policy Act (NEPA). Further, the amendment would take the $32 million dollars that was added to this program by the Senate Interior Appropriations Subcommittee and would use the money to continue road maintenance and to conduct biological surveys of the National Forests.

I am convinced that we must continue to manage our National Forest system in a fiscal and environmental responsible manner. On final consideration, I believe this amendment strikes a fair balance between the efficient use of our National Forests and the funding of environmental programs that are vital to enhance the public's use and enjoyment of our national forests for many years to come.

COLD WATER FISH HABITAT

Mr. CRAPO. Mr. President, I thank Senators GORTON and BYRD for inclusion of an amendment to provide funding for a voluntary enrollment, cold water fish habitat conservation plan (HCP) in the States of Idaho and Montana. This project is already authorized under the Endangered Species Act (ESA). Habitat Conservation Plans (HCPs) were authorized in 1982 to allow private landowners where endangered species are found a chance to write site-specific management plans and, in some cases, allow other activity to continue on those lands. A project similar to this involving the Karner Blue Butterfly in Wisconsin is considered an HCP success story.

In Idaho alone, of the 2,639,633 acres of State-owned endowment land, over half is bull trout habitat. Wise and productive use of state endowment land is essential to the funding of education in Idaho and this use could be jeopardized should it be called into question as a ''take'' under Section 9 of the ESA. The large area comprising bull trout habitat complicates not only natural resource uses of the land, but the management strategy of involved agencies in addressing habitat for the bull trout. With the huge land area involved, the U.S. Fish and Wildlife Service in Idaho concurs that a cooperative effort will be necessary to effect management practices to benefit the bull trout. The States of Idaho and Montana have already been active in addressing bull trout habitat needs—last year, they spent nearly $1 million collectively to promote bull trout recovery.

It is clear that a cooperative effort, involving the States of Idaho and Montana, the USFWS, and private forest owners will be necessary to address the challenge of providing clean, cold water for bull trout habitat. The formulation of a voluntary enrollment, state-wide HCP will provide the structure for this cooperation. HCPs have a proven record of creating tangible benefits that aid in species protection and this HCP would both protect bull trout habitat and responsible land use. For an HCP to be approved, the Secretary must find that those party to the agreement will ''to the maximum extent possible, minimize and mitigate the impacts of * * * taking'' of the species in question.

In recent hearings that I have held on HCPs in my subcommittee, numerous scientists have testified to the effectiveness of HCPs in furthering on the ground improvements to the habitat of threatened and endangered species. The funds provided for in this amendment will be used to fund data collection an organization for the States to come together and negotiate the HCP. The negotiated HCP would include state-owned endowment lands and private lands enrolled voluntarily by the landowner. To arrive at the specific terms of such an agreement, a concerted effort will be needed to accumulate data and facilitate discussions that can lead to a consensus-based solution supported by all interested parties.

The States of Idaho and Montana, nor the USFWS, cannot shoulder this funding burden alone. The funds provided for in this amendment are urgently needed. In addition to the overwhelming task of addressing bull trout habitat issues, the USFWS has been petitioned to list the west-slope cutthroat trout and the Yellowstone cutthroat trout. We seek, in partnership with the USFWS and the private sector, funding to develop an innovative HCP that can be a ''win'' for kids, for species, and for responsible land use.

OEHS WEEK

Mr. ENZI. Mr. President, the first Occupational and Environmental Health and Safety, OEHS Week, August 30 through September 3, 1999, is a reminder that while workers are safer than they used to be, injury, illness—even death—in the workplace is still an unfortunate reality.

The American Industrial Hygiene Association, a not-for-profit society of professionals in the field of occupational and environmental health and safety, sponsors OEHS Week and plans for it to become an annual event. The goal is to bring a greater awareness of workplace and community health issues to the public. The theme, ''Protecting Your Future . . . Today,'' highlights the far-reaching nature of occupational and environmental safety's impact on the public.

''We chose Labor Day weekend as the perfect time to remind workers, management and the community at large that workplace safety affects everyone. Even one fatality on the job is one fatality too much,'' says AIHA President James R. Thornton.

''But beyond that, we are concerned with overall safety. We want all employees to consider their workplace environment, even in offices that otherwise may seem extremely safe. For instance, is your workstation ergonomically sound? Is your chair comfortable? Do you take occasional breaks to stretch? Is your computer monitor at the proper angle? All of these things can add up to the difference between working safely and a work-related injury or illness.

''We've made great strides in the last few years,'' he said, ''but there's still room for improvement.''

As Thornton noted, if you've been working in the United States for the last decade, chances are that you're feeling safer on the job today than you did 10 years ago. That's because overall rates of worker illnesses and injuries have fallen dramatically since 1993, according to the Bureau of Labor Statistics. In fact, in 1997 (the most recent year tallied by the BLS), the case rate dropped to 7.1 percent of all workers, despite a total of 3 percent more hours worked by the nation's employees. This translates to nearly 50,000 fewer reported injuries or illnesses compared to the previous year, despite the larger number of staff-hours—the continuation of a trend that began in 1993. Still, even with fewer reported illnesses, injuries and fatalities on the job, workers suffered 2.9 million injuries that resulted in lost workdays, restricted duties or both.

Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, the construction trades in particular are quite dangerous. Secretary of Labor Alexis Herman reported recently that ''injuries and illnesses for construction laborers, carpenters, and welders and cutters increased by a total of 8,000 cases.'' Truck drivers, too, suffer more than their share of injuries, incurring approximately 145,000 work-related injuries or illnesses each year.

For the average worker, backs take the brunt of the injuries. About 4 out of 10 injuries involve strains and sprains, most of them back-related. Women are more susceptible than men to repetitive motion illnesses from jobs such as keyboarding, data entry, cashier work and scanning. These musculoskeletal disorders, known as MSDs, include carpal-tunnel syndrome and tendinitis. Many are caused by faulty ergonomic conditions in the workplace, such as poorly placed furniture and improper counter heights, say industrial hygiene, IH, professionals, experts in occupational and environmental health and safety.

I thank the Senator for yielding.

Mr. ENZI. Mr. President, although workplace injury is a primary focus for IH professionals, they like to point out that safety issues don't disappear in the company parking lot. This awareness gives OEHS Week its second important emphasis—safety in the community and home.

Thornton noted that in addition to its focus on workplace safety, OEHS Week is designed to heighten awareness about several vital community health concerns, including carbon monoxide poisoning, indoor air quality and noise exposure.

''Just as in the workplace, paying attention to seemingly small things can reduce injuries in the home. There are lots of things the average person can do,'' said Thornton. ''Reducing noise pollution and hearing loss by lowering the volume on stereos or wearing earplugs when mowing the lawn, for instance.

''We also recommend installing a couple of inexpensive carbon monoxide detectors in your home. They could save your life—and your family's lives as well.''

NGAWANG CHOEPHEL

Mr. LEAHY. Mr. President, it was 4 years ago that Nagwang Choephel, a Tibetan who studied ethnomusicology at Middlebury College in Vermont on a Fulbright Scholarship, was arrested in Tibet in 1995.

After imprisoning him incommunicado for 15 months, on December 26, 1996, Chinese officials sentenced Mr. Choephel to 18 years in prison on charges of espionage.

Four years have passed and despite high level discussions about this case between the administration and Chinese officials, resolutions passed in both the Senate and the House on Mr. Choephel's behalf, and a number of worldwide letter writing campaigns, he remains incarcerated in a remote corner of Tibet for a crime he did not commit.

The Chinese Government has never provided evidence to support their allegations that Mr. Choephel was sent by the Dalai Lama to gather intelligence and engage in separatist activities.

The State Department has no evidence that he participated in any illegal or political activity.

What is indisputable, however, is that Mr. Choephel traveled to Tibet with a donated video camera and recording equipment to document Tibetan music and dance—subjects he studied as a young man in India and as a Fulbright Scholar in Vermont.

The sixteen hours of footage that Mr. Choephel sent out of Tibet before his arrest affirm this fact. It simply shows the traditional dancing and singing that is an integral part of Tibet's rich cultural heritage.

I have spoken out many times about this tragic miscarriage of justice.

I have twice discussed my concerns with Chinese President Jiang, once in Beijing and again in Washington. I and other Members of Congress have written letter after letter to the Chinese Ambassador in Washington and other Chinese officials seeking information about Mr. Choephel's whereabouts and his well-being. I have tried to arrange meetings with Chinese authorities here, to no avail.

As we commemorate this sad anniversary, we know no more about Mr. Choephel's condition than we did 4 years ago.

His mother, who has repeatedly sought permission from the Chinese Government to visit her only child, has not given up. She continues her tireless campaign for his freedom on the streets of New Delhi.

I had hoped that Chinese authorities would have recognized by now the grave mistake they made in sentencing Mr. Choephel. International outrage over this case mounts with each additional year he spends in jail.

Congress, the administration, and the international community must continue to do whatever it can to ensure that next year at this time we are celebrating this young man's release, and the release of the many other political prisoners who are being unfairly detained in Tibet and China.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 14, 1999, the Federal debt stood at $5,657,645,658,855.66 (Five trillion, six hundred fifty-seven billion, six hundred forty-five million, six hundred fifty-eight thousand, eight hundred fifty-five dollars and sixty-six cents).

One year ago, September 14, 1998, the Federal debt stood at $5,548,258,000,000 (Five trillion, five hundred forty-eight billion, two hundred fifty-eight million).

Five years ago, September 14, 1994, the Federal debt stood at $4,683,788,000,000 (Four trillion, six hundred eighty-three billion, seven hundred eighty-eight million).

Ten years ago, September 14, 1989, the Federal debt stood at $2,849,710,000,000 (Two trillion, eight hundred forty-nine billion, seven hundred ten million).

Fifteen years ago, September 14, 1984, the Federal debt stood at $1,572,267,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,085,378,658,855.66 (Four trillion, eighty-five billion, three hundred seventy-eight million, six hundred fifty-eight thousand, eight hundred fifty-five dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 11:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 900) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers and for other purposes; and appoints as additional conferees from the Committee on Banking and Financial Services, for consideration of section 101 of

the Senate bill and section 101 of the House amendment:

Mr. KING is appointed in lieu of Mr. BACHUS.

Mr. ROYCE is appointed in lieu of Mr. CASTLE.

As additional conferees from the Committee on Commerce, for consideration of section 101 of the Senate bill and section 101 of the House amendment:

Mrs. WILSON is appointed in lieu of Mr. LARGENT.

Mr. FOSSELLA is appointed in lieu of Mr. BILBRAY.

The message further announced that pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe to fill the existing vacancies thereon: Mr. PITTS of Pennsylvania, and upon the recommendation of the Minority Leader, Mr. FORBES of New York.

At 1:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representative to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribed personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

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–5157. A communication from the Executive Director, Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, transmitting, pursuant to law, a report entitled ''Combating Proliferation of Weapons of Mass Destruction''; to the Select Committee on Intelligence.

EC–5158. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–5159. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Program Audit Techniques Guide-Sports Franchises'', received September 10, 1999; to the Committee on Finance.

EC–5160. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 99–45, 1999 Section 43 Inflation Adjustment'', received September 10, 1999; to the Committee on Finance.

EC–5161. A communication from the Acting Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulation Concerning Preliminary Critical Circumstances Findings'' (RIN0625–AA56), received September 10, 1999; to the Committee on Finance.

EC–5162. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–5163. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''DOE Authorized Subcontract for Use by DOE Management and Operating Contractors with New Independent States' Scientific Institutes through the International Science and Technology Center'' (AL 99–06), received September 7, 1999; to the Committee on Energy and Natural Resources.

EC–5164. A communication from the Director, 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 ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emission from Existing Municipal Solid Waste Landfills'' (FRL #6439–2), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5165. A communication from the Director, 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 ''Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition'' (FRL #6437–2), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5166. A communication from the Director, 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 ''National Primary Drinking Water Regulation: Consumer Confidence Report; Correction'' (FRL #6437–6), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5167. A communication from the Director, 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 ''Notice of Direct Final Rule Revisions to Emissions Budgets Set Forth in EPA's Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone for the States of Connecticut, Massachusetts and Rhode Island'' (FRL #6437–39), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5168. A communication from the Director, 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 ''Tennessee: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6437–9), received September 10, 1999; to the Committee on Environment and Public Works.

EC–5169. A communication from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Charge Reform, CC Docket No. 96–262, Fifth Report and Order'' (FCC 99–206) (CC Doc. 96–262 and 94–1), received September 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5170. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cedar Key, FL'' (MM Docket No. 99–72), received September 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5171. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Oraibi and Leupp, AZ (MM Docket No. 98–179), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5172. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Cherry Valley and Cotton Plant, AR (MM Docket No. 98–223; RM–9340; RM–9481; RM–9482), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5173. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Kensett, AR; Somerton, AZ; Augusta, KS; Wellton, AZ; Center, CO; LaVeta, CO; Walsenburg, CO; Taft, CA; Cimarron, KS; (MM Docket No. 99–99, RM–9484; MM Docket No. 99–100, RM–9491; MM Docket No. 99–101, RM–9494; MM Docket No. 99–102, RM–9495; MM Docket No. 99–105, RM–9508; MM Docket No. 99–107, RM–9510; MM Docket No. 99–109, RM–9512; MM Docket No. 99–111, RM–9539; MM Docket No. 99–113, RM–9544), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5174. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; LaJara, CO; Westcliffe, CO; Carmel Valley, CA; Nanakuli, HI Wahiawa, HI; Hanapepe, HI Holualoa, HI; Honokaa, HI; Kihei, HI; Kurtistown, HI (MM Docket No. 99–106, RM–9509; MM Docket No. 99–110, RM–9513; MM Docket No. 99–171, RM–9574; MM Docket No. 99–172, RM–9575; MM Docket No. 99–173, RM–9576; MM Docket No. 99–175, RM–9578; MM Docket No. 99–176, RM–9579; MM Docket No. 99–177, RM–9580; MM Docket No. 99–178, RM–9581; MM Docket No. 99–179, RM–9582)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5175. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Judsonia, AR; Del Norte, CO; Dinosaur, CO; Poncha Springs, CO; Captain Cook, HI (MM Docket No. 99–98, RM–9483; MM Docket No. 99–148, RM–9556; MM Docket No. 99–149, RM–9557; MM Docket No. 99–150, RM–9558; MM Docket No. 99–152, RM–9560)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5176. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5177. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Emergency Interim Rule for Restricted Reopening of Limited Access Permit Application Process for Snapper-Grouper Permits in the South Atlantic Region'' (RIN0648–AM92), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5178. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries Regulations; Pacific Tuna Fisheries'' (RIN0648–AL28), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5179. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Red Porgy Fishery in the Snapper-Grouper Fishery Off the Southern Atlantic States'' (RIN0648–AM55), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5180. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 610 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5181. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 630 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5182. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment (Prohibits Pollock Fishing in Statistical Area 620 of the Gulf of Alaska and Extends C Fishing Season Until Further Notice)'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5183. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'', received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1583. A bill to convert 2 temporary Federal judgeships in the central and southern districts of Illinois to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1584. A bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1585. A bill to establish a Congressional Trade Office; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1586. A bill to reduce the fractionated ownership of Indian Lands, and for other purposes; to the Committee on Indian Affairs.

S. 1587. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; to the Committee on Indian Affairs.

S. 1588. A bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Indian Affairs.

S. 1589. A bill to amend the American Indian Trust Fund Management Reform Act of 1994; to the Committee on Indian Affairs.

By Mr. CRAPO:

S. 1590. A bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. SCHUMER):

S. 1591. A bill to further amend section 8 of the Puerto Rico Federal Relations Act as amended by section 606 of the Act of March 12, (P.L. 96- 205) authorizing appropriations for certain insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 1592. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1583. A bill to convert two temporary Federal judgeships in the central and southern districts of Illinois to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

THE ILLINOIS JUDGESHIP ACT

Mr. DURBIN. Mr. President, today joined by colleague Senator FITZGERALD, I am introducing a bill that will make two temporary federal judgeships in Illinois permanent. The Southern District of Illinois, and the Central District of Illinois each have 3 permanent judgeships and one temporary judgeship.

The Judicial Improvement Act of 1990 created these temporary judgeships to respond to a sharply increasing caseload, especially in the area of drug related crimes. President Bush appointed Judge Joe Billy McDade to fill the temporary judgeship in the Central District of Illinois and he was confirmed by the Senate in November of 1991. In September of 1992 the Senate confirmed another Bush nominee, Judge J.Phil Gilbert to fill the temporary judgeship in the Southern District of Illinois.

In 1997, Congress extended the temporary judgeships until 10 years after the confirmation of the judge appointed to fill the vacancy. As a result, the temporary judgeship in the Central District is due to expire in November of 2001 and the temporary judgeship in the Southern District will expire in September of 2002. Since the judges that serve in these positions are Article III judges with lifetime appointments, they will not be affected, but the next vacancy within each district after the expiration date will not be filled.

The Central District and the Southern District of Illinois are small courts and the loss of even one judgeship will have a dramatic impact on the caseload of the remaining judges. The statistics on this issue are compelling.

The Administrative Office of the United States Courts keeps statistics on the average amount of time that it takes a civil case to come to trial. Even with 4 judgeships, the Central District of Illinois has a substantial wait for civil litigants—24 months, which is five months longer than the national average. In the Southern District of Illinois, the numbers are equally convincing—22 months on average for a civil case to go to trial, which is three months longer than the national average.

If these courts lose one judgeship, which is the equivalent of 25% of their judges, justice for federal court litigants will be substantially delayed. This delay will be felt most by civil litigants because judges will give priority to criminal cases. At a time when Congress is seeking to expand Federal court jurisdiction, a loss of judgeships, even temporary ones is a step in the wrong direction.

Again, the numbers tell the story. Assuming court filings remain at the 1998 level, the number of cases per judge in the Central District would increase by 33% from 383 to 511. In the

Southern District, the remaining judges would be expected to take on an extra 135 cases a year, an increase of 33% from 406 cases per judge to 541 cases per judge.

The two temporary judgeships in the Central and Southern Districts of Illinois must be converted into permanent positions. This measure will prevent judicial overload and ensure the continued smooth functioning of the federal court system in Illinois.

Our independent judiciary is the envy of the rest of the world. The strength of our judiciary is a unique and distinctive characteristic of our government. We must ensure that our courts have the judges they need to perform their vital functions.

I encourage my colleagues to support me in this effort and ask that the Senate consider this bill without further delay.

I ask unanimous consent that a copy 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. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT JUDGESHIPS FOR THE CENTRAL AND SOUTHERN DISTRICTS OF ILLINOIS.

(a) CONVERSION OF TEMPORARY JUDGESHIPS TO PERMANENT JUDGESHIPS.—The existing district judgeships for the central district and the southern district of Illinois authorized by section 203(c) (3) and (4) of the Judicial Improvements Act of 1990 (Public Law 101–650, 28 U.S.C. 133 note) shall, as of the date of the enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in such offices shall hold the offices under section 133 of title 28, United States Code (as amended by this section).

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table contained in section 133(a) of title 28, United States Code, is amended by striking the item relating to Illinois and inserting the following:

''Illinois
Northern 22
Central 4
Southern ..... 4.''.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1584. A bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

SCHUYLKILL RIVER NATIONAL HERITAGE AREA

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that would establish the Schuylkill River National Heritage Area. This legislation recognizes the significance of the Schuylkill River Valley in Pennsylvania, and the role it played in the nation's economic expansion during the nineteenth century.

The Schuylkill River, and later the railroads, moved anthracite coal through the river valley to Philadelphia and beyond, fueling the industrial revolution that made this country great. It is important that we endeavor to preserve the historical and cultural contribution that the anthracite and related industries have made to our nation. The labor movement of the region played a significant role in crucial struggles to improve wages and working conditions for America's workers. The first national labor union was organized in this region and was the forerunner to the United Mine Workers of America.

In 1995, under the management of the Schuylkill River Greenway Association (SRGA), the Schuylkill River Corridor was recognized as a state heritage park by the Commonwealth of Pennsylvania. Since that time, the SRGA has dedicated itself to restoring and preserving the historic Schuylkill River Corridor by encouraging enhancement and maintenance of the historic qualities of the river from its headwaters in Schuylkill County to its mouth at the confluence of the Delaware River.

The legislation that I am introducing today, with the support of Senator SPECTER, will enable communities to conserve their heritage while continuing to create economic opportunities. It encourages the continuation of local interest by demonstrating the federal government's commitment to preserving the unique heritage of the Schuylkill River Heritage Corridor. This bill will require the Schuylkill River Greenway Association to enter into a cooperative agreement with the Secretary of the Interior to establish Heritage Area boundaries, and to prepare and implement a management plan within three years. This plan would inventory resources and recommend policies for resource management interpretation. Further, based on the criteria of other Heritage Areas established by the Omnibus Parks and Public Lands Management Act of 1996, this bill requires that federal funds provided under this bill do not exceed 50 percent of the total cost of the program.

Mr. President, the anthracite coal fields of the Schuylkill River Corridor, and the people who mined them, were crucial to the industrial development of this nation. Through public and private partnership, this legislation will allow for the conservation, enhancement, and interpretation of the historical, cultural, and natural resources of the Schuylkill River Valley for present and future generations.

Mr. President, I ask unanimous consent that a copy 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. 1584

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 ''Schuylkill River Valley National Heritage Area Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;

(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;

(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;

(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surroundings caused by the largely unregulated industrial activity; and

(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and

(B) there are sufficient significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 3. DEFINITIONS.

In this Act:

(1) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means the cooperative agreement entered into under section 4(d).

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Schuylkill River Valley National Heritage Area established by section 4.

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area appointed under section 4(c).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 5.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Pennsylvania.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) take into consideration State, county, and local plans;

(2) involve residents, public agencies, and private organizations working in the Heritage Area;

(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(F) an interpretation plan for the Heritage Area.

(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this Act, the Heritage Area shall be ineligible to receive Federal funding under this Act until the date on which the Secretary receives the management plan.

(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 6. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

(1) make loans and grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—

(1) develop and submit the management plan under section 5;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;

(v) restoring historic buildings relating to the themes of the Heritage Area; and

(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and

(6) for any fiscal year in which Federal funds are received under this Act—

(A) submit to the Secretary a report describing—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which the management entity made any loan or grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds from other sources for their permitted purposes.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(3) EXPENDITURES FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this Act, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval; and

(ii) make recommendations for revisions in the cooperative agreement or plan.

(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(c) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review substantial amendments to the management plan.

(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this Act may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 8. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after the date that is 15 years after the date of enactment of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any 1 fiscal year.

(b) FEDERAL SHARE.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any project or activity funded under this Act.

By Mr. BAUCUS:

S. 1585. A bill to establish a Congressional Trade Office; to the Committee on Finance.

CONGRESSIONAL TRADE OFFICE LEGISLATION

Mr. BAUCUS. Mr. President, I am introducing today a bill to create a new Congressional Trade Office that will provide the Congress with additional trade expertise—independent, non-partisan, and neutral expertise.

Over the past 25 years that I have served in the Congress, I have watched a continuing transfer of authority and responsibility for trade policy from the Congress to the Executive Branch. The trend has been subtle, but it has been clear and constant. We need to reverse this trend. Congress has the Constitutional authority to provide more effective and active oversight of our nation's trade policy, and we should use it. Congress should be more active in setting the direction for the Executive Branch in its formulation of trade policy. I believe strongly that we must reassert Congress' constitutionally defined responsibility for international commerce.

The Congressional Trade Office will provide the entire Congress, through the Senate Finance Committee and the House Ways and Means Committee, with this additional trade expertise.

I am proposing that the Congressional Trade Office have three sets of responsibilities.

First, it will monitor compliance with major bilateral, regional, and multilateral trade agreements. It will analyze the success of those agreements based on commercial results, and it will do this in close consultation with the affected industries. It will recommend actions necessary to ensure that those countries that have made commitments to the United States fully abide by those commitments. It will also provide annual assessments of the extent to which current agreements comply with labor goals and with environmental goals in those agreements.

Second, the Congressional Trade Office will have an analytic function. For example, after the Administration delivers its National Trade Estimates report to the Congress each year, it will analyze the major outstanding trade barriers based on the cost to the U.S. economy. After the Administration delivers its Trade Policy Agenda to the Congress each year, it will provide an analysis of that agenda, including alternative goals, strategies, and tactics.

The Congressional Trade Office will analyze proposed trade agreements, including agreements that do not require legislation to enter into effect. It will analyze the impact of Administration trade policy actions, including an assessment of the Administration's argument for not accepting an unfair trade practices case. And it will analyze the trade accounts every quarter, including the global current account, the global trade account, and key bilateral trade accounts.

Third, the Congressional Trade Office will be active in dispute settlement deliberations. It will evaluate each WTO decision where the U.S. is a participant. In the case of a U.S. loss, it will explain why it lost. In the case of a U.S. win, it will measure the commercial results from that decision. It will do a similar evaluation for NAFTA disputes. Congressional Trade Office staff will participate as observers on the U.S. delegation at dispute settlement panel meetings at the WTO.

The Congressional Trade Office is designed to service the Congress. Its Director will report to the Senate Finance Committee and the House Ways and Means Committee. It will also advise other committees on the impact of trade negotiations and the Administration's trade policy on those committees' areas of jurisdiction.

The staff will include a group of professionals with a mix of expertise in economics and trade law, plus in various industries and geographic regions. My expectation is that staff members will see this as a career position, thus, providing the Congress with long-term institutional memory.

The Congressional Trade Office will work closely with other government entities involved in trade policy assessment, including the Congressional Research Service, the General Accounting Office, and the International Trade Commission. The Congressional Trade Office will not replace those agencies. Rather, the Congressional Trade Office will supplement their work, and leverage the work of those entities to provide the Congress with timely analysis, information, and advice.

The areas of dispute resolution and compliance with trade agreements are central. The credibility of the global trading system, and the integrity of American trade law, depend on the belief, held by trade professionals, political leaders, industry representatives, workers, farmers, and the public at large, that agreements made are agreements followed. They must be fully implemented. There must be effective enforcement. Dispute settlement must be rapid and effective.

Often more energy goes into negotiating new agreements than into ensuring that existing agreements work. Of course, it is necessary to continue efforts at trade liberalization globally. But support for those efforts is a direct function of the perception that agreements work. The Administration has increased the resources it devotes to compliance. But an independent and neutral assessment of compliance is necessary. It is unrealistic to expect an agency that negotiated an agreement to provide a totally objective and dispassionate assessment of that agreement's success or failure.

The Congressional Trade Office will perform an annual evaluation of the commercial results of selected major bilateral trade agreements. The American Chamber of Commerce in Japan did this type of evaluation several years ago, examining in detail 45 bilateral agreements, and their conclusions were shocking. Fewer than one-third of those agreements were considered fully successful by the industries affected. The Congressional Trade Office should do this evaluation with our major trading partners. They will also recommend actions necessary to ensure that these agreements are fully implemented.

Looking at the WTO dispute settlement process, I don't think we even know whether it has been successful or not from the perspective of U.S. commercial interests. A count of wins versus losses tells us nothing. The Congressional Trade Office will give us the facts we need to evaluate this process properly.

Article I, Section 8, of the U.S. Constitution says: ''The Congress shall have power . . . To regulate commerce with foreign nations.'' It is our responsibility to provide oversight and direction on US trade policy. The Congressional Trade Office, as I have outlined it today, will provide us in the Congress with the means to do so.

Mr. President, I ask unanimous consent that the 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. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Congress has responsibility under the Constitution for international commerce.

(2) Congressional oversight of trade policy has often been hampered by a lack of resources.

(3) The United States has entered into numerous trade agreements with foreign trading partners, including bilateral, regional, and multilateral agreements.

(4) The purposes of the trade agreements are—

(A) to achieve a more open world trading system which provides mutually advantageous market opportunities for trade between the United States and foreign countries;

(B) to facilitate the opening of foreign country markets to exports of the United States and other countries by eliminating trade barriers and increasing the access of United States industry and the industry of other countries to such markets; and

(C) to reduce diversion of third country exports to the United States because of restricted market access in foreign countries.

(5) Foreign country performance under certain agreements has been less than contemplated, and in some cases rises to the level of noncompliance.

(6) The credibility of, and support for, the United States Government's trade policy is, to a significant extent, a function of the belief that trade agreements made are trade agreements enforced.

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—There is established an office in Congress to be known as the Congressional Trade Office (in this Act referred to as the ''Office'').

(b) PURPOSES.—The purposes of the Office are as follows:

(1) To reassert the constitutional responsibility of Congress with respect to international trade.

(2) To provide Congress, through the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with additional independent, nonpartisan, neutral trade expertise.

(3) To assist Congress in providing more effective and active oversight of trade policy.

(4) To assist Congress in providing to the executive branch more effective direction on trade policy.

(5) To provide Congress with long-term, institutional memory on trade issues.

(6) To provide Congress with more analytical capability on trade issues.

(7) To advise relevant committees on the impact of trade negotiations, including past, ongoing, and future negotiations, with respect to the areas of jurisdiction of the respective committees.

(c) DIRECTOR AND STAFF.—

(1) DIRECTOR.—

(A) IN GENERAL.—The Office shall be headed by a Director. The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering the recommendations of the Chairman and Ranking Member of the Committee on Finance of the Senate and the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representative. The Director shall be chosen without regard to political affiliation and solely on the basis of the Director's expertise and fitness to perform the duties of the Director.

(B) TERM.—The term of office of the Director shall be 5 years and the Director may be reappointed for subsequent terms.

(C) VACANCY.—Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term.

(D) REMOVAL.—The Director may be removed by either House by resolution.

(E) COMPENSATION.—The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The personnel of the Office shall consist of individuals with expertise in international trade, including expertise in economics, trade law, various industrial sectors, and various geographical regions.

(B) BENEFITS.—For purposes of pay (other than the pay of the Director) and employment, benefits, rights and privilege, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(3) EXPERTS AND CONSULTANTS.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

(4) RELATIONSHIP TO EXECUTIVE BRANCH.—The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services and facilities with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services and facilities.

(5) RELATIONSHIP TO OTHER AGENCIES OF CONGRESS.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, the Library of Congress, and other offices of Congress, and (upon agreement with them) to utilize their services and facilities with or without reimbursement. The Comptroller General, the Librarian of Congress, and the head of other offices of Congress are authorized to provide the Office with the information, data estimates, and statistics, and the services and facilities referred to in the preceding sentence.

(d) FUNCTIONS.—The functions of the Office are as follows:

(1) ASSISTANCE TO CONGRESS.—Provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representative and any other appropriate committee of Congress or joint committee of Congress information which will assist the committees in the discharge of the matters within their jurisdiction.

(2) MONITOR COMPLIANCE.—Monitor compliance with major bilateral, regional, and multilateral trade agreements by—

(A) consulting with the affected industries and interested parties;

(B) analyzing the success of agreements based on commercial results;

(C) recommending actions, including legislative action, necessary to ensure that foreign countries that have made commitments through agreements with the United States fully abide by those commitments;

(D) annually assessing the extent to which current agreements comply with environmental goals; and

(E) annually assessing the extent to which current agreements comply with labor goals.

(3) ANALYSIS.—Perform the following analyses:

(A) Not later than 60 days after the date the National Trade Estimates report is delivered to Congress each year, analyze the major outstanding trade barriers based on cost to the United States economy.

(B) Not later than 60 days after the date the Trade Policy Agenda is delivered to Congress each year, analyze the Administration's Agenda, including alternative goals, strategies, and tactics, as appropriate.

(C) Analyze proposed trade legislation.

(D) Analyze proposed trade agreements, including agreements that do not require implementing legislation.

(E) Analyze the impact of the Administration's trade policy and actions, including assessing the Administration's decisions for not accepting unfair trade practices cases.

(F) Analyze the trade accounts quarterly, including the global current account, global trade account, and key bilateral trade accounts.

(4) DISPUTE SETTLEMENT DELIBERATIONS.—Perform the following functions with respect to dispute resolution:

(A) Participate as observers on the United States delegation at dispute settlement panel meetings of the World Trade Organization.

(B) Evaluate each World Trade Organization decision where the United States is a participant. In any case in which the United States does not prevail, evaluate the decision and in any case in which the United States does prevail, measure the commercial results of that decision.

(C) Evaluate each dispute resolution proceeding under the North American Free Trade Agreement. In any case in which the United States does not prevail, evaluate the decision and in any case in which the United States does prevail, measure the commercial results of that decision.

(D) Participate as observers in other dispute settlement proceedings that the Chairman and Ranking Member of the Committee on Finance and the Chairman and Ranking Member of the Committee on Ways and Means deem appropriate.

(5) OTHER FUNCTIONS OF DIRECTOR.—The Director and staff of the Office shall perform the following additional functions:

(A) Provide the Committee on Finance and the Committee on Ways and Means with quarterly reports regarding the activities of the Office.

(B) Be available for consultation with congressional committees on trade-related legislation.

(C) Receive and review classified information and participate in classified briefings in the same manner as the staff of the Committee on Finance and the Committee on Ways and Means.

(D) Consult nongovernmental experts and utilize nongovernmental resources.

(E) Perform such other functions as the Chairman and Ranking Member of the Committee on Finance and the Chairman and Ranking Member of the Committee on Ways and Means may request.

SEC. 3. PUBLIC ACCESS TO DATA.

(a) RIGHT TO COPY.—Except as provided in subsections (b) and (c), the Director shall make all information, data, estimates, and statistics obtained under this Act available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) EXCEPTIONS.—Subsection (a) of this section shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law; or

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

(c) INFORMATION OBTAINED FOR COMMITTEES AND MEMBERS.—Subsection (a) of this section shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, for a period not to exceed 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with the provisions of the paragraph relating to contingent funds under the heading ''UNDER LEGISLATIVE'' in the Act of October 2, 1888 (25 Stat. 546; 2 U.S.C. 68), and upon vouchers approved by the Director.

By Mr. CAMPBELL:

S. 1586. A bill to reduce the fractionated ownership of Indian Lands, and for other purposes; to the Committee on Indian Affairs.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS

Mr. CAMPBELL. Mr. President, today I introduce a bill to amend the Indian Land Consolidation Act (ILCA) of 1983 to address the issue of Indian land fractionation: the underlying factor in the Indian trust reform effort. Under the 1871 Allotment Act, or ''Dawes'' act as it became known, the President was authorized to break up Indian reservations, allotting to each member of the tribe a tract of land. The Act also directed the Secretary of Interior to acquire some of the remaining tribal lands; often for subsequent resale to non-Indians. The day the Allotment Act became law, this country probably violated more treaties than in the hundred years before this Act or in the hundred years since.

The negative effects of the Act continue to be felt even to this day. For example, the existence of hundreds of thousands of small, undivided fractional interests in Indian lands has swamped the Bureau of Indian Affairs' ability to keep track of who owns these interests, who is leasing them, how much is owed, and who has a right to the revenues from these lands.

In 1934, Congress enacted the Indian Reorganization Act (IRA), ending the allotment policy and everything that it stood for by providing that no new allotments would be mandated by the federal government.

The IRA authorized the Secretary of Interior to acquire lands for tribes, enabling Indian tribes to re-establish their land bases which had been decimated by the allotment policy. Notwithstanding the IRA, the ownership of individual allotments continued to fragment. For example the four heirs of an Indian who died owning a 160 acre allotment would each receive a 25 percent interest in the entire allotment; not a 40 acre parcel. If all four of those heirs had four children, these 16 heirs would each receive only a 1.56 percent interest, divided among 64 owners.

In such situations, even locating the individuals to obtain their approval for a lease is nearly impossible. Clearly, getting a handle on the geometric rise in fractionated interests is necessary or the problem will be beyond our efforts to improve the management of tribal trust lands and funds.

Previous Congressional efforts to reverse fractionation were declared unconstitutional by the U.S. Supreme Court. This proposal makes use of the lessons we have learned from those efforts.

In 1983, Congress enacted the Indian Land Consolidation Act (ILCA), authorizing Indian tribes to enact land consolidation plans to sell or lease their lands to acquire fractional interests. The Act also allowed tribes to acquire, at fair market value, all of the interests in an allotment, and to enact probate codes to limit inheritance of allotted lands to Indians or tribal members.

The most controversial provision of the ILCA involved an escheat provision preventing the inheritance of any interest in land that was 2 percent or less of an undivided ownership in an allotment if it generated less than $100 before returning to the tribe.

The Supreme Court found this section unconstitutional because it restricted Indians' ability to pass their land interests to their heirs.

In 1984 Congress amended the ILCA to provide that undivided interests of 2 percent or less only returned to the tribe if they were incapable of earning $100 in any one of the five years from the date of its owner's death. In 1997, the Court once again ruled that the escheat provision of the act was unconstitutional.

The bill I am introducing today makes use of nearly two decades of Congressional efforts to deal with the problem of land fractionation. We have the benefit of two Supreme Court cases to guide our deliberations. I am pleased to report that associations of individual allotment owners, in particular the Indian Land Working Group, have made very constructive proposals and contributions to our understanding of how land consolidation legislation may affect their members. The bill also uses the Administration's proposed legislation as a framework for reforming the ILCA.

This bill establishes a three-pronged approach to dealing with the problems of fractionated ownership of allotted lands.

First, the bill provides desperately needed reform for the probate of interests in allotted lands, including limitations on who may inherit these interests.

Second, this bill would prohibit the inheritance of any interests that represent 2 percent or less of the ownership of an allotment unless it is specifically provided for in a valid will. This provision will be controversial, but the Administration insists that it is necessary to address: ''one of the root causes of our trust asset management difficulties.'' This provision will only apply in those situations where Indian owners are notified in advance that their interests could be lost unless they execute a will to address the 2 percent interest issues.

Finally, the bill establishes timeframes for BIA review of tribal probate codes, and authorizes the Secretary to acquire fractional interests on behalf of a tribe. The Secretary will apply the lease proceeds from these interests until the purchase price is recouped. Indian tribes with approved land consolidation plans may enter into agreements with the Secretary to use these funds for their acquisition program. In either case, the focus of this program will be consolidating small fractional interests that are choking the system.

The bill takes some steps to encourage and assist part-owners of allotments who are trying to consolidate the ownership of their allotments, and makes it federal policy to assist with transactions, such as land exchanges between those owning comparable fractional interests.

There is a demonstrable need for more resources to address the problems associated with land fractionation, including the need to educate allotment owners about probate planning options and opportunities. Creative solutions to this issue should be pursued. For example, some have proposed the use of federal income tax credits for those individuals who convey their fractional interest to a tribe.

This bill does not please all parties to the debate, but it is a good faith effort to achieve most of our shared goals. If these parties will work in good faith, I will do my part as Chairman of the Indian Affairs Committee to convene hearings and work with them through the legislative process.

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

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

S. 1586

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 ''Indian Land Consolidation Act Amendments of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) many trust allotments were taken out of trust status and sold by their Indian owners;

(3) the trust periods for trust allotments have been extended indefinitely;

(4) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of interests, many of which represent 2 percent or less of the total interests;

(5) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(6) the acquisitions referred to in paragraph (5) continue to be made;

(7) the fractional interests described in this section provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinate;

(8) substantial numbers of fractional interests of 2 percent or less of a total interest in trust or restricted lands have escheated to Indian tribes under section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206), which was enacted in 1983;

(9) in Babbit v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found that the application of section 207 of the Indian Land Consolidation Act to the facts presented in that case to be unconstitutional;

(11) in the absence of remedial legislation, the number of the fractional interests will continue to grow; and

(12) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty; and

(4) to promote tribal self-sufficiency and self-determination.

SEC. 4. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

(a) IN GENERAL.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking ''(1) 'tribe'' and inserting ''(1) 'Indian tribe' or 'tribe''';

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

''(2)'Indian' means any person who is a member of an Indian tribe or is eligible to become a member of an Indian tribe at the time of the distribution of the assets of a decedent's estate;'';

(C) by striking ''and'' at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(E) by adding at the end the following:

''(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.'';

(2) by amending section 203 to read as follows:

''SEC. 203. OTHER APPLICABLE PROVISIONS.

''(a) IN GENERAL.—Subject to subsection (b), sections 5 and 7 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (48 Stat. 985 et seq., chapter 576; 25 U.S.C. 465 and 467) shall apply to all Indian tribes, notwithstanding section 18 of that Act (25 U.S.C. 478).

''(b) RULE OF CONSTRUCTION.—Nothing in this section is intended to supersede any other provision of Federal law which authorizes, prohibits, or restricts the acquisition of land or the creation of reservations for Indians with respect to any specific Indian tribe, reservation, or State.'';

(3) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Any Indian'' and inserting ''(a) IN GENERAL.—Subject to subsection (b), any Indian'';

(ii) by striking ''per centum of the undivided interest in such tract'' and inserting ''percent of the individual interests in such tract. Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.'';

(iii) by striking '': *Provided,* That—''; and inserting the following:

''(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the conditions that—'';

(B) in paragraph (2)—

(i) by striking ''If,'' and inserting ''if''; and

(ii) by adding ''and'' at the end; and

(C) by striking paragraph (3) and inserting the following:

''(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.'';

(4) by striking section 206 and inserting the following:

''SEC. 206. DESCENT AND DISTRIBUTION OF TRUST OR RESTRICTED LANDS; TRIBAL ORDINANCE BARRING NONMEMBERS OF AN INDIAN TRIBE FROM INHERITANCE BY DEVISE OR DESCENT.

''(a) TRIBAL PROBATE CODES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

''(A) located within that Indian tribe's reservation; or

''(B) otherwise subject to the jurisdiction of that Indian tribe.

''(2) CODES.—A tribal probate code referred to in paragraph (1) may provide that, notwithstanding section 207, only members of the Indian tribe shall be entitled to receive by devise or descent any interest in trust or restricted lands within that Indian tribe's reservation or otherwise subject to that Indian tribe's jurisdiction.

''(b) SECRETARIAL APPROVAL.—

''(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

''(2) REVIEW AND APPROVAL.—

''(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

''(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law.

''(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH THIS ACT.—The Secretary may not approve a tribal probate code under this paragraph unless the Secretary determines that the tribal probate code is consistent with this Act.

''(D) EXPLANATION.—If the Secretary disapproves a tribal probate code under this paragraph, the Secretary shall include in a notice of the disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

''(E) AMENDMENTS.—

''(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

''(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law.

''(3) EFFECTIVE DATES.—A tribal probate code or amendment approved under paragraph (2) shall become effective on the later of—

''(A) the date specified in section 207(e)(1); or

''(B) 180 days after the date of approval.

''(4) LIMITATIONS.—

''(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

''(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a descendant who dies on or after the effective date of the amendment.

''(5) REPEALS.—The repeal of a tribal probate code shall—

''(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

''(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

''(c) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

''(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

''(2) REGULATIONS.—The Secretary shall promulgate regulations concerning the use of proposed findings of fact and conclusions of law, as rendered by a tribal justice system, in the adjudication of probate proceedings by the Department of the Interior.

''(d) LIFE ESTATES FOR NON-INDIAN SPOUSES AND CHILDREN WHO WOULD OTHERWISE BE PRECLUDED FROM INHERITING BY REASON OF THE OPERATION OF A TRIBAL PROBATE CODE.—

''(1) IN GENERAL.—Paragraph (2) shall apply with respect to a non-Indian spouse or child of an Indian decedent, if that decedent is subject to a tribal probate code that has been approved by the Secretary (or deemed approved) under subsection (b) and—

''(A) dies intestate; and

''(B) has devised an interest in trust or restricted lands to that non-Indian spouse or child, which the spouse or child is otherwise prohibited from inheriting by reason of that tribal probate code.

''(2) LIFE ESTATES.—

''(A) IN GENERAL.—A surviving non-Indian spouse or child of the decedent described in paragraph (1) may elect to receive a life estate in the portion of the trust or restricted lands to which that individual would have been entitled under the tribal probate code, if that individual were an Indian.

''(B) REMAINDER OF INTEREST.—If a non-Indian spouse or child elects to receive a life estate described in subparagraph (A), the remainder of the interest of the Indian decedent shall vest in the Indians who would otherwise have been heirs, but for that spouse's or child's election to receive a life estate.'';

(5) by striking section 207 and inserting the following:

''SEC. 207. DESCENT AND DISTRIBUTION; ESCHEAT OF FRACTIONAL INTERESTS.

''(a) DESCENT AND DISTRIBUTION.—Except as provided in this section, interests in trust or restricted lands may descend by testate or intestate succession only to—

''(1) the decedent's heirs-at-law or relatives within the first and second degree;

''(2) a person who owns a preexisting interest in the same parcel of land conveyed by the decedent;

''(3) members of the Indian tribe with jurisdiction over the lands devised; or

''(4) the Indian tribe with jurisdiction over the lands devised.

''(b) SPECIAL RULE.—A decedent that does not have a relative who meets the description under subsection (a)(1) or a relative who is a member described in subsection (a)(3) may devise that decedent's estate or any asset of that estate to any relative.

''(c) DEVISE OF INTERESTS IN THE SAME PARCEL TO MORE THAN 1 PERSON.—

''(1) JOINT TENANCY WITH RIGHT OF SURVIVORSHIP.—If a testator devises interests in the same parcel of trust or restricted land to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create a joint tenancy with right of survivorship.

''(2) ESTATES PASSING BY INTESTATE SUCCESSION.—With respect to an estate passing by intestate succession, only a spouse and heirs of the first or second degree may inherit an interest in trust or restricted lands.

''(3) ESCHEAT.—If no individual is eligible to receive an interest in trust or restricted lands, the interest shall escheat to the Indian tribe having jurisdiction over the trust or restricted lands, subject to any life estate that may be created under section 206(d).

''(4) NOTIFICATION TO INDIAN TRIBES.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 1999, the Secretary shall, to the extent that the Secretary considers to be practicable, notify Indian tribes and individual landowners of the amendments made by the Indian Land Consolidation Act Amendments of 1999. The notice shall list estate planning options available to the owners.

''(5) DESCENT OF OFF-RESERVATION LANDS.—

''(A) INDIAN RESERVATION DEFINED.—For purposes of this paragraph, the term 'Indian reservation' includes lands located within—

''(i) Oklahoma; and

''(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary).

''(B) DESCENT.—Upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

''(A) by testate or intestate succession in trust to an Indian; or

''(B) in fee status to any other devises or heirs.

''(6) NOTICE TO INDIANS.—

''(A) IN GENERAL.—The Secretary shall provide notice to each Indian that has an interest in trust or restricted lands of that interest. The notice shall specify that if such interest is in 2 percent or less of the total acreage in a parcel of trust or restricted lands, that interest may escheat to the Indian tribe of that Indian.

''(B) LIMITATION.—Subsections (a) and (d) shall not apply to the probate of any interest in trust or restricted lands of an Indian decedent if the Secretary failed to provide notice under subparagraph (A) to that individual before the date that is 180 days before the death of the decedent.

''(d) ESCHEATABLE FRACTIONAL INTERESTS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), no undivided interest which represents 2 percent or less of the total acreage in a parcel of trust or restricted land shall pass by intestacy.

''(2) ESCHEAT.—An undivided interest referred to in paragraph (1) shall escheat—

''(A) to the Indian tribe on whose reservation the interest is located; or

''(B) if that interest is located outside of a reservation, to the recognized tribal government possessing jurisdiction over the land.''; and

(6) by adding at the end the following:

''SEC. 213. ACQUISITION OF FRACTIONAL INTERESTS.

''(a) IN GENERAL.—The Secretary may acquire, in the discretion of the Secretary, with the consent of its owner and at fair market value, any fractional interest in trust or restricted lands. The Secretary shall give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land. The Secretary shall hold in trust for the Indian tribe that has jurisdiction over the fractional interest in trust or restricted lands the title of all interests acquired under this section.

''(b) PROGRAM OF ACQUISITION.—Any Indian tribe that has in effect a consolidation plan that has been approved by the Secretary under section 204 may request the Secretary to enter into an agreement with the Indian tribe to implement a program to acquire fractional interests, as authorized by subsection (a) using funds appropriated pursuant to this Act.

''SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

''(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 207 or 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The conditions described in this paragraph are as follows:

''(A) Until the purchase price paid by the Secretary for the interest referred to in subsection (a) has been recovered, any lease, resource sale contract, right-of-way, or other transaction affecting the document providing for the disposition of the interest under that subsection shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

''(B) The Secretary shall deposit any revenue derived from interest paid under subparagraph (A) in the Acquisition Fund created under section 216.

''(C) The Secretary shall deposit any revenue derived from the interest that is paid under subparagraph (A) that is in an amount in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213.

''(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), during such time as an Indian tribe is a tenant in common with individual Indian landowners on land acquired under section 207 or 213, the Indian tribe may not refuse to enter into any transaction covered under this section if landowners owning a majority of the undivided interests in the parcel consent to the transaction.

''(E) If the Indian tribe does not consent to enter into a transaction referred to in subparagraph (D), the Secretary may consent on behalf of the Indian tribe.

''(F) For leases of allotted land that are authorized to be granted by the Secretary, the Indian tribe shall be treated as if the Indian tribe were an individual Indian landowner.

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section after an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

''SEC. 215. ESTABLISHING FAIR MARKET VALUE.

''For the purposes of this Act, the Secretary may develop a reservation-wide system (or system for another appropriate geographical unit) for establishing the fair market value of various types of lands and improvements. That system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

''SEC. 216. ACQUISITION FUND.

''(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

''(1) disburse appropriations authorized to accomplish the purposes of section 213; and

''(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213.

''(b) DEPOSITS; USE.—

''(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

''(A) be deposited in the Acquisition Fund; and

''(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

''(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

''SEC. 217. DETERMINATION OF RESERVATION BOUNDARIES AND TRIBAL JURISDICTION.

''(a) DETERMINATION OF JURISDICTION.—

''(1) IN GENERAL.—The Secretary shall determine whether a parcel of land is—

''(A) within an Indian reservation; or

''(B) otherwise subject to an Indian tribe's jurisdiction.

''(2) REVIEW.—The United States District Court for the district where land that is subject to a determination under paragraph (1) is located may review the determination under chapter 7 of title 5, United States Code.

''(b) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to affect section 2409a of title 28, United States Code.

''SEC. 218. TRUST AND RESTRICTED LAND TRANSACTIONS.

''(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions involving individual Indians in a manner consistent with the policy of maintaining the trust status of allotted lands.

''(b) VALUATION OF SALES AND EXCHANGES.—Notwithstanding any other provision of law—

''(1) the sale of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

''(2) the exchange of an interest in trust or restricted lands may be made for an interest of a value less than the fair market value of the interest in those lands.

''(c) STATUS OF LANDS.—The sale or exchange of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

''(d) GIFT DEEDS.—

''(1) IN GENERAL.—An individual owner of an interest in trust or restricted land may convey that interest by gift deed to—

''(A) an individual Indian who is a member of the Indian tribe that exercises jurisdiction over the land;

''(B) the Indian tribe that exercises jurisdiction over that land; or

''(C) any other person whom the Secretary determines may hold the land in trust or restricted status.

''(2) SPECIAL RULE.—With respect to any gift deed conveyed under this section, the Secretary shall not require an appraisal.

''SEC. 219. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than the date that is 3 years after the date of enactment of the Indian Land Consolidation Act Amendments of 1999, and annually thereafter, the Secretary shall submit to Congress a report that indicates, for the period covered by the report—

''(1) the number of fractional interests in trust or restricted lands acquired; and

''(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

''(b) RECOMMENDATIONS FOR LEGISLATION.—The Secretary, after consultation with the Indian tribes, shall make recommendations for such legislation as is necessary to make further reductions in the fractional interests referred to in subsection (a).

''SEC. 220. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

''(a) IN GENERAL.—The Secretary may approve any lease, right-of-way, sale of natural resources, or any other transaction affecting individually owned trust or restricted lands that requires approval by the Secretary, if—

''(1) the owners of a majority interest in the trust or restricted lands consent to the transaction; and

''(2) the Secretary determines that approval of the transaction is in the best interest of the Indian owners.

''(b) BINDING TRANSACTIONS.—Upon the approval of a transaction referred to in subsection (a), the transaction shall be binding upon the owners of the minority interests in the trust or restricted land, and all other parties to the transaction to the same extent as if all of the Indian owners had consented to the transaction.

''SEC. 221. REAL ESTATE TRANSACTIONS INVOLVING NON-TRUST LANDS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may on the same basis as any other person, buy, sell, mortgage, or otherwise acquire or dispose of lands or interests in land described in subsection (b), without an Act of Congress or the approval of the Secretary.

''(b) LANDS.—Lands described in this subsection are lands that are—

''(1) acquired after the date of enactment of the Indian Land Consolidation Act Amendments of 1999; and

''(2) not held in trust or subject to a preexisting Federal restriction on alienation imposed by the United States.

''(c) NO LIABILITY ON PART OF THE UNITED STATES.—The disposition of lands described in subsection (b) shall create no liability on the part of the United States.''.

(b) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE OF AMENDMENTS TO SECTION 207 OF THE INDIAN LAND CONSOLIDATION ACT.—Except with respect to the notification under section 207(c) (4) and (6) of the Indian Land Consolidation Act (25 U.S.C. 2206(c) (4) and (6)), the amendments made by subsection (a) to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) shall become effective on the date that is 2 years after the date of enactment of this Act.

(2) APPLICABILITY.—The amendments made by subsection (a) to section 207 of the Indian Land Consolidation Act shall apply only to the estates of decedents that die on or after the date specified in paragraph (1).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CAMPBELL:

S. 1587. A bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; to the Committee on Indian Affairs.

CREATION OF SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL

Mr. CAMPBELL. Mr. President, as many of my colleagues are aware, the American Indian Trust Management Reform Act of 1994 established the Office of Special Trustee within the Department of Interior. Many believe that the reform efforts initiated by the Act were dealt a serious set-back when the person confirmed by the Senate for this position resigned in response to the Secretary's effort to re-organize the Office of the Special Trustee without notifying the Special Trustee, the Congress, the Advisory Commission established by the 1994 Act, affected Indian tribes, or Indian account holders.

A number of concerns have been raised by the absence of a Special Trustee appointed and confirmed in a manner consistent with the Act. Perhaps the most important concern raised in hearings on the trust fund crisis is the absence of a responsible official with either the independence or the appearance of independence of an appointed Special Trustee. The Act was designed to allow the Special Trustee to act and advise Congress in an independent manner. For example, the Act required the Special Trustee to certify in writing of the adequacy of the budget requests for those entities responsible for discharging the Secretary's trust responsibility.

In light of the federal government's dismal history of its management of trust funds, it is not surprising that Indian tribes and Indian account holders are concerned that the same institutions that produced this crisis are in complete control of the efforts to reform it. In addition, trust management experts have testified before joint hearings of the Indian Affairs and the Energy and Natural Resources Committees that it is simply naive to assume that comprehensive rethinking and reform will be carried out by the very institutions that are in desperate need of reform.

In an effort to regain the independence needed to assure individual and tribal account holders, the legislation I introduce today will establish the position of Special Trustee for Data Cleanup and Internal Control. Under this legislation, the person holding this position will be appointed by the Inspector General of the Department of Interior to ensure that the incumbent is not beholden to the entities responsible for developing or implementing the Administration's High Level Implementation Plan. This bill would allow the Secretary to remove the incumbent only for good cause.

Under this bill, the Special Trustee for Data Cleanup and Internal Control is directed to contract out for the matters under his or her control and to retain temporary employees to the greatest extent feasible. This will ensure those cleaning up the system and designing internal controls will not be subject to the criticism that they might be tempted to gloss over past mistakes or develop internal controls that can easily be fulfilled.

Mr. President I ask unanimous consent that a copy 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. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Numerous studies by the Office of the Inspector General of the Department of the Interior, the General Accounting Office, and independent auditors have criticized the absence of independent oversight or other forms of internal control over the Department's management of Indian trust assets and trust funds.

(2) Indian and tribal account holders have indicated that they will have little or no confidence in the reform of the trust management system if the reform is carried out

by the same entities that are responsible for the management of the system on the date of enactment of this Act.

(3) It would constitute an inherent conflict of interest or at least the appearance of a conflict of interest if the entity establishing internal controls for a trust management system were to be appointed, supervised, and subject to removal by the entity that such internal controls are written for.

(4) Account holder confidence will be improved if the same official is not simultaneously responsible for the immediate supervision of the fiduciary and financial reporting activities of both the trust fund accounting system and the trust asset and accounting management system.

(5) To the extent practicable, the reform of activities and creation of internal controls as described in the Department of the Interior's Trust Management Improvement Project, High Level Implementation Plan dated July 1998, and any amendments or modifications to that plan, should be carried out by private contractors.

SEC. 2. SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL.

The American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) is amended—

(1) by redesignating title IV as title V;

(2) by redesignating section 401 as section 501; and

(3) by inserting after title III, the following:

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. SPECIAL TRUSTEE FOR DATA CLEANUP AND INTERNAL CONTROL.

''(a) ESTABLISHMENT.—There is hereby established within the Department of Interior the Office of Special Trustee for Data Cleanup and Internal Control. The Office shall be headed by the Special Trustee for Data Cleanup and Internal Control (referred to in this section as the 'Special Trustee') who shall report directly to the Secretary.

''(b) SPECIAL TRUSTEE.—

''(1) APPOINTMENT.—The Special Trustee shall be appointed by the Inspector General of the Department of the Interior from among individuals who possess demonstrated ability in the—

''(A) development and implementation of internal controls;

''(B) development and implementation of trust management procedures; and

''(C) conversion or rehabilitation of trust management systems.

''(2) COMPENSATION.—The Special Trustee shall be paid at a rate determined by the Secretary to be appropriate for the position, but not less than the basic pay payable at Level III of the Executive Schedule under Section 5313 of Title 5.

''(3) TERM OF OFFICE.—The Special Trustee shall serve for a term of 2 years and may only be removed for good cause by the Secretary.

''(c) DUTIES.—

''(1) IN GENERAL.—Notwithstanding title III, the Special Trustee shall oversee the following subprojects as identified in the Draft Trust Management Improvement Project Subproject Task Updates, dated April 1999:

''(A) Subproject #1, OST Data Cleanup.

''(B) Subproject #5, Trust Funds Accounting System.

''(C) Subproject #9, Policies and Procedures.

''(D) Subproject #10, Training.

''(E) Subproject #11, Internal Controls.

''(2) OVERSIGHT.—The Special Trustee shall oversee the expenditure of funds appropriated by Congress for each of the subprojects described in paragraph (1), including the approval or modification of contracts, and make employment decisions for each of the positions funded for each of such projects.

''(3) CONTRACTING.—To the maximum extent practicable, the Special Trustee shall ensure that activities are carried out under this subsection through contracts entered into with private entities or through the retention of the temporary services of trust management specialists.

''(d) MODIFICATION OF IMPLEMENTATION PLAN.—To the extent that the activities to be carried out under subsection (c) are altered our amended as a result of any modification made after the date of enactment of this Act to the Department of the Interior's Trust Management Improvement Project, High Level Implementation Plan (dated July 1998), the Special Trustee shall continue to be responsible for overseeing such activities.''.

By Mr. CAMPBELL:

S. 1588. A bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN CENSUS PARTICIPATION ENHANCEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Native American Census Participation Enhancement Act of 1999.

Like all past censuses, the 2000 Decennial Census will play a vital role in American society. By counting the population of the United States, the decennial census serves as the statistical basis for distributing federal funds, redistricting for political representation, and planning for future infrastructure development.

Participating in this ritual every ten years is important for all Americans. But for Native Americans, this Federal tally is perhaps even more important.

As we all know, Native Americans have been under-represented in past census counts. The most recent census, conducted in 1990, was extremely inaccurate in its count of American Indians and Alaskan Natives who were living in rural reservation areas.

The effects of undercounting American Indians and Alaskan Natives have real consequences for Native communities.

An undercount of Native Americans skews population statistics which are used to allocate and distribute federal funds and services to tribes. For example, funds made available under the Federal Welfare-to-Work Grant program and Community Development Block Grants (CDBG) are both determined by reference to census statistics.

These key programs offer millions of dollars in Federal assistance to help low-income Americans make the transition from welfare to work and to build healthier and more productive communities.

This direct correlation between an accurate census and whether or not Native communities will be treated fairly and more than that, whether they will be given the tools they need to strengthen their economies, is the reason for the bill I am introducing today.

There has been a lot of debate about the 2000 Census and whether the count can be more accurately done through statistical sampling or other methods.

In my opinion, article I of our Constitution is clear in requiring that ''an actual enumeration'' be taken of the population every ten years.

As chairman of the Committee on Indian Affairs I have an obligation to see to it that Native Americans are treated fairly. At the same time I believe that Natives themselves bear a measure of responsibility for their destinies.

Just as the Census Bureau and the United States have a legal obligation to conduct an actual count, American Indians and Alaska Natives have a responsibility to answer the census and ensure that they are represented in the final tally.

This Congress and our nation can rightly demand that the United States fulfill its obligations to the Constitution and to Native Americans and achieve both a fair and complete count of American Indians and Alaskan Natives in Census 2000.

The bill I am introducing today will help ensure that Native Americans achieve a higher level of participation in the Census and ensure a more accurate count by authorizing the Secretary of Commerce to provide grants to Indian tribes and organizations to stimulate Native awareness of and participation in the 2000 Census.

It also provides incentives to help the Secretary and Indian tribes to recruit temporary employees and volunteer ''Census Assistants'' to work in and with Native communities and encourage Natives to answer the census.

I am hopeful that as the Census Bureau continues to lay the groundwork for the 2000 Census, it take into account the unique needs of the Native communities and the importance of getting an accurate count of all Native Americans.

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

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

S. 1588

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Native American Census Participation Enhancement Act of 1999.

SEC. 2. DEFINITIONS.

(1) ''2000 CENSUS.''—The term ''2000 census'' means the 2000 decennial census of population;

(2) ''BUREAU.''—The term ''Bureau'' means the Bureau of the Census.

(3) ''INDIAN TRIBE.''—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) ''INDIAN LANDS.''—For purposes of this title, the term ''Indian lands'' shall include

lands within the definition of ''Indian country'', as defined in 18 USC 1151; or ''Indian reservations'' as defined in section 3(d) of the Indian Financing Act of 1974, 25 USC 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 USC 1903(10). For purposes of this definition, such section 3(d) of the Indian Financing Act of 1974 shall be applied by treating the term ''former Indian reservations in Oklahoma'' as including only those lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR Part 151 (as in effect on the date of enactment of this sentence).

(5) ''SECRETARY.''—The term ''Secretary'' means the Secretary of Commerce.

(6) ''TRIBAL ORGANIZATION.''—The term ''Tribal organization'' has the meaning given that term by section 4 of the Indian Self Determination and Education Assistance Act (25 USC 450b).

SEC. 3. FINDINGS AND PURPOSES.

The Congress finds that—

(1) Article I of the United States Constitution provides that an enumeration be taken of the United States population every 10 years to permit the apportionment of Representatives and for other purposes;

(2) information collected through the decennial census is used to determine—

(A) the boundaries of congressional districts within States;

(B) the boundaries of the districts for the legislature of each State and the boundaries of other political subdivisions within the States;

(C) the allocation of billions of dollars of Federal and State funds.

(3) the enumeration of Native Americans has not been accurate and has led to an undercounting of the Native American population living on Indian lands and in rural areas;

(4) the United States has a legal obligation to conduct an enumeration of the census in all communities in the United States, including Native communities;

(5) Tribal governments and Native Americans have an obligation to answer the census and ensure they are represented in the census.

TITLE I—GRANTS TO TRIBES AND ORGANIZATIONS

SEC. 1. PROGRAM AUTHORIZATION.

In order to improve Native American participation in the 2000 census, the Secretary may, in accordance with the provisions of this Act, provide for grants to be made to Indian tribes and tribal organizations, consistent with the purposes of this Act.

SEC. 2. APPLICATIONS.

(a) APPLICATIONS REQUIRED.—Each entity referred to in section 2 that wishes to receive a grant under this Act shall submit an application at such time, in such form, and complete with such information as the Secretary shall by regulation require, except that any such application shall include at least—

(1) a statement of the objectives for which the grant is sought; and

(2) a description of the types of programs and activities for which the grant is sought.

(b) NOTICE OF APPROVAL OR DISAPPROVAL.—Each entity submitting an application under subsection (a) shall, not later than 60 days after the date of its submission, be notified in writing as to whether such application is approved or disapproved.

SEC. 3. MATCHING REQUIREMENT.

(a) IN GENERAL.—A grant may not be made to an entity under this Act unless such entity agrees, with respect to the costs to be incurred by such entity in carrying out the programs and activities for which the grant is made, to make available non-Federal contributions in an amount equal to not less than 50 per cent of the Federal funds provided under the grant.

(b) NON-FEDERAL CONTRIBUTIONS.—An entity receiving a grant under this Act may meet the requirement under subsection (a) through—

(1) the use of amounts from non-Federal sources; or

(2) in-kind contributions, fairly evaluated, but only if and to the extent allowable under section 9.

SEC. 4. ALLOCATION.

The Secretary shall allocate the amounts appropriated to carry out this Act equitably and in a manner that best achieves the purposes of this Act.

SEC. 5. USE OF GRANT FUNDS.

A grant made under this Act may be used only for one or more of the following—

(1) to train volunteers to assist individuals residing on Indian lands to complete and return census questionnaires;

(2) to educate Native Americans and the public about the importance of participating in the 2000 census;

(3) to educate Native Americans and the public about the confidentiality that is accorded to information collected in the 2000 census;

(4) to recruit candidates to apply for census office and field enumerator positions;

(5) to sponsor community events to promote the 2000 census;

(6) to produce community-tailored promotional materials; and

(7) to rent space to provide any of the training described in this section.

SEC. 6. REGULATIONS.

Any regulations to carry out this Act shall be prescribed not later than 60 days after the date of enactment of this Act. The regulations shall include—

(1) provisions requiring that any application for a grant under this Act be submitted to the appropriate regional center or area office of the Bureau of the Census, as identified under the regulations;

(2) provisions under which the decision to approve or disapprove any such application shall be made by the head of the appropriate center or office in accordance with guidelines set forth in the regulations.

TITLE II—RECRUITMENT OF TEMPORARY EMPLOYEES

SEC. 1. RECRUITING TEMPORARY EMPLOYEES.

(a) COMPENSATION SHALL NOT BE TAKEN INTO ACCOUNT.—Section 23 of title 13, United States Code, is amended by adding at the end the following:

''(d)(1) As used in this subsection, the term 'temporary census position' shall mean a temporary position within the Bureau, established for purposes related to the 2000 census, as determined under regulations which the Secretary shall prescribe.

''(2) Notwithstanding any other provision of law, the earning or receipt by an individual of compensation for service performed by such individual in a temporary census position shall not have the effect of causing—

''(A) such individual or any other individual to become eligible for any benefits described in paragraph (3)(A); or

''(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which such individual or any other individual would otherwise be eligible.

''(3) This subsection—

''(A) shall apply with respect to benefits provided under any Federal program or under any State, tribal or local program financed in whole or in part with Federal funds;

''(B) shall apply only with respect to compensation for service performed during calendar year 2000; and

''(C) shall not apply if the individual performing the service involved was first appointed to a temporary census position (whether such individual's then current position or a previous one) before January 1, 2000.''

(2) Nothing in the amendment made by paragraph (1) shall be considered to apply with respect to Public Law 101–86 or the Internal Revenue Code of 1986.

(b) RE-EMPLOYED ANNUITANTS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.—Public Law 101–86 (13 U.S.C. 23) is amended—

(1) in section 1(b) and the long title by striking ''the 1990 decennial census'' and inserting ''the 2000 decennial census''; and

(2) in section 4 by striking ''December 31, 1990'' and inserting ''December 31, 2000''.

SEC. 2. CENSUS ASSISTANTS.

(a) IN GENERAL.—Subject to available appropriations, and after consulting with Indian tribes, the Secretary may provide such reasonable and appropriate incentives to facilitate and encourage volunteers to assist in the enumeration of Native Americans.

(b) REIMBURSEMENTS.—In his discretion, the Secretary may reimburse volunteers for fuel and mileage expenses; meals and related expenses; and other reasonable and necessary expenses incurred by assistants in the conduct of the Census.

(c) DEBT RELIEF.—In consultation with the Secretary of the Treasury, the Secretary shall develop and implement a program of undergraduate or graduate debt relief for those Census assistants that have provided significant service in the conduct of the enumeration of the Census.

By Mr. CAMPBELL:

S. 1589. A bill to amend the American Indian Trust Fund Management Reform Act of 1994; to the Committee on Indian Affairs.

INDIAN TRUST FUND MANAGEMENT REFORMS

Mr. CAMPBELL. Mr. President today I am pleased to introduce the American Indian Trust Fund Management Reform Act Amendments of 1999.

As many of my colleagues are aware, by the early 1990's, it was obvious that the Federal Government could not account for many of the funds it manages as the trustee to Indian tribes and their members. Most of these responsibilities were lodged in the Department of the Interior and its Bureau of Indian Affairs.

Studies by the General Accounting Office revealed that the Department and BIA lacked individuals with the knowledge, experience, or expertise needed to oversee and coordinate reform efforts. Congress reacted by enacting the American Indian Trust Fund Management Reform Act (AITFRA) of 1994.

Responding to criticisms that the Department's reform efforts were uncoordinated and piecemeal, Congress called for the appointment of a ''Special Trustee'' to provide overall management of the reform activities. The 1994 Act called for the President to nominate and for the Senate to confirm a Special Trustee with demonstrated experience in the management of trust funds, including the investment and management of large sums of money.

The 1994 Act did not give the Special Trustee all of the tools he or she needed to ensure that the Federal Government would live up to the same trust

standards imposed on any other trustee. For example, although Congress sought to make the Special Trustee ''independent,'' he had little recourse when Secretary Bruce Babbitt unilaterally reorganized the Office of the Special Trustee for American Indians through a Secretarial Order. In fact the Special Trustee resigned following the issuance of the Order in January 1999.

In 1997, the Special Trustee unveiled the Strategic Plan required by the 1994 Act. The Secretary declined an invitation by the Indian Affairs Committee to appear and explain his opposition to the Plan, especially those elements of the Plan that would allow some trust management functions to be performed by entities outside the Department of Interior.

Indian Country neither firmly embraced, nor rejected the proposed Strategic Plan. Indian Country has expressed strong concerns, and often opposition to the Department's own proposal, the High Level Implementation Plan.

In our joint Indian Affairs—Energy and Natural Resources Committee hearings, one theme has been repeated over and over: we cannot expect the institution that created the problem to design and implement comprehensive reforms for that system. It is also necessary to ensure that any reform proposal is the result of a broad-based consultation with all of the affected entities, especially Indian tribes, intertribal entities, and Indian account holders. It is likely that any reforms proposed by such a process will require legislative implementation.

The legislation I introduce today satisfies each of these factors. First, it does not rely on those responsible for the current situation to determine the scope of reform. Second, it establishes a process that will give those with the greatest stake in this process a commensurate opportunity to develop and propose reforms. It also provides an opportunity for all those concerned to participate in this process. Finally, this legislation makes it clear that at the conclusion of this process, Congress should consider whether legislation is necessary.

This bill directs the Senate Majority and Minority Leaders, the Speaker of the House and Minority Leader, and the Secretary of Interior to consult and make appointments that equitably represent those who will be the most affected by the management of trust funds. The legislation also requires the Commission to consider whether private enterprise, a tribal or inter-tribal enterprise, or perhaps a government sponsored corporate entity should be part of the government's fulfillment of its trust obligation. This same commission will determine which federal regulatory agency is best suited to regulate the Federal Government's activities as trustee.

Every financial institution managing and investing the money of the citizens of the United States is regulated by some entity, for example by the Comptroller of the Currency, or the Federal Reserve Board, or the Office of Thrift Supervision. The only exception that I am aware of is the federal government when it acts as a trustee to Indians and Indian tribes. And by now we can all see the mess that has resulted from this lack of regulatory oversight.

This bill does not mandate the form of organization or entity best suited to oversee the Federal Government's activities as trustee. Instead, it creates an open and fair process for these issues to be decided by those who know the most about how financial institutions and their trust Departments are regulated.

This bill builds upon a proposal made by the Intertribal Monitoring Association and represents a starting point for determining how to strengthen the 1994 Act.

This bill is a necessary counterpart to another bill I am introducing to amend the Indian Land Consolidation Act of 1983 to address the fractionated ownership of Indian lands, one of the primary causes of the trust funds crisis. With both measures, it is essential that all parties involved—the tribes, individual Indians, the Interior Department, and Congress—set out to finally lay the groundwork for real trust fund reform. Native Americans deserve no less.

Mr. President, I ask unanimous consent that a copy 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. 1589

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 ''American Indian Trust Fund Management Reform Act Amendments''.

SEC. 2. DEFINITIONS.

Section 2 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001) is amended by adding at the end the following:

''(7) The term 'Commission' means the Indian Trust Reform Commission established under section 303.''.

SEC. 3. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, INDIAN TRUST REFORM COMMISSION.

(a) OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.—

(1) IN GENERAL.—Section 302 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042) is amended by striking subsection (c) and inserting the following:

''(c) TERM OF SPECIAL TRUSTEE.—The Special Trustee shall serve for a term of 2 years.''.

(2) CONFORMING AMENDMENT.—Section 306 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4046) is amended by striking subsection (d).

(b) INDIAN TRUST REFORM COMMISSION.—Section 302 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4042) is amended by adding at the end the following:

''(d) INDIAN TRUST FUND REFORM COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Indian Trust Fund Reform Commission.

''(2) MEMBERSHIP.—The Commission shall be composed of the following members:

''(A) One member appointed by the Majority Leader of the Senate.

''(B) One member appointed by the Minority Leader of the Senate.

''(C) One member appointed by the Speaker of the House of Representatives.

''(D) One member appointed by the Minority Leader of the House of Representatives.

''(E) One member appointed by the Secretary of the Interior.

''(3) CONSULTATION.—Before making an appointment under paragraph (2), each individual referred to in subparagraphs (A) through (D) shall consult with each other individual referred to in those subparagraphs to achieve, to the maximum extent practicable, fair and equitable representation of different interests, with resect to the matters to be studied by the commission, including the interests of Indian tribes, appropriate intertribal organizations, and individual Indian account holders.

''(4) QUALIFICATIONS OF MEMBERS.—

''(A) IN GENERAL.—Each individual appointed as a member under paragraph (2) shall—

''(i) have legal, accounting, regulatory, or administrative experience with respect to trust assets and accounts or comparable experience in tribal government; or

''(ii) at the time of the appointment, be an individual who is serving as a member of the advisory board established under section 306(a).

''(B) CONCURRENT MEMBERSHIP.—A member of the advisory board referred to in subparagraph (A)(ii) may serve concurrently as a member of the Commission.

''(5) CHAIRPERSON.—Not later than the date on which a majority of the members of the Commission have been appointed (but not later than 75 days after the date of enactment of this subsection) a chairperson of the Commission shall be selected a consensus or majority decision made by the Secretary of the Interior, the Speaker of the House of Representatives, and the Majority Leader of the Senate.

''(6) INITIAL APPOINTMENTS; PERIOD OF APPOINTMENT; AND VACANCIES.—

''(A) INITIAL APPOINTMENTS.—The initial appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this subsection.

''(B) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

''(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment, but not later than 60 days after the date on which the vacancy occurs.

''(7) INITIAL MEETING.—Not later than 30 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

''(8) MEETINGS.—The Commission shall meet at the call of the Chairman.

''(9) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(10) DUTIES OF THE COMMISSION.—The Commission shall carry out the duties of the Commission specified in section 303(a).

''(11) POWERS OF THE COMMISSION.—

''(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this Act.

''(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this subsection. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

''(12) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(13) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

''(14) COMMISSION PERSONNEL MATTERS.—

''(A) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(15) STAFF.—

''(A) IN GENERAL.—The Chairman may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

''(B) COMPENSATION.—The Chairman may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(C) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.''.

SEC. 4. REINVENTION STRATEGY.

Section 303 of the American Indian Trust Fund Management Act of 1994 (25 U.S.C. 4043) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) REINVENTION STRATEGY.—

''(A) IN GENERAL.—Not later than 180 days after a majority of the members of the Commission have been appointed, the Commission, in consultation with Indian tribes and appropriate Indian organizations, shall prepare for submission to the individuals and entities specified in subparagraph (C) in accordance with subparagraph (B) a recommended reinvention strategy for all phases of the trust management business cycle that ensures the proper and efficient discharge of the trust responsibility of the Federal Government to Indian tribes and individual Indians in compliance with this title.

''(B) ADOPTION.—Not later than 90 days after the date specified in subparagraph (A), the Commission shall—

''(i)(I) meet to consider the reinvention strategy developed under subparagraph (A); and

''(II)(aa) take a vote concerning the adoption of the reinvention strategy for recommendation to the individuals and entities specified in subparagraph (C), and adopt for recommendation the reinvention strategy if it is approved by a majority vote; or

''(bb) modify the reinvention strategy, and if the modified reinvention strategy is approved by a majority vote, adopt the modified reinvention strategy for recommendation to the individuals and entities specified in subparagraph (C); and

''(ii) submit a recommended reinvention strategy to the individuals and entities specified in subparagraph (C).

''(C) INDIVIDUALS AND ENTITIES.—The individuals and entities referred to in subparagraphs (A) and (B) are as follows:

''(i) The advisory commission established under section 306(a).

''(ii) The Secretary.

''(iii) The Committee on Resources of the House of Representatives.

''(iv) The Committee on Indian Affairs of the Senate.

''(2) REINVENTION STRATEGY REQUIREMENTS.—

''(A) IN GENERAL.—In preparing the reinvention strategy under this subsection, the Commission shall explicitly consider and include in the report to the individuals and entities described in paragraph (1)(C) findings concerning the following options for fulfilling the obligations of the Federal Government (including the trust obligations of the Federal Government) to Indian tribes and individual Indian account holders:

''(i) The creation of a Government-sponsored enterprise or a federally chartered corporation to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

''(ii) The use of existing or expanded authority under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

''(iii) Requiring the Secretary to contract directly with private sector entities (including banks and other private institutions) to undertake some or all of the management, accounting, or other parts of the trust management business cycle.

''(iv) Any combination of the options described in clauses (i) through (iii) that the Commission considers to be appropriate.

''(B) ADDITIONAL REQUIREMENTS.—In addition to meeting the requirements under subparagraph (A), the reinvention strategy shall—

''(i) identify all reforms to the policies, procedures, practices, and systems of the Department (including systems of the Bureau, the Bureau of Land Management, and the Minerals Management Service) that are necessary to ensure the proper and efficient discharge of the trust responsibilities of the Secretary in compliance with this Act;

''(ii) include provisions to—

''(I) provide opportunities to Indian tribes to assist in the management of their trust accounts; and

''(II) identify for the Secretary options for the investment of the trust accounts of Indian tribes in a manner consistent with the trust responsibilities of the Secretary in compliance with this Act in such manner as to ensure the promotion of economic development in the communities of Indian tribes; and

''(iii) include recommendations concerning whether the position of Special Trustee should be continued or made permanent.

''(3) REGULATORY ENTITY.—

''(A) IN GENERAL.—Not later than 90 days after approving a reinvention strategy under paragraph (1), the Commission shall recommend to Congress the Federal agency that should be responsible for regulating the trust management activities of the Federal Government, with respect to funds held in trust under this Act, and submit such recommendations for legislation to implement the reinvention strategy as the Commission considers to be appropriate.

''(B) CRITERIA FOR RECOMMENDING REGULATORY ENTITY.—In determining which regulatory entity to recommend under subparagraph (A), the Commission shall consider—

''(i) the provisions of the recommended reinvention strategy approved under paragraph (1); and

''(ii) the similarity of the recommended reinvention strategy approved under paragraph (1) and the functions and activities of an entity regulated by—

''(I) the Office of the Comptroller of the Currency;

''(II) the Board of Governors of the Federal Reserve System;

''(III) the Office of Federal Housing Enterprise Oversight;

''(IV) the Federal Trade Commission;

''(V) the Office of Thrift Supervision; or

''(VI) any other Federal agency charged with the responsibility of regulating public or private entities that invest or manage financial resources.''.

By Mr. CRAPO:

S. 1590. A bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION BOARD IMPROVEMENT ACT

Mr. CRAPO. Mr. President, today I am introducing a very important piece of legislation, the Surface Transportation Board Improvement Act, which is aimed at correcting an injustice for railroad workers, shippers and anyone who have a contractual relationship with a railroad. Basically, my bill would end the onerous procedure of the Surface Transportation Board to override, modify, or cancel collective bargaining agreements between railroads and their employees. Collective bargaining agreements go to the very essence of the labor relations process. They are the result of hard-fought deliberations between labor and management, and of a give-and-take process which often results in no winners or losers. While the process is not perfect, collective bargaining agreements do not come lightly and they should be honored—not subject to change by a federal agency.

In 1920, Congress determined that railroad mergers and consolidations should be subject to exclusive federal jurisdiction through the Interstate Commerce Commission (ICC). To effect that intent, Congress gave an exemption from antitrust laws, other federal laws, State and municipal laws to railroads participating in a transaction approved by the ICC. However, what was good policy in 1920 no longer works today because the language used to effect that policy is too broad giving rise to unfair application.

Unfortunately, the exemption provisions of the Interstate Commerce Act have been extended beyond the limited area of removing inconsistent State and municipal regulations governing railroad mergers and consolidations. Instead, they now are used to override contracts between railroads and their employees and railroads and other parties, such as shippers. Since 1983, the ICC and its successor the Surface Transportation Board (STB) have used the exemption to override, modify, or cancel collective bargaining agreements between railroads and their employees. The Board has not confined these overrides, while unacceptable under any circumstances, to the period surrounding the ICC or STB approval of a transaction. If fact, the exemption has been used to modify and cancel collective bargaining agreements more than thirty years after the initial approval of the railroad consolidation. Recently, the STB has used the same exemption provisions to override contracts between shippers and railroads. This wide ranging power in a federal agency is unprecedented and needs to be remedied.

What we need is a balance. Contracts freely entered should be considered inviolate and subject to governmental intrusion in only the most important and rare circumstances. A railroad merger does not reach that level of importance. No one can show a legitimate present need to treat railroads any differently from other modes of transportation when it comes to their honoring contractual commitments. My bill restores a balance that existed between 1920 and 1983 by making it clear that the federal interest in regulating rail mergers and consolidations does not extend to upsetting settled contractual relationships between the regulated party, the railroads, and others.

The specific remedies provided by this bill are straightforward. First, the exemption is limited to inconsistent State and municipal regulations of rail mergers and consolidations. That was a primary goal of Congress in 1920 and is preserved here. The antitrust exemption is lifted because in this era of mega-rail carriers, there is no reason future railroad mergers and consolidations should not be treated the same as mergers and consolidations in other modes of transportation. Congress gave the antitrust exemption to the railroad industry in 1920 following a period of governmental control triggered, in part, because of the rail industry's general economic instability. In 1920, the federal governmental interest supported rail mergers because they seemed the key to a stable mode of transportation in an essential sector of the economy. Given the general economic health of the Class I rail carriers coupled with the recent round of mergers/acquisitions in both West and East, no one can honestly claim further railroad consolidation is necessarily in the public interest.

Second, my bill ends the STB's foray into labor relations. From the date of enactment, all future transactions involving the merger of work forces proposed by rail carriers under employee protective conditions previously imposed by the ICC or STB will be resolved under the dispute resolution procedures provided in the Railway Labor Act (RLA). The RLA has governed railroad labor relations since 1926 (and airlines since 1935). Congress has not amended the Act significantly since 1966 when Congress provided the means to expedite resolution of ''minor disputes'' in the industry. The manner of negotiating a change in collective bargaining agreements has been in place since 1926. While some may disagree with parts of the RLA dispute resolution process, it works and has worked for seventy-three years. My bill places resolution of force integration disputes in merger cases back into the same collective bargaining processes that govern all other changes in railroad labor relations.

Federal labor policy with respect to collective bargaining, as established under the RLA, is that private agreements are reached and amended by the parties without governmental compulsion. That policy provides a process whereby labor and management can voluntarily resolve differences and enter into contracts, and rejects the notion that the government should micro-manage the substantive terms of collective bargaining agreements.

In defiance of this policy, the STB, which has no experience or authority in collective bargaining, has routinely broken or modified privately negotiated employee contracts in the approval of mergers or other transactions. My bill bars the STB from making wholesale changes to or abrogating privately negotiated collective bargaining agreements. It is fair public policy that contracts should be saved and changed only when the parties sit down and agree to new terms in a fair collective bargaining setting.

Mr. President, I urge all Senators to join me in support of this important legislation. Mr. President, I ask unanimous consent that the 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. 1590

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 ''Surface Transportation Board Improvement Act of 1999''.

SEC. 2. SCOPE OF AUTHORITY; EMPLOYEE PROTECTIVE ARRANGEMENTS.

(a) SCOPE OF AUTHORITY.—Section 11321 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a)(1) The authority of the Board under this subchapter is exclusive. A rail carrier or corporation participating in or resulting from a transaction approved by or exempted by the Board under this subchapter may carry out the transaction, own, and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority.

''(2) Subject to paragraph (3), a rail carrier, corporation, or person participating in an approved or exempted transaction described in paragraph (1) is exempt from State and municipal laws to the extent that the laws regulate combinations, mergers, or consolidations of rail carriers, as necessary to permit that rail carrier, corporation, or person to—

''(A) carry out the transaction; and

''(B) hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

''(3)(A) If a purchase and sale, a lease, or a corporate consolidation or merger is involved in a transaction described in paragraph (1), the carrier, or corporation may carry out the transaction only with the assent of a majority, or the number required under applicable State law, of the votes of the holders of the capital stock of that corporation entitled to vote.

''(B) To meet the requirements of this paragraph—

''(i) a vote referred to in subparagraph (A) shall occur at a regular meeting, or special meeting called for that purpose, of the stockholders referred to in that subparagraph; and

''(ii) the notice of the meeting shall indicate its purpose.''; and

(2) by adding at the end the following:

''(c) The Board shall not, under any circumstances, have the authority under this subchapter to—

''(1) break, modify, alter, override, or abrogate, in whole or in part, any provision of any collective bargaining agreement or implementing agreement made between the rail carrier and an authorized representative of the employees of the rail carrier under the Railway Labor Act (45 U.S.C. 151 et seq.); or

''(2) provide the authority described in paragraph (1) to any other person, carrier or corporation.''.

(b) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 11326 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

''(a)(1) Except as otherwise provided in this section, when approval is sought for a transaction under sections 11324 and 11325, the Board shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 11347 of this title, as in effect on the day before December 29, 1995.

''(2) The arrangement and the order approving a transaction referred to in paragraph (1) shall be subject to the following conditions:

''(A) The employees of the affected rail carrier shall not be in a worse position related to their employment as a result of the transaction during the 6-year period beginning on the date on which the employee is adversely affected by an action taken by the affected rail carrier as a result of the transaction (or if an employee was employed for a

lesser period of time by the rail carrier before the action became effective, for that lesser period).

''(B)(i) The rail carrier and the authorized representatives of the rail carrier's employees shall negotiate under the Railway Labor Act any arrangement regarding the selection of forces or assignment of employees caused by the Board's order of approval under sections 11324 or 11325.

''(ii) Arbitration of the proposed arrangement may only occur if both parties agree to that process.

''(iii) The Board shall not intervene in the negotiations or arbitration under this subparagraph unless requested to do so by both parties involved.

''(iv) The Board shall not, under any circumstances, have the authority under this subchapter to—

''(I) break, modify, alter, override, or abrogate, in whole or in part, any provision in any collective bargaining agreements or implementing agreements made between the rail carrier and an authorized representative of its employees under the Railway Labor Act; or

''(II) provide the authority described in subclause (I) to any other person, carrier, or corporation.

''(3) Beginning on the date of the enactment of the Surface Transportation Board Improvement Act of 1999, this subsection shall apply to any transaction proposed by a rail carrier under conditions previously imposed by the former Interstate Commerce Commission or the Surface Transportation Board under—

''(A) section 5(2)(f) of the Interstate Commerce Commission Act before October 1, 1978;

''(B) section 11347 of this title, before December 29, 1995; or

''(C) this section.''.

By Mr. MURKOWSKI (for himself and Mr. SCHUMER):

S. 1591. A bill to further amend section 8 of the Puerto Rico Federal Relations Act as amended by section 606 of the Act of March 12 (P.L. 96–205), authorizing appropriations for certain insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

PUERTO RICO FEDERAL RELATIONS ACT AMENDMENTS

Mr. MURKOWSKI. Mr. President, this morning I had an opportunity to meet with the Governor of Puerto Rico, the Honorable Pedro Rosello. The purpose was to discuss a variety of issues affecting our relationship with Puerto Rico. The Committee on Energy and Natural Resources, which I chair, has the responsibility for the territories and the freely associated States of the United States, of which Puerto Rico is one. That responsibility derives from the plenary authority of the Federal Government over the territories, which is placed in the Congress under article IV of the Constitution.

I take that responsibility very seriously. My State was a territory until 1959. I truly remember the days when my State was totally dependent on the goodwill of the Congress. Sometimes that goodwill was somewhat lacking. We were American citizens. We did not enjoy the right to vote. We had no representation in Congress. We were subject to Federal income tax. Some Alaskans thought they would feel good about filing under protest and would write that across their income tax return, but that is about the extent of the satisfaction they got. In any event, I do have a certain sensitivity for the American people of Puerto Rico.

I think it is fair to remind my colleagues that Congress is vested with the power to admit States and the power to dispose of the territory status of those areas within the United States. This is one of the fundamental authorities that affect the nature of our society and the nature of our Government. Thirty-seven times we have acted to admit new States to the Union. Once we acted to grant independence. In the interim, we have governed areas that expanded this Nation from Thirteen Original Colonies to a country that stretches from the Virgin Islands to Guam, the Northern Mariana Islands, and from Maine to Alaska to American Samoa in the South Pacific. We have tried, perhaps not always successfully, to be responsive to the needs and aspirations of the residents of the territories.

Coming from a former territory, I understand the unhappiness of living in territorial status subject to decisions made in Washington. As a consequence, I try to be fair and sensitive and sympathetic to the aspirations and concerns of the people of Puerto Rico, the American people of Puerto Rico, and whether a continuing quest for self-determination, which I happen to believe is appropriate and an obligation of this Congress, is something that is still unresolved with regard to the Americans and the people of Puerto Rico.

Perhaps a little history might be helpful on this. Referring to my own State, we were purchased for $7.2 million in 1867 from Russia with citizenship except for the ''uncivilized native tribes.'' Full citizenship to all residents was not enacted until 1915. Alaska was then subject to military government for 17 years. When we requested an extension of the homestead laws in order to settle a territory, our requests were then ignored by Washington. The Organic Act of 1884 provided for civil government and an appointed Governor but did not provide for either a legislative assembly or a delegate to Congress. However, in 1906, 39 years after acquisition, we were finally granted a nonvoting delegate to Congress in the House of Representatives. In 1912, an Organic Act provided for a local legislature with limited authority subject to veto by an appointed Governor to the State of Alaska, appointed by the President with the oversight of Congress.

In some respects Puerto Rico obtained greater local self-government faster than we did in Alaska. In 1950, Puerto Rico had an elective Governor and Constitution while Alaska was still subject to appointed officials. While we now have an elected Governor and Statehood, we are still subject to appointed officials, some of whom appear to think that Statehood and federalism are arcane and outdated concepts—impediments to the achievement of their particular concept of public good.

Mr. President, if that level of insensitivity to the needs and aspirations of local residents and the wishes of elected officials occurs in a State, you can imagine how the residents of a territory feel. That brings me to the subject of this legislation I introduced today.

Vieques is a 33,000 acre island off the east coast of Puerto Rico, approximately 22 miles long by 6 miles wide. The federal government acquired ⅔ of the island in 1941. The population of 9,400 resides in the west central area of the island, sandwiched between two military areas. The western portion of the island is used as a Navy Supply Depot with 102 magazines. The eastern portion contains a maneuvering area for amphibious/land training and a Live Impact Area that is part of the Atlantic Fleet Weapons Training Facility.

Vieques is the only target range in the U.S. where aircrews drop live ordnance from tactical altitudes, above 18,000 feet. The facility also supports shore bombardment training with live ordnance. Although the civilian population resides about 8 miles from the Live Impact Area, relations have been tense for some time, as you might expect if your community was the recipient of regularly scheduled live exercises with live ammunition. You would keep one eye open at night.

It finally happened on April 19, 1999. An F/A–18 from the JFK Battlegroup participating in live fire training as part of deployment preparations dropped two 500 pound bombs near an observation post within the Live Fire Impact area. A civilian contract security guard was unfortunately killed and four other personnel received minor injuries. While this is the only fatality to have occurred over the past sixty years, there have been several minor incidents within the Live Fire Impact area. The guard, David Sanes Rodriguez, was 35 and one of 17 siblings who grew up in the La Mina sector of Vieques.

Mr. President, you have heard me complain any number of times about the abuse that my constituents must endure from disinterred federal bureaucracy. We are denied the ability to develop our resources. We cannot obtain rights-of-way to connect our towns and villages. We cannot connect by road, by rail, or by wire. I will not go through how many of my constituents have died because we cannot obtain a simple right-of-way through a few miles of a wildlife refuge so they can obtain emergency medical treatment. This is the case in my State. At least the federal government is not dropping live ordnance on my constituents.

I fully understand the reasons why the Governor and virtually everyone in Puerto Rico has called for an end to the use of Vieques as a target range. I

also understand that this would not happen if Puerto Rico were not a territory. I fully support the need for our armed services to train, deploy, and test weapons. But there are certain things you simply don't do in an inhabited area. I deeply regret that it took an accident to highlight this situation, but that is the case.

For that reason, legislation I have introduced will amend the Puerto Rico Federal Relations Act to transfer control over Vieques to the government of Puerto Rico for public purposes. The term ''public purpose'' is very broad and will include the same public benefit uses that we authorized for lands transferred to Guam several years ago.

Finally, the day may come when Congress no longer exercises plenary authority over Puerto Rico but the Puerto Rican people will have determined their self-determination. Until that time, all of us have a responsibility to respond to the needs of our fellow citizens who reside there and in the other territories, as well as our own constituents. I hope my colleagues would join me in this amendment.

I see no other Senators seeking recognition, so I yield the floor.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 1592. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999

Mr. DURBIN. Mr. President, I rise today to introduce the Central American and Haitian Parity Act of 1999 with my colleague Senator KENNEDY. This legislation will provide deserved and needed relief to thousands of immigrants from Central America and the Caribbean who came to the United States fleeing political persecution.

In the 1980's, thousands of Salvadorans and Guatemalans fled civil wars in their countries and sought asylum in the United States. The vast majority had been persecuted or feared persecution in their home countries. The people of Honduras had a similar experience. While civil war was not formally waged within Honduras, the geography of the region made it impossible for Honduras to be unaffected by the violence and turmoil that surrounded it. The country of Haiti has also experienced extreme upheaval. Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil unrest.

Salvadorans, Guatemalans, Haitians and Hondurans have now established roots in the United States. Some have married here and many have children that were born in the United States. Yet many still live in fear. They cannot easily leave the United States and return to the great uncertainty in their countries of origin. If they are forced to return, they will face enormous hardship. Their former homes are either occupied by strangers or not there at all. The people they once knew are gone and so are the jobs they need to support their families. They also cannot become permanent residents of the United States, which severely limits their opportunities for work and education. This situation is unacceptable and requires a more permanent solution.

Before outlining how this bill will provide a permanent solution, it is important to review the evolution of deportation remedies. Prior to the passage of the Illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of the date of the initial notice charging the applicant with being removable.

In 1997, this Congress recognized that these new provisions could result in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan and Central American Relief Act (NACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Mr. President, the bill I introduce today is a necessary and fair expansion of NACARA. It provides a permanent solution for thousands of people who desperately need one. Specifically, the bill amends the Nicaraguan Adjustment and Central American Relief Act and provides nationals of El Salvador, Guatemala, Honduras and Haiti an opportunity to apply for adjustment of status under the same standards as Nicaraguans and Cubans. While the restoration of democracy in Central America and the Caribbean has been encouraging, the situation remains delicate. Providing immigrants from these politically volatile areas an opportunity to apply for permanent resident status in the United States instead of deporting them to politically and economically fragile countries will provide more stability in the long run. Such an approach is the best solution not only for the United States but also for new and fragile democracies in Central America and the Caribbean. Immigrants have greatly contributed to the United States, both economically and culturally and the people of Central America and the Caribbean are no exception. If we continue to deny them a chance to live in the United States by deporting them, we not only hurt them, we hurt us too.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1592

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 ''Central American and Haitian Parity Act of 1999''.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

[*(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and*]

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. 3. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on

which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 2 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 4. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in the unreviewable discretion of the Attorney General, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 2 of this Act.

SEC. 5. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

''(ii) in the case of''; and

(E) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

(6) by adding at the end the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 6. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a) (1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not

apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

(F) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 7. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this Act, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this Act, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator DURBIN in introducing the ''Central American and Haitian Parity Act of 1999. I commend our colleagues in the House, Representatives CHRIS SMITH, LUIS GUTIERREZ, and others, who introduced a companion bill last month. This legislation has the strong support of the Clinton administration, because it is a key component of America's effort to support democracy and stability in Central America and Haiti.

Two years ago, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which protects Nicaraguan and Cuban refugees by enabling them to remain permanently in the United States as immigrants. But many Central Americans and Haitians were unfairly excluded from that bill. At that time, many of us in Congress opposed the unfairness and discrimination involved in treating Nicaraguans and Cubans more favorably than similarly situated Central Americans and Haitians. We believe all of these refugees should be treated equally.

It is time for Congress to end this disparity. With this legislation, we are remedying this flagrant omission and adding Salvadorans, Guatemalans, Hondurans, and Haitians to the list of deserving refugees.

These Central American and Haitian refugees, like Nicaraguans and Cubans, fled decades of violence, human rights abuses, and economic instability resulting from political repression. They suffered persecution at the hands of successive repressive governments. Central Americans and Haitians supporting democracy have faced torture, extra-judicial killings, imprisonment, and other forms of persecution. These and other gross violations of human rights have been documented by the State Department, and by human rights organizations such as Americas Watch and Amnesty International.

Like other political refugees, Central Americans and Haitians have come to this country with a strong love of freedom and a strong commitment to democracy. They have settled in many parts of the United States. They have established deep roots in our communities, and their children, that have been born here, are U.S. citizens. Wherever they have settled, they have made lasting contributions to the economic vitality and diversity of our communities and our nation.

Citizens in these countries are now working hard to establish democracy in their nations. President Clinton and Secretary Albright have repeatedly stated that it is America's long-standing foreign policy to ensure the continuing stability and viability of emerging, yet still fragile, democracies in Central America and Haiti. The Central American and Haitian communities in the United States have contributed substantially to this goal, sending hundreds of millions of dollars to their native lands. These funds have played a critical role in stabilizing these countries' economies as they make the transition to democracy, at no cost to the U.S. taxpayer.

The State Department has documented the potential adverse consequences of reducing the flow of these funds. From a U.S. foreign policy and humanitarian standpoint, these amounts have taken on added importance. These funds have become a primary source of income for families who lost their jobs as a result of the hurricanes that ravaged these countries last year. Repatriating thousands of Central Americans and Haitians will impose a substantial additional burden on these countries. It will also diminish the ability of Central Americans and Haitians in the U.S. to contribute financially to rebuilding their countries. Allowing Central Americans and Haitians to remain here as legal residents will enable them to continue to provide assistance that will contribute substantially to vital economic recovery and reconstruction.

This legislation will provide qualified Salvadorans, Guatemalans, Hondurans and Haitians with the opportunity to become permanent residents of the U.S. To qualify for this relief, they must have lived in this country since December 1995. By approving the Central American and Haitian Parity Act, we can finally bring an end to the shameful decades of disparate treatment that has existed.

This is an issue of basic fairness. The United States has a long and noble tradition of providing safe haven to refugees. Over the years, we have enacted legislation to guarantee safe haven for Hungarians, Cubans, Yugoslavs, Vietnamese, Laotians, Cambodians, Poles, Chinese, and many others.

This Congress has the opportunity to right the shameful wrongs that Central American and Haitian refugees have suffered. This bill offers the full protection of our laws to these victims of persecution in their fight for democracy. Congress has a duty to offer the same protection to Central Americans and Haitians that we have offered over the years to other refugees fleeing from repressive regimes. This bill does what is fair, what is right, and what is just.

We should do all we can to end the current flagrant discrimination under our immigration laws. Central American and Haitian refugees deserve protection too—the same protection we gave to Nicaraguans and Cubans. We need to pay more than lip service to the fundamental principle of equal protection of the laws.

Since its introduction in the House of Representatives, the Central American and Haitian Parity Act has received important bipartisan support. I am optimistic that it will receive similar support in the Senate. It deserves to be enacted as soon as possible.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. BUNNING, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 824

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 824, a bill to improve educational systems and facilities to better educate students throughout the United States.

S. 935

At the request of Mr. LUGAR, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors 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. 1029

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. EDWARDS), the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. ALLARD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1440

At the request of Mr. GRAMM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1440, a bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who continue to work after reaching retirement age.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Idaho (Mr. CRAIG), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1498

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1499

At the request of Mr. MACK, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1499, a bill to title XVIII of the Social Security Act to promote the coverage of frail elderly medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly.

S. 1550

At the request of Mr. WELLSTONE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1550, a bill to extend certain Medicare community nursing organization demonstration projects.

S. 1568

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1568, a bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of ''In Memory'' Day.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. VOINOVICH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Senate Concurrent Resolution 56, a concurrent resolution expressing the sense of Congress regarding the importance of ''family friendly'' programming on television.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. AKAKA), the Senator from Louisiana (Mr. BREAUX), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. BURNS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SHELBY), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Michigan (Mr. ABRAHAM), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. ROTH), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mr. ASHCROFT), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 163

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Resolution 163, a resolution to establish a special committee of the Senate to study the causes of firearms violence in America.

SENATE RESOLUTION 172

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of Senate Resolution 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 181

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 181, a resolution expressing the sense of the Senate regarding the situation in East Timor.

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Washington (Mr. GORTON), the Senator from Michigan (Mr. ABRAHAM), the Senator from New Hampshire (Mr. SMITH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

AMENDMENT NO. 1572

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1572 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1642

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1642 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1643

At the request of Mr. DEWINE his name was added as a cosponsor of Amendment No. 1643 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

HELMS (AND OTHERS) AMENDMENT NO. 1658

Mr. HELMS (for himself, Mr. DEWINE, Mr. ASHCROFT, Mr. ENZI, Mr. BROWNBACK, and Mr. NICKLES) proposed an amendment to the bill, H.R. 2084; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

CRAIG AMENDMENT NO. 1659

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following: ''The Secretary will make available $6,000,000 from the Public Lands Program for safety and capacity improvements to public land access highway U.S. 89 from West Forest Boundary to Bishoff Canyon in Idaho.''

THOMAS (AND ENZI) AMENDMENT NO. 1660

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . No monies may be made available to implement the cost sharing provisions of Section 5001(b) of the Transportation Equity Act for the 21st Century with regard to Section 5117(b)(5) of that Act.

DASCHLE (AND JOHNSON) AMENDMENT NO. 1661

Mr. SHELBY (for Mr. DASCHLE (for himself and Mr. JOHNSON)) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. TEMPORARY AIR SERVICE INTERRUPTIONS.

(a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

COLLINS AMENDMENT NO. 1662

(Ordered to lie on the table.)

Ms. COLLINS submitted an amendment intended to be proposed by her to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority leaders of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms ''air carrier'' and ''air transportation'' have the meanings given those terms in section 40102(a) of title 49, United States Code.

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and the Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil

service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) FUNDING.—

(1) IN GENERAL.—Of the amounts appropriated by this Act, $1,500,000 shall be available to the Commission to carry out this section.

(2) AVAILABILITY.—Funds available to the Commission under paragraph (1) shall remain available until expended.

INHOFE AMENDMENT NO. 1663

Mr. SHELBY (for Mr. INHOFE) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

KERRY AMENDMENT NO. 1664

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

In the appropriate place, insert:

''Of the funds made available in this act for Sec. 123 of Title 23 U.S. Code, $2,432,000 shall be provided to the State of Nebraska for improvements to provide access to the Boyer Chute National Wildlife Refuge, Fort Calhoun, Washington County, Nebraska.''

ROBB AMENDMENT NO. 1665

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following:

SEC. . NOISE BARRIERS, VIRGINIA.

Use of Apportioned Funds: Notwithstanding any other provision of law, the Secretary of Transportation may approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers for the West Langley community along Interstate 495.

DURBIN AMENDMENT NO. 1666

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the National Railroad Passenger Corporation (Amtrak) should reimburse the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities for all necessary costs of rescue and cleanup efforts related to the March 15, 1999 accident, not covered by other outside sources including insurance.

THOMAS (AND ENZI) AMENDMENT NO. 1667

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . For purposes of Section 51127(b)(5) of the Transportation Equity Act for the 21 Century, the cost sharing provisions of Section 5001(b) of that Act shall not apply.

DEWINE (AND OTHERS) AMENDMENT NO. 1668

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. MURKOWSKI, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BREAUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 342. (a) AMOUNTS FOR DRUG ELIMINATION ACTIVITIES.—In addition to any other amounts appropriated by this Act for the Coast Guard, $345,000,000 are appropriated to the Coast Guard, of which—

(1) $151,500,000 shall be used as operating expenses for the drug enforcement activities of the Coast Guard in accordance with section 812(a) of the Western Hemisphere Drug Elimination Act (title VIII of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)); and

(2) $193,500,000 shall be used by the Commandant of the Coast Guard, in a manner that the Commandant determines to be consistent with section 812 of the Western Hemisphere Drug Elimination Act, for acquiring maritime patrol aircraft, surface patrol vessels, or sensors.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1669

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 6, line 14, strike ''$2,772,000,000'' and replace with ''$2,775,666,000''.

Insert on page 7, line 22, after the word ''systems'', '':*Provided further*, That the Secretary of Transportation shall continue to operate and maintain the seasonal Coast Guard air search and rescue facility located in Muskegon, Michigan''.

REED AMENDMENT NO. 1670

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the end of title III, add the following:

SEC. ___. (a) In title I, under the heading ''COAST GUARD'', the total amount appropriated for alteration of bridges is hereby increased by $2,000,000. The additional $2,000,000 shall be available for removal of the Sakonnet River Railroad Bridge, Rhode Island.

(b) In title I, under the heading ''COAST GUARD'', the total amount appropriated for acquisition, construction, and improvements for shore facilities–general for minor AC&I shore construction projects is hereby reduced by $2,000,000.

SMITH AMENDMENT NO. 1671

(Ordered to lie on the table).

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. PROHIBITION ON FUNDING ESTABLISHMENT OF NATIONAL IDENTIFICATION CARD.

None of the funds appropriated or otherwise made available by this or any other Act (including unobligated balances of prior year appropriations) may be used to carry out—

(1) any provision of law that establishes a national identification card; or

(2) section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (relating to identification-related documents).

TORRICELLI AMENDMENT NO. 1672

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3___. USE OF SURFACE TRANSPORTATION FUNDS FOR RESTORATION OF AIRPORT HANGER, CAPE MAY COUNTY AIRPORT.

Notwithstanding any other provision of law, the guidance issued by the Secretary of Transportation in June 1999 excluding aviation from the definition of surface transportation for the purpose of funding for transportation enhancement activities shall not apply to the application of the Naval Air Station Wildwood Foundation for a grant of funds apportioned under section 104(b)(3) of title 23, United States Code, for phase 2 of the project for restoration of Airport Hangar

No. 1 at Cape May County Airport, New Jersey.

REID AMENDMENTS NOS. 1673–1674

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill, H.R. 2084, supra; as follows:

AMENDMENT NO. 1673

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: ''*Provided further,* That, not withstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 OF Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178.''

AMENDMENT NO. 1674

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: ''*Provided further,* that, not withstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 OF Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178.''

DORGAN (AND CONRAD) AMENDMENT NO. 1675

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 3 . EMERGENCY ROAD RECONSTRUCTION FUNDS FOR SPIRIT LAKE INDIAN RESERVATION.

Of the amount available for obligation from the emergency fund authorized by section 125 of title 23, United States Code, $15,419,198 shall be obligated to pay for the repair or reconstruction of highways, roads, and trails in the Spirit Lake Indian Reservation that were damaged by disasters that occurred before the date of enactment of this Act.

LANDRIEU (AND WYDEN) AMENDMENT NO. 1676

(Ordered to lie on the table.)

Ms. LANDRIEU (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 2084, supra; as follows:

On page 65, line 22, before the period at the end of the line, insert the following '': *Provided*, That the funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another, including recommendations to develop a passenger-friendly and cost-effective solution to ticket transfers among airlines when seats are available.

GORTON (AND OTHERS) AMENDMENT NO. 1677

Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. BRYAN, Mr. LIEBERMAN, Mr. REED, Mr. MOYNIHAN, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the bill, H.R. 2084, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING CAFE STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) the corporate average fuel economy (CAFE) law, codified at chapter 329 of title 49, United States Code, is critical to reducing the dependence of the United States on foreign oil, reducing air pollution and carbon dioxide, and saving consumers money at the gas pump;

(2) the cars and light trucks of the United States are responsible for 20 percent of the carbon dioxide pollution generated in the United States;

(3) the average fuel economy of all new passenger vehicles is at its lowest point since 1980, while fuel consumption is at its highest;

(4) since 1995, a provision in the transportation appropriations Acts has prohibited the Department of Transportation from examining the need to raise CAFE standards for sport utility vehicles and other light trucks;

(5) that provision denies purchasers of new sport utility vehicles and other light trucks the benefits of available fuel saving technologies;

(6) the current CAFE standards save more than 3,000,000 barrels of oil per day;

(7)(A) the current CAFE standards have remained the same for nearly a decade;

(B) the CAFE standard for sport utility vehicles and other light trucks is ¾ the standard for automobiles; and

(C) the CAFE standard for sport utility vehicles and other light trucks is 20.7 miles per gallon and the standard for automobiles is 27.5 miles per gallon;

(8) because of CAFE standards, the average sport utility vehicle emits about 75 tons of carbon dioxide over the life of the vehicle while the average car emits about 45 tons of carbon dioxide;

(9) the technology exists to cost effectively and safely make vehicles go further on a gallon of gasoline; and

(10) improving light truck fuel economy would not only cut pollution but also save oil and save owners of new sport utility vehicles and other light trucks money at the gas pump.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the issue of CAFE standards should be permitted to be examined by the Department of Transportation, so that consumers may benefit from any resulting increase in the standards as soon as possible; and

(2) the Senate should not recede to section 320 of this bill, as passed by the House of Representatives, which prevents an increase in CAFE standards.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that on Thursday, September 23rd, the Committee on Energy and Natural Resources will hold an oversight hearing titled, ''Y2K—Will The Lights Go Out?'' The purpose of the hearing is to explore the potential consequences of the year 2000 computer problem to the Nation's supply of electricity. The hearing will be held at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 15, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of David Hayes to be Deputy Secretary of the Interior; Sylvia Baca to be Assistant Secretary of the Interior for Land and Minerals Management; and Ivan Itkin to be Director of the Office of the Civilian Radioactive Waste Management, Department of Energy.

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

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 15, 1999 beginning at 10:00 a.m. in 215 Dirksen.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, September 15, 1999 at 10:00 a.m. for a hearing on the nomination of Sally Katzen to be Deputy Director for Management, Office of Management and Budget.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to conduct an oversight hearing on the issue of the Indian Self-Determination and Education Assistance Act and Contract Support Costs.

The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to conduct and oversight hearing on the issues of the Indian Self-Determination and Education Assistance Act and Contract Support Costs.

The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, September 15, 1999 beginning at 10:00 a.m. in Room 226 Dirksen.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 9:30 a.m. to mark up an original omnibus committee funding resolution for the period October 1, 1999 through February 28, 2001.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SHELBY. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 15, 1999 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to mark up an original omnibus committee funding resolution for the period October 1, 1999 through February 28, 2001.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 15, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 15, 1999, at 2:30 p.m. on Telemedicine Technologies and Rural Health Care.

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

ADDITIONAL STATEMENTS

VOLUNTEERISM AND COMMUNITY SPIRIT

● Mr. GREGG. Mr. President, New Hampshire is a place where community spirit and volunteerism is still a big part of our culture and it is partly for that reason that our state is consistently ranked as one of the most livable places in the United States. One of the reasons why our state remains one of the best places to live is that we try to limit the amount of government intrusion into our lives. Unfortunately that message has not gotten through to some people who work in the Forest Service in New Hampshire.

The White Mountain National Forest, which is overseen by the U.S. Forest Service, provides outdoor recreation and economic opportunities for thousands of people who live and work nearby. Preserving this national forest takes a lot of dedication and hard work and many people contribute to keeping the forest in good shape by volunteering their time to clear trails of debris and pick up trash.

In fact, over the summer, two retirees, Frank Barilone, 67, and Ted Matte, 66, both of Ellsworth, were cleaning up Ellsworth Park Beach, which had become littered with an old bob house, rotted rowboats, and assorted cans and bottles and other trash. They had been coming to the area for over 30 years and had both recently decided to retire to the area. They took the initiative to discuss the trash problem with the local Forest Service office in Holderness which told them to go ahead and clean it up which they did. As a reward for their hard work, the Forest Service fined them $150 for ''maintaining the national forest without a permit,'' which happens to be a federal offense.

It seems to me that the Forest Service has it all backwards. Instead of thanking Mr. Barilone and Mr. Matte for their hard work, the Forest Service gave them a slap in the face in the form of a ticket and a $150 fine. Most people expect the Forest Service to ticket people who pollute the forest, not people who try to clean it up. The Forest Service's decision to fine these two retirees $150 for cleaning up Ellsworth Park will discourage, not encourage, the public to take a greater role in the protection of our state's natural resources.

So on behalf of the people of New Hampshire, I thank Mr. Barilone and Mr. Matte for volunteering their time to help clean up our national forest. Their can-do attitude is what makes New Hampshire such a great place to live. Keep up the good work!●

IN RECOGNITION OF FRANKLIN DELANO GARRISON

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a true champion for working people from my home State of Michigan, Frank Garrison, who is retiring this month from his position as president of the Michigan AFL–CIO after more than 40 years in the labor movement.

In many ways, Frank's life story is the story of the labor movement itself over these past 65 years. Born Franklin Delano Garrison in 1934, during the depths of the Great Depression, he was named for the President who gave hope to millions of working Americans and whose Works Projects Administration provided Frank's father with a job. At the age of 10, Frank entered the workforce himself, shoveling coal into his school's boilers so his brothers and sisters could eat lunch at school.

While these early years taught Frank the value of work, they also taught him that to achieve their piece of the American dream, working people needed strong advocates, both in the workplace and in government. He joined the United Auto Workers in 1952 working at the Saginaw Steering Gear plant in Saginaw, Michigan. Once in the union, the same work ethic that filled that school boiler with coal helped Frank rise through the ranks. He held several positions in his local and his region on his way to becoming the UAW's Legislative Director in 1976 and the Executive Director of the Union's Community Action Program in 1982. During those years, he played a key role in many election campaigns and even helped an upstart former President of the Detroit City Council win a seat in the United States Senate.

In 1986, after the sudden death of Michigan AFL–CIO President Sam Fishman, Frank was selected president by the AFL–CIO's General Board. Throughout the thirteen years he has served in that position he has upheld the finest traditions of the labor movement. In an era when special interests tried to dominate the political debate, Frank's was a voice that spoke for the broad interest of working people, whether or not they ever carried a union card—fighting for a higher minimum wage, for health care for all, to strengthen Social Security and Medicaid and to preserve those industrial jobs that had brought economic security to working families in Michigan and throughout the country. Few Americans have fought longer or harder for working people than Frank Garrison. His pursuit of justice in the workplace has improved opportunity and security and safety for an untold number of Americans.

And through it all, the good times and the bad, the victories and the defeats, Frank never lost touch with the convictions that brought him to the labor movement in the first place. And he never lost that twinkle in his eye or the ability to fill a room with laughter, sometimes at my expense, but more often at his own. He has been a strong leader, a wise counselor, but most of all a loyal friend.

Mr. President, Frank Garrison has earned the respect and gratitude of so many people from my home state of Michigan both within and without the labor movement, and across the political spectrum. I know my colleagues will join me in wishing him and his family well in his well deserved retirement, and in offering him a heartfelt ''thank you'' for his lifelong commitment to improving the lives of working men and women and their families.●

ALAN G. LANCE ELECTED NATIONAL COMMANDER OF THE AMERICAN LEGION

● Mr. CRAPO. Mr. President, I rise to congratulate Mr. Alan G. Lance for his election on September 9, 1999, as the National Commander of the American Legion.

Mr. Lance is a twenty year member of the American Legion; and, has served as the Idaho State Commander, National Executive Committeeman, and National Foreign Relations Chairman. After serving in the U.S. Army Judge Advocate General Corps Mr. Lance moved to Meridian, Idaho, established a private legal practice, and was subsequently elected to the Idaho House of Representatives. He is currently serving his second term as Attorney General for the State of Idaho and is Chairman of the Conference of Western Attorneys General. Mr. Lance is the first Idahoan to serve in the distinguished position of National Commander for this respected and influencial veterans' organization.

For the past eighty years the American Legion has stood tall for the rights and benefits of the men and women who have been willing to offer the ultimate sacrifice for our freedom and way of life. The American Legion is a major sponsor of the Boy Scouts of America and is a vital partner in community service with 15,000 posts worldwide.

Mr. Lance brings legal and legislative experience which will serve him well in advocating for the needs of the American Legion's approximately 3 million members. He is a leader and a patriot, and will be a strong leader for veterans' issues, especially health care. Idaho is proud of the new National Commander. I look forward to working with Mr. Lance in helping to keep the promises made by Congress and the nation to our deserving veterans.●

TRIBUTE TO ROSEMARY WAHLBERG

● Mr. KENNEDY. Mr. President, it is an honor to take this opportunity to recognize a community leader who has given so much to the people of Southeastern Massachusetts. Rosemary Wahlberg has been a Director of the Quincy Community Action Programs for twenty-six years. Under her leadership, these programs have helped large numbers of families on issues ranging from education to healthcare to child care to energy conservation. This year Rosemary is retiring, and her loss will be felt deeply by all of those whose lives she has touched.

Rosemary's commitment to public service is extraordinary. Throughout her many years of service, she has helped people to make impressive progress in improving their quality of life. As an advocate and coordinator, she has assisted South Shore communities in the battle to reduce poverty and promote self-sufficiency for low-income families. She has served as a member of the Quincy Housing Authority, on the Quincy College Board of Trustees, and on the Board of Directors for numerous local, state, and regional committees devoted to community service.

Rosemary's accomplishments have earned wide recognition. She has received distinguished awards from the City of Quincy, the University of Massachusetts, the South Shore Coalition for Human Rights, the Atlantic Neighborhood Assocation, South Shore Day Care Services, and many other grateful organizations, who recognize the boundless energy, ability and commitment she pours into every project.

For all of us who know Rosemary, we are inspired by her dedication to those less fortunate in our society. She has served the people of Quincy and the South Shore with extraordinary distinction, and she is a dear friend to all of us in the Kennedy family. In addition to all of her other activities, she has been devoted to her wonderful family, raising eight children and caring for twenty-one grandchildren.

It is with the greatest respect and admiration that I pay tribute to this remarkable leader. Her public service and generosity are a shining example to us all. I know that I speak for all of the people of Massachusetts when I say that she will be missed greatly.●

MINORITY ARTS RESOURCE COUNCIL AND THE AFRICAN AMERICAN RODEO

● Mr. SANTORUM. Mr. President, last year, for the first time in Philadelphia's history, the African American Rodeo came to that great city. It was a memorable occasion with approximately 8,000 school children attending the rodeo at the Apollo Stadium. While these children were entertained by the rodeo and re-enactments of life in the old West, they learned of the many contributions made by African Americans to our nation's history.

On October 8 and 9, of this year, the African American Rodeo is again coming to the City of Brotherly Love to present re-enactments of historical figures of the old West. Such performances are important because our history books and Hollywood have failed to give proper recognition of the great sacrifices and heroic deeds made by African Americans.

Mr. President, more than 200,000 African American soldiers served in the Civil War. After the war, many of these trained soldiers were sent west, forming two infantry and two cavalry units. The term ''Buffalo Soldier'' was given to them by the Native Americans whom they encountered. Those soldiers, their families, and thousands who were freed from slavery were among our early settlers, cowpunchers, and farmers in a number of the western states.

It is with pleasure that I salute the Minority Arts Resource Council, its founder and Executive Director, Mr. Curtis E. Brown, its board members, and its volunteers for once again bringing this great event to the city of Philadelphia. I urge my colleagues to join me in saluting the invaluable services and contributions of African Americans and the role that they have played and continue to play in American history.●

ON THE RETIREMENT OF ALEXANDRIA CITY MANAGER VOLA LAWSON

● Mr. ROBB. Mr. President, I take this opportunity to honor an outstanding public servant. Recently, Vola Lawson, the city manager of the City of Alexandria, announced her retirement. During her fourteen years as city manager, Ms. Lawson provided the City with solid leadership and opened the doors of City Hall to all Alexandrians. I'm proud to add my name to the long list of those who are praising Vola Lawson. Her distinguished career offers the ideal model for public officials, and inspires confidence in our public institutions. I ask that yesterday's article from The Washington Post on Vola Lawson's retirement be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Washington Post, Sept. 14, 1999]

AFTER 14 YEARS, 4 MAYORS, ALEXANDRIA LEADER TO RETIRE—FIERY CITY MANAGER LAWSON IN OFFICE SINCE 1985

[By Ann O'Hanlon]

Vola Lawson, the tough veteran city manager of Alexandria, announced yesterday that she will retire in March, marking a major transition for the city she helped define during the 28 years she worked for it.

''I think this city is one of the greatest cities in America,'' said Lawson, standing in the City Hall lobby that was named for her this year. ''This is a very bittersweet day for me.''

Lawson, who turns 65 today, has been city manager since 1985, a tenure more than twice the national average. During that time, the city has lured or endured major new development, including the planned U.S. Patent and Trademark Office and a planned 300-acre residential and commercial complex on an abandoned railroad yard. Under Lawson, Alexandria also turned away a bid from then-Gov. L. Douglas Wilder and then-Redskins owner Jack Kent Cooke to build a football stadium there.

In her 14 years, Lawson served under four mayors, all of whom stood with her yesterday, singing her praises.

''Vola has never met a stranger,'' said state Sen. Patricia S. Ticer (D-Alexandria), one of the former mayors. ''She is a shining example of what a public servant should be.''

Although her retirement was expected, a murmur still ran through the city of 122,000 yesterday.

''Boy, that's going to change the city more than anything I can imagine,'' said Katherine Morrison, executive director of the Campagna Center, a prominent local charity. ''I don't know anyone who knows Alexandria better or has devoted more of their life to Alexandria.''

Lawson worked her way up in Alexandria, blazing a path for women and minorities that some say is her prime legacy. As city manager, she has transformed City Hall from

a largely white bureaucracy to an institution that better reflects the city's 40 percent minority population.

''I think her legacy in the city and in the minority communities will be absolutely enduring,'' said J. Glenn Hopkins, executive director of Hopkins House, an agency for children and families. ''Her ability to be compassionate and to create a compassionate government, her ability to manage and her ability to be accessible to black people, to Hispanic people, to old people, to everybody, regardless of their background or their history or their race, is exceptional among people of her level.''

Among today's city and county administrators, Lawson's professional pedigree is unusual. She attended George Washington University part time but dropped out when she had her first child. She plunged into community activism, and as a campaign organizer helped elect the city's first black council member in 1970.

Her entry to City Hall was with the antipoverty program, and she later worked in the housing office. She quickly rose to assistant city manager and found time to initiate the Head Start program and after-school child care at every elementary school.

Lawson said she became an Alexandrian by accident. She and her husband, David, a psychiatrist, had planned to move back to Chevy Chase, but she got hooked on the community.

''We'll live the rest of our lives here,'' she said. ''We never planned to live here. We fell in love with Alexandria.''

Praise gushed from all corners yesterday, but there were criticisms, too: of an overbearing management style and a temper.

''She's very controlling, and that probably is her downside,'' said Jack Sullivan, who heads the city's civic federation. Nonetheless, said Sullivan, she has ''a marvelous personality'' and is ''one of the ablest public administrators I have ever met.''

Lawson's wrath is ''legendary,'' said a close friend, Rep. James P. Moran Jr. (D–Va.), who as mayor hired Lawson. But the source of the anger, he said, is unselfish.

''If you have acted in a way that hurt the city and you should or did know better, then you're dead meat with Vola,'' he said.

William H. Hansell Jr., who heads the International City/County Management Association, said her 14-year tenure is ''remarkable,'' especially in a community as ''diverse and challenging as Alexandria.''

She accomplished it by reflecting the values of the city, he said, laughing that ''there are not too many city managers who tell a billionaire and a governor where to stick their stadium.''

Lawson put the city on firm financial footing, twice achieving the Aaa bond rating and significantly lowering real estate taxes.

Her retirement will take effect March 1, after which she plans to see more of her two grandchildren, enhance her reputation as a movie buff and read the three stacks of books she bought at yard sales.

When people walk into the lobby that bears her name and wonder who Vola Lawson was, Moran said, they should be told, ''She was a woman who chose to devote her mind and her heart to all the citizens of this community.''●

PILT AMENDMENT TO THE INTERIOR APPROPRIATIONS BILL

● Mr. HATCH. Mr. President, I support the PILT amendment to the Interior Appropriations bill, which increases payments to counties in lieu of taxes. I have worked closely with my good friend and colleague, Senator ABRAHAM, in crafting this amendment, and I would like to express my sincere appreciation to the Senator from Michigan for his efforts in this regard. Senator ABRAHAM has consistently shown a sensitivity to and an understanding of the needs of rural Americans, especially those living in communities surrounded by public lands.

Most of my colleagues understand, by now, that 70 percent of my home state is either owned or controlled by the federal government. I believe that Utah's public lands stand out for their grandeur and unique beauty. Many of our Senate colleagues and staff members have visited these areas to hike, fish, ski, or mountain bike.

No one loves these public lands more than the citizens who live among them. But, for the local citizens, these lands can be both a blessing and a curse. For a number of Utah counties, as much as 90 percent of their lands are federally owned, which means they cannot generate tax revenue from these lands.

Where once public lands were a source of jobs and opportunity for rural America, these lands have increasingly been restricted to single-use activities, such as hiking, biking, or river running. Utah certainly provides excellent opportunities for these types of activities, and we welcome visitors from all over the world.

But, we shouldn't forget, Mr. President, that these visitors come with needs: they need roads to travel on, someone to put out their fires, law enforcement to keep them safe, someone to collect their trash, someone to come find them when they are lost, and someone to transport them to safety when they are hurt. Mr. President, the obligation to fulfill these needs falls on local county governments. With every new wilderness area, monument, or recreation area, county revenues shrink along with taxable economic activity; yet the influx of needy visitors increases.

The services counties provide are not money makers. To the contrary, they exact a tremendous cost on rural governments. The puny revenue local governments raise with their stunted tax base will never cover the costs of providing primary services to visitors over the entire area of their county. For this reason, Congress implemented the Payments in Lieu of Taxes program—known as PILT—which compensates rural counties for some of these services.

The problem is that this program has been funded at less than half the authorized level, and this has caused serious hardship for our counties. This amendment, we hope, will be the first installment in an overall plan to bring the PILT program to full funding. With small increases to PILT every year, our counties will eventually be made whole. We are not talking about a huge amount of money. We are talking $15 million in FY 2000. Last year Senator ABRAHAM and I were able to raise funding for PILT to $124 million, but this amount was cut back to $120 million in Conference. I hope that this year, we can maintain a strong increase in PILT funding.

If your child gets lost in Arches National Park, it will be a Grand County search and rescue team that will mobilize to find him. If you fall and break your ankle on the trail in Dixie National Forest, it will be a Garfield County helicopter and paramedics who will get you off the mountain and to the hospital. When you leave Zion National Park, it will be a Washington county solid waste truck that picks up your garbage. If someone should start a fire while camping in the Wasatch National Forest, the Wasatch County firefighters will be there to put it out.

Our rural governments do all this whether we pay them or not. But it is obviously unfair not to compensate them for it. Mr. President, I believe we should stop treating our rural governments as though they were unpaid chambermaids to the rest of the nation. Our rural areas don't mind providing services to tourists who come to enjoy public lands, but they deserve to be justly compensated by the owners of the land, the taxpayers, for the basic services they provide.

I urge my colleagues to support the PILT amendment.●

TRIBUTE TO BRUCE E. SCOTT

● Mr. WELLSTONE. Mr. President, I speak today in honor of Mr. Bruce E. Scott, R.Ph., MS, FASHP., a constituent of mine from Minnesota. Mr. Scott has recently been elected to serve as the president of the American Society of Health-System Pharmacists ASHP. His leadership will be valuable as ASHP pursues its primary mission—the safe and effective use of medications. Mr. Scott, as president of ASHP, will represent pharmacists practicing in hospitals, health maintenance organizations, long-term care facilities, home care, hospice and other health-care settings.

Mr. Scott is currently Vice President of Pharmacy Operations for Allina Health Systems headquartered in St. Paul, Minnesota. Allina is a non-profit health care system serving residents of Minnesota, Wisconsin and North and South Dakota. As Vice President of Pharmacy Operations, Mr. Scott is responsible for providing pharmacy services in four metropolitan hospitals with 1700 beds and for developing pharmacy services for Allina Medical Group, with 500 health care providers and 65 clinics.

Exercising his commitment to the future of pharmacy leadership, Mr. Scott continues to serve as Clinical Assistant Professor and Associate Member of the Graduate Program in Hospital Pharmacy at the University of Minnesota College of Pharmacy in Minneapolis, a non-salaried position he has held for more than 10 years. As a member of the graduate facility, Mr. Scott assists and

advises graduate students in conducting their research and serves as a guest lecturer at the University.

After receiving his Bachelor of Science in Pharmacy from the University of Wisconsin School of Pharmacy, Mr. Scott went on to complete his Master of Science in Pharmacy Practice from the University of Kansas School of Pharmacy. Prior to election as President of the ASHP, Mr. Scott served as a member of ASHP Boards of Directors. He also held the distinguished position of President of the Minnesota Society of Hospital Pharmacists from 1992–1993, and in 1994 he was named a Fellow of the ASHP in recognition of his sustained contributions to pharmacy practice excellence.

American Society of Health-System Pharmacists is fortunate to have an individual with the credentials of Mr. Scott at its helm, as the organization devotes its attention to issues of patient safety and the effective use of prescription medications.●

FOUR CORNERS INTERPRETIVE CENTER ACT

● Mr. HATCH. Mr. President, I would like to take this opportunity to say a few words about S. 28, the Four Corners Interpretive Center Act. I was very pleased that the Senate saw fit to pass this bill by voice vote on September 9, 1999, and I fully expect that this legislation will pass the House and be sent to the President during this Congress.

This legislation could not have passed without the strong support of its cosponsors, Senators ALLARD, BENNETT, BINGAMAN, CAMPBELL, and DOMENICI. Chairman BEN NIGHTHORSE CAMPBELL and the staff of the Senate Indian Affairs Committee deserve special praise for going the extra mile in shepherding this proposal through the committee with speed and professionalism.

The Four Corners Interpretive Center Act will benefit the Four Corner states, the Navajo Nation, and Ute Mountain Ute tribe, and especially the throngs of visitors who make the special effort to visit the remote Four Corners region, the only location where the corners of four states converge. A quarter million tourists visit the Four Corners each year, only to find that there are no utilities, no permanent restrooms, no running water, no telephones, and no vending stations for their convenience.

Additionally, the Four Corners National Monument has unique historical, cultural, and environmental significance. The absence of any educational exhibits to help visitors appreciate the area is a wasted opportunity. The interpretive center authorized by this bill will enable all Americans who come to this area to learn about the ancient home of the Anasazi people as well as the area's geography, plant and animal species.

The objective of S. 28 is simple: to aid in the construction and maintenance of an interpretive center at the Four Corners National Monument. The bill calls for a cooperative agreement among the Navajo Nation, Ute Mountain Ute tribe, affected local governments, and the four corners states to be approved by the Interior Department. Matching funds from each of the four states would also be required. Arizona has already committed funds. This is the type of intergovernmental partnership that has worked well on a variety of other projects throughout the country, and it is an appropriate model for the interpretive center.

Again, I want to thank my colleagues in the Senate for passing this important legislation.●

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2490

Mr. SHELBY. Mr. President, I ask unanimous consent that at 10 a.m. on Thursday, September 16, the Senate proceed to the consideration of the conference report to accompany H.R. 2490, the Treasury-Postal appropriations bill.

I further ask consent that the reading be waived and that there be 10 minutes of debate equally divided in the usual form.

I finally ask consent that following the debate, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

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

ELEVATING THE POSITION OF DIRECTOR OF THE INDIAN HEALTH SERVICE TO ASSISTANT SECRETARY FOR INDIAN HEALTH

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 268, S. 299.

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

The legislative clerk read as follows:

A bill (S. 299) to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment on page 6, line 24, to insert ''(29 U.S.C. 761b(a)(1))''.

Mr. SHELBY. I ask unanimous consent the committee amendment be agreed to, 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 committee amendment was agreed to.

The bill (S. 299), as amended, was read the third time and passed, as follows:

S. 299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

''Assistant Secretaries of Health and Human Services (6).''; and

(B) by inserting the following:

''Assistant Secretaries of Health and Human Services (7).''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

''Director, Indian Health Service, Department of Health and Human Services.''.

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in the second sentence of paragraph (1), as so designated, by striking ''a Director,'' and inserting ''the Assistant Secretary for Indian Health,''; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: ''The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

''(2) The Assistant Secretary for Indian Health shall—

''(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

''(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.''.

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking ''Director of the Indian Health Service'' both places it appears and inserting ''Assistant Secretary for Indian Health''; and

(ii) in subsection (d), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''; and

(B) in section 816(c)(1), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health'':

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 *(29 U.S.C. 761b(a)(1))*.

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 269, S. 401.

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

The legislative clerk read as follows:

A bill (S. 401) to provide for business development and trade promotion for Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Business Development, Trade Promotion, and Tourism Act of 1999''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' has the meaning given that term in the first section of the Act entitled ''To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes'', approved June 18, 1934 (19 U.S.C. 81a).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(3) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN GOODS AND SERVICES.—The term ''Indian goods and services'' means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the ''Indian Arts and Crafts Act'') (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(5) INDIAN LANDS.—

(A) IN GENERAL.—The term ''Indian lands'' includes lands under the definition of—

(i) the term ''Indian country'' under section 1151 of title 18, United States Code; or

(ii) the term ''reservation'' under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term ''former Indian reservations in Oklahoma'' shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) INDIAN-OWNED BUSINESS.—The term ''Indian-owned business'' means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) TRIBAL ENTERPRISE.—The term ''tribal enterprise'' means a commercial activity or business managed or controlled by an Indian tribe.

(10) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the ''Office'').

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the ''Director''). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) ACTIVITIES.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) ASSISTANCE.—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the ''program'').

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to the Act entitled ''An Act to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes'', approved June 18, 1934 (19 U.S.C. 81a et seq.), the Board shall consider, on a priority basis, and expedite, to the maximum extent practicable, the processing of any application involving the establishment

of a foreign-trade zone on Indian lands, including any Indian lands designated as an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes'', approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall, with respect to any application involving the establishment of a port of entry that is necessary to permit the establishment of a foreign-trade zone on Indian lands—

(1) consider that application on a priority basis; and

(2) expedite, to the maximum extent practicable, the processing of that application.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian lands, to the maximum extent practicable and consistent with applicable law, the Board and the Secretary of the Treasury shall approve the applications.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Mr. SHELBY. Mr. President, I ask unanimous consent the committee substitute amendment be agreed to, 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 committee substitute amendment was agreed to.

The bill (S. 401), as amended, was read the third time and passed.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 270, S. 613.

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

The legislative clerk read as follows:

A bill (S. 613) to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Economic Development and Contract Encouragement Act of 1999''.

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows:

''SEC. 2103. (a) In this section:

''(1) The term 'Indian lands' means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.

''(2) The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(3) The term 'Secretary' means the Secretary of the Interior.

''(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

''(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

''(d) The Secretary (or a designee of the Secretary) shall refuse to approve an agreement or contract that is covered under subsection (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

''(1) violates Federal law; or

''(2) does not include a provision that—

''(A) provides for remedies in the case of a breach of the agreement or contract;

''(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

''(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

''(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 1999, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

''(f) Nothing in this section shall be construed to—

''(1) require the Secretary to approve a contract for legal services by an attorney;

''(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); or

''(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe.''.

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the ''Indian Reorganization Act'') (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking '', the choice of counsel and fixing of fees to be subject to the approval of the Secretary''.

Mr. SHELBY. Mr. President, I ask unanimous consent the committee substitute amendment be agreed to, 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 committee substitute amendment was agreed to.

The bill (S. 613), as amended, was read the third time and passed.

INDIAN TRIBAL REGULATORY REFORM AND BUSINESS DEVELOPMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 271, S. 614.

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

The legislative clerk read as follows:

A bill (S. 614) to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Regulatory Reform and Business Development Act of 1999''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term ''Indian lands'' includes lands under the definition of—

(i) the term ''Indian country'' under section 1151 of title 18, United States Code; or

(ii) the term ''reservation'' under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term ''former Indian reservations in Oklahoma'' shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(7) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

(2) PURPOSE.—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business development, and the creation of wealth with respect to the economies of Native American communities.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Authority established under this section shall be composed of 21 members.

(2) REPRESENTATIVES OF INDIAN TRIBES.—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) REPRESENTATIVES OF THE PRIVATE SECTOR.—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

(c) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) REVIEW.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) MEETINGS.—The Authority shall meet at the call of the chairperson.

(f) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Authority shall select a chairperson from among its members.

SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

SEC. 6. POWERS OF THE AUTHORITY.

(a) HEARINGS.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) POSTAL SERVICES.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Authority may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. AUTHORITY PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS–13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 8. TERMINATION OF THE AUTHORITY.

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The activities of the Authority conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Mr. SHELBY. I ask unanimous consent that the committee substitute amendment be agreed to, 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 committee substitute amendment was agreed to.

The bill (S. 614), as amended, was read the third time and passed.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 272, S. 406.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 406) to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Native and American Indian Direct Reimbursement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1988, Congress enacted section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) that established a demonstration program to authorize 4 tribally-operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to patients eligible for reimbursement under the medicare or medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.), and other third-party payors.

(2) The 4 participants selected by the Indian Health Service for the demonstration program began the direct billing and collection program in fiscal year 1989 and unanimously expressed success and satisfaction with the program. Benefits of the program include dramatically increased collections for services provided under the medicare and medicaid programs, a significant reduction in the turn-around time between billing and receipt of payments for services provided to eligible patients, and increased efficiency of participants being able to track their own billings and collections.

(3) The success of the demonstration program confirms that the direct involvement of tribes and tribal organizations in the direct billing of, and collection of payments from, the medicare and medicaid programs, and other third payor reimbursements, is more beneficial to Indian tribes than the current system of Indian Health Service-managed collections.

(4) Allowing tribes and tribal organizations to directly manage their medicare and medicaid billings and collections, rather than channeling all activities through the Indian Health Service, will enable the Indian Health Service to reduce its administrative costs, is consistent with the provisions of the Indian Self-Determination Act, and furthers the commitment of the Secretary to enable tribes and tribal organizations to manage and operate their health care programs.

(5) The demonstration program was originally to expire on September 30, 1996, but was extended by Congress, so that the current participants would not experience an interruption in the program while Congress awaited a recommendation from the Secretary of Health and Human Services on whether to make the program permanent.

(6) It would be beneficial to the Indian Health Service and to Indian tribes, tribal organizations, and Alaska Native organizations to provide permanent status to the demonstration program and to extend participation in the program

to other Indian tribes, tribal organizations, and Alaska Native health organizations who operate a facility of the Indian Health Service.

SEC. 3. DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

(a) PERMANENT AUTHORIZATION.—Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

''(a) ESTABLISHMENT OF DIRECT BILLING PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Service under the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the 'medicare program'), under a State plan for medical assistance approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (in this section referred to as the 'medicaid program'), or from any other third party payor.

''(2) APPLICATION OF 100 PERCENT FMAP.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall apply for purposes of reimbursement under the medicaid program for health care services directly billed under the program established under this section.

''(b) DIRECT REIMBURSEMENT.—

''(1) USE OF FUNDS.—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) and sections 402(a) and 813(b)(2)(A), but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid programs. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

''(A) solely for improving the health resources deficiency level of the Indian tribe; and

''(B) in accordance with the regulations of the Service applicable to funds provided by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

''(2) AUDITS.—The amounts paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare and medicaid programs.

''(3) SECRETARIAL OVERSIGHT.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

''(4) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

''(c) REQUIREMENTS FOR PARTICIPATION.—

''(1) APPLICATION.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

''(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

''(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395qq; 1396j);

''(C) the facility meets the requirements that apply to programs operated directly by the Service; and

''(D) the facility—

''(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

''(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

''(2) APPROVAL.—

''(A) IN GENERAL.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that any of the criteria set forth in paragraph (1) are not met.

''(B) GRANDFATHER OF DEMONSTRATION PROGRAM PARTICIPANTS.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

''(C) DURATION.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a demonstration program under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

''(d) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement—

''(A) any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid program; and

''(B) any changes that may be necessary to enable participants in the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

''(2) ACCOUNTING INFORMATION.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required to be reported by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

''(e) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended by adding at the end the following:

''(e) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).''.

(2) Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended by adding at the end the following:

''(d) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 4. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Effective November 9, 1998, section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645(e)) is reenacted as in effect on that date.

(b) REPORTS.—Effective November 10, 1998, section 405 of the Indian Health Care Improvement Act is amended by striking subsection (e).

Mr. SHELBY. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to.

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

The committee substitute amendment was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that 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 bill (S. 406), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, SEPTEMBER 16, 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Thursday, September 16. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the transportation appropriations bill.

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

PROGRAM

Mr. SHELBY. Mr. President, for the information of all Senators, the Senate will convene at 9:30 in the morning and

immediately begin consideration of the transportation appropriations bill. By a previous consent agreement, at 10 a.m. the Senate will begin debate on the Treasury-Postal appropriations conference report, with a vote to take place at approximately 10:10 a.m. Also, the Senate is expected to complete action and vote on passage of the transportation appropriations bill during Thursday's session. The Senate may also consider further conference reports and any executive items on the Calendar.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SHELBY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:24 p.m., adjourned until Thursday, September 16, 1999, at 9:30 a.m.