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No. 135

## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 11:01 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

*Dear Lord and Father of mankind  
Forgive our feverish ways . . .  
Take from our souls the strain and stress,  
And let our ordered lives confess  
The beauty of Your peace.*—Whittier.

In this time of prayer, we claim the assurance given through Isaiah. You promise to keep us in perfect peace if we allow You to stay our minds on You. This is the peace we need today. The conflict and tension of these days threaten to rob us of peace in our souls. It is easy to catch the emotional virus of frustration and exasperation, criticism and consternation, party spirit and quid pro quo manipulation.

Then we remember that Your peace is the healing antidote that can survive any circumstance. Give us the peace of a trusting and committed mind guided by Your Spirit. May Your deep peace flow into us, calming our impatience and flow from us to others claiming Your inspiration. In the name of the Prince of Peace who whispers in our souls, "Peace I leave with you, My peace I give to you; not as the world gives do I give to you. Let not your heart be troubled, neither let it be afraid."—John 14:27. May this be a great day of working cooperatively to finish the work of the 106th Congress for Your glory and the good of America. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The able acting majority leader is recognized.

### SCHEDULE

Mr. STEVENS. Mr. President, speaking on behalf of the leader, for the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. today, with Senators DURBIN and THOMAS in control of the

### NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

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



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time. At 12:30, the Senate will recess until 2:15 for the weekly party conferences to meet. The House is expected to consider the continuing resolution this morning and the conference report to accompany the foreign operations appropriations bill this afternoon.

Therefore, the Senate will begin its consideration of those bills as soon as they become available. It is expected that the final votes regarding S. 2508, the Ute Indian water rights bill, will be this afternoon. Senators should be prepared to vote beginning around 4:30 this afternoon and throughout the remainder of the week in an effort to complete all business by the end of the week.

The leader thanks all Senators for their attention to this schedule.

#### RESERVATION OF LEADER TIME

THE PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

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

The Senator from Alaska.

#### DAIRY MARKET ENHANCEMENT ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2773, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4340

Mr. STEVENS. Senator CRAIG has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CRAIG, proposes an amendment numbered 4340.

Mr. STEVENS. 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:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

#### SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

##### "Subtitle C—Dairy Product Mandatory Reporting

#### "SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for dairy products.

#### "SEC. 272. DEFINITIONS.

"In this subtitle:

"(1) DAIRY PRODUCTS.—The term 'dairy products' means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(2) MANUFACTURER.—The term 'manufacturer' means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

#### "SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the dairy product manufacturing industry.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—In establishing the program, the Secretary shall only—

"(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

"(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

"(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

"(2) CONDITIONS.—The conditions referred to in paragraph (1)(A)(i) are that—

"(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

"(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

"(B) RELATION TO OTHER REQUIREMENTS.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

"(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(4) ENFORCEMENT.—

"(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

"(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

"(C) APPEAL.—

"(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

"(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

"(D) NONCOMPLIANCE WITH ORDER.—

"(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

"(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

"(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

"(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

"(A) the submission or reporting of information;

"(B) the receipt or availability of, or access to, published reports or information; or

"(C) any other activity required under this subtitle.

"(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain,

and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

Mr. STEVENS. I ask unanimous consent the amendment be agreed to, the bill be read for the third time and passed, the motion to reconsider be laid on the table, and any statements relating to this bill be printed in the RECORD.

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

The amendment (No. 4340) was agreed to.

The bill (S. 2773), as amended, was read the third time and passed.

#### NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4846, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4341

Mr. STEVENS. Mr. President, it is my understanding Senator DASCHLE and others have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DASCHLE, for himself, Mr. LEAHY, and Mr. WYDEN, proposes an amendment numbered 4341.

Mr. STEVENS. 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:

In section 101, insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), strike “10 years” and insert “25 years”.

In section 102(a)(3), insert “and collections of sound recordings” after “recordings”.

In section 102(b), insert “or collection of sound recordings” after “recording”.

In section 103(a), insert “or collection of sound recordings” after “recording” each place it appears.

In section 103(b)(1), insert “or collection of sound recordings” after “sound recording”.

In section 103(b)(4), insert “or collection of sound recordings” after “sound recording” the first place it appears.

In section 103(c), insert “or collection of sound recordings” after “sound recording”.

In section 103(c), strike “recording,” and insert “recording or collection.”

In section 104(a), insert “(including electronic access)” after “reasonable access”.

In the heading for section 122(d)(2), insert “OR ORGANIZATION” after “ORGANIZATION”.

In section 124(a)(1), insert “and collections of sound recordings” after “recordings” the first place it appears.

Add at the end of section 124 the following new subsection:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation’s recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Insert after section 125 the following new section:

#### SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations described in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Redesignate section 133 as section 134 and insert after section 132 the following new section:

#### SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

Mr. STEVENS. Mr. President, I ask unanimous consent the amendment be agreed to, the bill, as amended, be read for the third time and passed, the motion to reconsider be laid on the table, and the title amendment be agreed to, with no intervening action or debate.

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

The amendment (No. 4341) was agreed to.

The bill (H.R. 4846), as amended, was read the third time and passed.

The title amendment (No. 4342) was agreed to, as follows:

Amend the title to read as follows: “A Bill to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.”

#### DISCRETIONARY SPENDING CAPS

Mr. STEVENS. Mr. President, I wish to make a statement about the discretionary spending caps that will be coming before the Senate on the foreign assistance appropriations bill. There is a

provision on that bill which is required to adjust the spending caps because of the limitations in the 1997 Budget Act.

Subsection (a) of the amendment that will be before the Senate increases the discretionary cap for budget authority under the Balanced Budget Act of 1997 from \$541.1 billion to \$637 billion, and increases the discretionary cap for general purpose outlays under the Balanced Budget Act of 1997 from \$547.3 billion to \$612.7 billion.

When discretionary highway and mass transit outlays of \$32.3 billion—separate cap categories—are added to this amount, we will have allowable discretionary spending of \$645 billion under this raised cap.

Subsection (b)(1) includes emergency spending already committed during this session under the new cap limits. Emergency spending is usually excluded from cap limits. In this instance, we have included such spending within the cap limits in order to be assured we will not invade the Social Security surplus.

We have another subsection, (b)(2), that provides for adjustments under these caps to continue, as permitted by current law, for continuing disability reviews, CDRs: \$450 million in budget authority; the earned-income tax compliance initiative, EITC, that is \$145 million in budget authority, and adoption assistance of \$20 million in budget authority; and for an outlay adjustment of 0.5 percent.

Subsection (c) provides for a 0.5-percent adjustment for budget authority to cover the differences between CBO and OMB scoring methods. A similar adjustment was provided last year.

These caps assure us that we will have the funds available to deal with the remaining two bills that are very contentious; the State-Justice-Commerce bill and the Labor-Health and Human Services bill. For each of those bills, we allocated portions of the 302(b) authority that was given to our Appropriations Committee under the budget resolution for the year 2001. However, after those bills had passed and gone to conference, we recovered portions of the 302(b) allocation and allocated that to Housing and Urban Development and the energy and water bill. The result is that these two bills that are in conference now do not have the full funding that would be required to bring them back across the floor to the Senate.

This adjustment to the 2001 discretionary spending caps, as contained in the foreign assistance bill that will be before the Senate, I hope this afternoon, are necessary in order that those two bills can be reallocated funding sufficient to assure that they will be able to be considered and passed by the Senate.

It has been a very difficult year for the Appropriations Committee because of the circumstances, because of the differences between the President’s budget and the congressional budget resolution. There is a substantial gap

between those two documents, and we have done our best to work with them. This action that we have taken now to lift the spending caps will give us the opportunity to work out the differences with the administration. I do believe that should and can be completed today. It is my firm hope we will complete action on the other two bills today so the House may commence consideration of them tomorrow and that the Senate will consider them Friday. That, of course, is going to take a lot of understanding and cooperation from all Members of the Senate, and I for one urge that take place.

I have not been home since the first week of August. We, on the Appropriations Committee, have been working around the clock on this process since the second week of August. It is time this come to an end. The disputes and conflicts between the bills, and between the administration and the Congress, between the House and Senate, and between Members of each body and within each body, are the most intensive I have ever seen. But it is time we realize that at the end of this week we will be 1 week away from the elections. I do not think Congress ought to be in session in the week before the elections, and I am going to do my utmost to see that we finish these bills by Friday.

If that is not possible, the leader will have to decide what we do. I, for one, intend to go home Saturday.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business. Senators are to be recognized for up to 5 minutes each.

Mrs. BOXER. I ask unanimous consent that I be recognized for 10 minutes.

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

#### POLITICS AND ELECTIONS

Mrs. BOXER. Mr. President, there is so much happening in the world of politics and elections, it is almost hard to know what topic to talk about. Education is certainly No. 1 on the agenda of the American people, and we are now in the final stages, I hope, of agreeing—I am hopeful—on an education bill for our country. We have made some good progress. I am very glad; it appears President Clinton's budget priority for afterschool programs is winning out. I am hoping that is the case.

Many of us have worked long and hard to make the point that afterschool care is crucial, that it is the

best antidote to high crime, juvenile crime that occurs in the afternoons after school. It is a no-brainer. We know if kids are kept occupied after school, it keeps them out of trouble. We have seen these programs work. We have seen that juvenile crime occurs between 3 and 6 p.m. If children are engaged in stimulating activity after school, it helps.

President Clinton and the Democrats have been trying to ensure that the 1 million children who are waiting for afterschool programs, in fact, get afterschool programs. After reading press reports, I am glad to report to my colleagues that this looks as if it is on the way. However, we still have a major disagreement on school construction. I have seen some of our schools that are falling apart. Again, I hope we can reach agreement on this crucial issue.

The two candidates for President have been arguing over education. The good news is that education is the topic of the day. It is important, when we realize we have to import people to come into this country to take the high-tech jobs, and what a tragedy it is that our young people are not trained. So education is key.

Of course, there is an argument between the two candidates on whether or not education should be a national priority, which is Vice President GORE's view, or Governor Bush's view that really the National Government should not get very involved. This is a key distinction.

I side with Dwight Eisenhower, a Republican President, who said it is crucial to our national defense to have education as a top priority and to make sure that our young people are educated in math, science, and reading, everything they have to know—even in those days before high tech. I think Vice President GORE is correct.

There is also a flap over some claims that the Texas students were doing really well. It turns out that the independent Rand report issued just yesterday says, in fact, those Texas students were not tested with national tests. If one looks at the national tests, they are just not making it. Clearly, this education issue is going to go on.

I come here as a member of the Foreign Relations Committee to talk about another issue, a very important issue, and that is an issue that is being debated in the Foreign Relations Committee right now. I am not on the particular subcommittees that are holding this hearing, but it seems to me the hearing going on about U.S.-Russia policy in 1995 are really aimed at trying to take a hit at Vice President GORE.

It is interesting that Republican officials who are speaking up 2 weeks before the election never even talked about the agreement that came out of those meetings in 1995. They did not talk about them for 5 years, but 2 weeks before an election they are out there trying to hurt the Vice President. This is politics at its very worst.

Frankly, what we ought to be talking about is foreign policy in the years 2000 and 2001 in this century because some of the comments made by Governor Bush and his advisers are raising all kinds of alarms throughout the world. It is important that they be put on the table. These remarks have to do with the U.S. policy in the Balkans. Advisers to Governor Bush have followed up on his statements he made in the last debate that if he was elected President, he would negotiate for the removal of all U.S. peacekeeping troops from the Balkans. As one can imagine, this announcement has set off alarms in capitals of our European allies who rightly believe that such a policy would weaken and divide NATO.

One of the things that alarmed me about Governor Bush's comments was he said our military is really there to fight wars and win wars, not to keep the peace; that is our role. That puts our people in a very difficult position because if, in fact, we have a situation where suddenly our military is no longer involved in peacekeeping but only in fighting, then I think our NATO allies will say: OK, you do the fighting, we will do the peacekeeping. And it means that our troops will be in harm's way and our pilots will be in harm's way. This is a great concern to me.

According to today's New York Times, Lord Robertson, the NATO Secretary General, has regularly told visiting American Congressmen that the Bush proposal could undermine the whole idea of risk sharing, which is precisely the glue that holds our alliance together.

The Washington Post quotes one European Ambassador saying:

If the U.S. says it will not perform certain tasks, then the basic consensus of "all for one and one for all" begins to unravel. . . . The integrated military command could fall apart and so would [our] alliance.

Mr. ENZI. Mr. President, will the Senator yield for a unanimous consent request?

Mrs. BOXER. I will be happy to yield as long as I do not lose time and do not lose my right to the floor.

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

Mr. ENZI. I thank the Senator from California.

#### UNANIMOUS CONSENT AGREEMENT—THE CONTINUING RESOLUTION

Mr. ENZI. Mr. President, I ask unanimous consent that at 4:30 p.m. today, provided that the Senate has received the papers, the Senate proceed to the consideration of the 1-day continuing resolution, and no amendments or motions be in order, and that the Senate proceed to an immediate vote on final passage of the joint resolution.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I just want to find out if this was cleared on our side.

Mr. ENZI. This was cleared on both sides.

Mrs. BOXER. Then I have no objection.

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

Mr. ENZI. In light of this agreement, the first vote today will occur at 4:30 p.m.

I thank the Senator.

Mrs. BOXER. I thank my friend.

#### POLITICS AND ELECTIONS

Mrs. BOXER. Let me take us back from before the unanimous consent request was made and kind of summarize where I was going.

We had a statement by Governor Bush. The statement was that he wanted to see all of those peacekeeping troops come home from the Balkans. He said we should not be involved in peacekeeping, only in fighting. As a member of the Foreign Relations Committee, I am concerned and clearly our NATO allies are concerned. Lord Robertson, the NATO Secretary General, again, has said this could undermine our relationship with our NATO alliance.

The Washington Post says one European Ambassador was quoted as saying: If the U.S. says it will not perform certain tasks, then the basic consensus of NATO begins to unravel.

Now, I remember being very surprised, because I was at the second debate, when Governor Bush made the point that we were carrying the load in the Balkans in terms of the peacekeeping troops. I knew that was incorrect. The fact is, American troops are no more than 20 percent of the total. American aid represents no more than 20 percent of what is being provided to Bosnia and Kosovo.

I would hate to see us walk away from peacekeeping and tell everyone we are the fighters; and then have our allies say: OK, you do the fighting; we do the peacekeeping. It is of great concern to me.

Mr. President, I ask unanimous consent to have printed in the RECORD some editorials that have been written on this subject by the New York Times, the Washington Post, and USA Today.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 2000]

#### RISKING NATO

Gov. George W. Bush wants a new "division of labor" within NATO, the U.S.-European alliance that has helped keep the peace for the past half-century. His proposal would more likely lead to a division of NATO itself—to the end of the alliance.

Mr. Bush hinted at this view before, with his denunciation of U.S. "nation-building" in the Balkans, but it was his national security adviser, Condoleezza Rice, who spelled out exactly what he means in a New York Times interview published Saturday. Ms. Rice said that America's allies in Europe should furnish the ground troops for missions such as peacekeeping in Kosovo and Bosnia, while the United States should offer "the kind of

support we can provide, such as air power." In other words: You Europeans take all the risks while we hover safely above the fray. No allies would long accept such a deal, nor should they be expected to.

The proposal is particularly misguided given that European allies already are bearing the brunt of peacekeeping duties in the Balkans. They provide about four-fifths of needed troops. The United States has deployed some 11,000 troops in Kosovo and Bosnia, less than one percent of its active duty force. For the United States, this is a win-win situation: Its policy is implemented, but the burden of implementation is widely shared. Under Ms. Rice's proposal, which was officially endorsed by Bush campaign headquarters, the United States would lose its ability to steer policy, risk the world's most successful alliance—and very likely inherit a far larger burden once the Balkans erupted again.

The Clinton Administration has picked an unfortunate argument in response. Secretary of State Madeleine Albright, again to the Times, said that even raising the issue was dangerous to U.S. interests. This recalls the Gore-Lieberman campaign's contention that Mr. Bush's criticism of U.S. military readiness is dangerous because it comforts U.S. enemies. This effort to squelch debate is preposterous; these are precisely the kinds of issues that should be aired in a campaign.

The more sensible response would be to point out that the Clinton-Gore policies seem to be having an effect. The Balkans are at peace; democracy is sprouting almost everywhere; even the apparently invulnerable Slobodan Milosevic has been knocked from his perch. Of course many problems remain, the gains are fragile and, yes, U.S. troops will be needed for some time. But surely helping democracy take root throughout Europe is worth the modest price of that modest deployment.

[From the New York Times, Oct. 24, 2000]

#### NO TIME FOR A BALKAN EXIT

Sharp contrasts emerged over the weekend in the way the Bush and Gore campaigns view America's proper military role in Europe. The debate began when Condoleezza Rice, one of Gov. George W. Bush's leading foreign policy advisers, told The Times's Michael Gordon that a Bush administration would ask European members of NATO to gradually take over full responsibility for providing peacekeeping forces for Bosnia and Kosovo. Vice President Gore countered that carrying out such a policy could destabilize the Balkans and jeopardize the future of NATO, America's most important military alliance.

Debates over how and where United States military forces should be stationed are a healthy part of presidential contests. Ms. Rice's proposal is consistent with the Bush campaign's view that extended peacekeeping missions degrade the combat readiness of American military forces and that the Pentagon should concentrate its resources on preparing for crises where Washington alone has the might to deter, and, if necessary, combat aggression, whether in the Persian Gulf, the Korean Peninsula or a future military conflict in Europe.

But on the specifics of America's role in the Balkans, Ms. Rice's proposal is misguided for several reasons. The job of securing peace in Bosnia and Kosovo is far from complete. The American share of the peacekeeping has already been substantially reduced. Finally, the NATO alliance has been built on a concept of shared risk that is inconsistent with a total withdrawal of American ground forces from Balkan peacekeeping.

It is true that military conditions in Bosnia are now more stable than they were when NATO troops were first introduced five years ago and that the situation in Kosovo has also improved in the year since Serbian forces withdrew. But in neither place is there yet enough security for displaced refugees to return to their homes or for elections to take place without the risk of physical intimidation. The departure of Slobodan Milosevic from Yugoslavia's presidency creates new opportunities for easing tensions in both Bosnia and Kosovo, provided local troublemakers can be kept in check. That will require a continued strong NATO presence.

The Clinton administration, meanwhile, has done a good job of insisting that America's share of peacekeeping responsibilities be steadily reduced. There are now only 11,400 American troops in the Balkans, about one-fifth of the NATO total. When NATO first went into Bosnia, about a third of its 60,000 troops were Americans. Balkan peacekeeping costs account for just over 1 percent of the Pentagon's \$280 billion budget, leaving more than enough for military needs elsewhere.

Asking Europe to accept a total withdrawal of American ground forces from the Balkans needlessly challenges some of the basic assumptions of the Western military alliance. NATO was formed not just to counter Soviet bloc military threats. It was also designed to eliminate some of the historic military rivalries in Europe that led to two world wars. NATO provides a framework for European and American forces to cooperate in joint operations under a single overall commander—traditionally an American. Europe cannot be expected to accept an alliance in which Washington exercises political and military leadership but does not subject its own forces to any of the risks of ground operations. The Bush campaign is right when it insists that the United States must be selective in where it stations ground forces. But the Balkans is not the place to cut back.

[From the USA Today, Oct. 24, 2000]

#### BUSH TAKES UNWISE STEP AWAY FROM PEACEKEEPING

##### TODAY'S DEBATE: U.S. AND EUROPE

OUR VIEW: FOR THE U.S. TO LEAD NATO, IT MUST PARTICIPATE

Most Americans want to see their country as a world leader, but they are unenthusiastic about the human and financial costs of doing what may be necessary to lead. So it's no surprise that both presidential candidates have treaded carefully on defining America's future role in peacekeeping.

But during the weekend, the Bush campaign refined its position in a way that's likely to win votes while weakening the United States' leadership role in Europe.

In a proposal that plays into the public's ambivalence, George W. Bush's senior national security aide, Condoleezza Rice, suggested that a Bush administration would tell NATO that Europeans should take over peacekeeping in the Balkans. The U.S. would focus instead on potential trouble spots where it alone can act, she said, such as the Persian Gulf and the Taiwan Straits.

Her remarks were an effort to flesh out Bush's repeated theme that U.S. forces should focus on the ability to fight wars, not what he derides as "nation building." It's appealing logic to a country that has never been enthusiastic about long-term foreign commitments. But it is rooted in the dubious assumption that the United States can effectively lead NATO, the West's primary defense alliance, without being a full player.

Both the recent history of the Balkans and the longer-term history of Europe say that is shortsighted.

The tragedy of post-Cold War Europe in the '90s was that our allies were unable to deal with chaos, "ethnic cleansing" and the serious threat of an expanding war on their doorstep until the United States belatedly got involved. In both Bosnia and Kosovo, European governments squabbled among themselves until the United States finally agreed to share some of the risk on the ground. The ethnic cleansing was curtailed without a single U.S. casualty.

Today, Americans comprise less than 20% of the Bosnia-Kosovo peacekeeping force, a contribution former NATO commander Wesley Clark calls the bare minimum if the United States wants to have any influence on NATO actions there. If the United States were to pull out, the record suggest it would be naive to expect Europe to respond meaningfully to the next Bosnia or Kosovo.

The deeper risk extends beyond the Balkans to the overall U.S. role in NATO. Since NATO's formation in the wake of World War II, it has served to quiet the continent's longstanding rivalries. Weakening U.S. leadership would set off a counterproductive race to fill the gap, with unfavorable consequences for U.S. interests.

A core part of the Bush argument is that the armed forces are too stretched to manage peacekeeping and prepare for war effectively. But the U.S. deployment to the Balkans is less than 10% of our military in Europe, and the cost is scarcely 1% of the Pentagon budget. Whatever shortcomings there may be in defense readiness or troop morale, blaming them on Balkans peacekeeping defies logic.

Vice President Gore, who played a central role in the Clinton administration's policy in the Balkans, accused Bush of a "lack of judgment and a complete misunderstanding of history."

Expecting Europe to act decisively on its own or to accept U.S. leadership without at least token U.S. involvement in the field is sadly unrealistic.

Mrs. BOXER. I am going to read a little bit from those editorials when I can find my glasses, which is an important thing. Here they are. When I started out in politics, I did not need these reading glasses. So that shows you how long I have been around.

This is from the Washington Post:

The Balkans are at peace; democracy is sprouting almost everywhere; even the apparently invulnerable Slobodan Milosevic has been knocked from his perch. Of course, many problems remain, the gains are fragile and, yes, U.S. troops will be needed for some time. But surely helping democracy take root throughout Europe is worth the modest price of that modest deployment [of peacekeeping troops].

The New York Times says that George Bush's adviser's proposal is misguided. That is the proposal to say that we will no longer participate in peacekeeping.

The job of securing peace in Bosnia and Kosovo is far from complete. The American share of the peacekeeping has already been substantially reduced. Finally, the NATO alliance has been built on a concept of shared risk that is inconsistent with a total withdrawal of American ground forces from Balkan peacekeeping.

Now, we know that America's share, they say, of peacekeeping responsibilities is steadily reducing.

There are now only 11,400 American troops in the Balkans, about one-fifth of the NATO total. When NATO first went into Bosnia,

about a third of its 60,000 troops were Americans. Balkan peacekeeping costs [are only] 1 percent of the Pentagon's . . . budget. . . .

Asking Europe to accept a total withdrawal of American ground forces from the Balkans needlessly challenges some of the basic assumptions of [our] western military alliance.

Our Western military alliance has served us well. Why would we now—when we see the tinderbox over in the Middle East—come up with a plan that would shake up our allies, that would worry our friends? This is the time not to make those kinds of proposals. And those proposals themselves are dangerous for the world.

I will also quote from USA Today. So you are seeing a whole number of newspapers coming out against this Bush plan.

They say:

The deeper risk extends beyond the Balkans to the overall U.S. role in NATO. Since NATO's formation in the wake of World War II, it has served to quiet the continent's longstanding rivalries. Weakening U.S. leadership would set off a counterproductive race to fill the gap, with unfavorable consequences for U.S. interests.

I have to believe this kind of a policy—either it was not thought out or it is a radical departure from what has worked for us not only through the cold war but after the cold war. Governor Bush says we can't do all this alone. And I agree with him; we can't do all this alone. But the bizarre thing is, he is pulling us out of a situation—or would want to, if he were President—where we are only about 20 percent of the force. This is an example of the way we ought to integrate all of the responsibilities of the various allies. I find it amazing that this policy would come up at this time when we have the world in such a precarious position as we look at what is happening in the Middle East.

So in any event, in closing, I will make these points in two areas: education and foreign policy.

I think there are some interesting new developments the American people ought to look at. One, we have a candidate for President, who is the Governor of Texas, who is using Texas as the model. We just learned that Texas is almost dead last as a place people would want to raise their children. That is an unbiased report that came out. We have a Rand study, which is a study that Bush himself has cited, which says these kids in Texas are simply not making it.

We now have this foreign policy fiasco. While the Republicans want to look at what went on in 1995 between Russia and America, we now realize that what we ought to be looking at is this latest proposal by Governor Bush, and to try to debunk it, that would say we ought to pull our peacekeeping troops out, that America should not even have a role in peacekeeping. It is rattling our NATO allies.

Again, NATO has served us well. Why? Because we all cooperate and we work together and we come up with

plans together. And to have this, if you will, "Molotov cocktail" from George Bush just thrown out—unprovoked—to shake up our NATO allies, and say, "We are not going to do peacekeeping; we are going to do fighting," I say to this Senate that I do not like that division of responsibilities, where America does all the fighting and our NATO allies do the peacekeeping.

I do not like shaking up our allies at this time. I think it shows a certain recklessness, a certain lack of experience, a certain misunderstanding of history of what it has been like for us to build these alliances. As a member of the Foreign Relations Committee, I am very concerned by this proposal. I believe it will have a very negative impact.

I am someone who has fought long and hard for burdensharing. I have offered a number of amendments in the House and the Senate asserting that it is important our allies carry their fair share. I will go on record as saying 80 percent of the troops in the Balkans is a fair share; 80 percent of our commitment in the Balkans is being paid by the Europeans, 20 percent by the Americans. That is good. That is a fair share. That is working.

To throw this kind of a proposal out there at this time when the Middle East is in crisis, when we need our allies at the table, when we need good relationships with our friends, shows a certain irresponsibility and riskiness upon which the American people are not going to look very kindly. And certainly, while the Foreign Relations Committee is beating up on the Vice President 2 weeks before an election about Russia-United States relations; our problem today isn't Russia-United States relations; our problem today is trying to do the best we can with our allies in the world to end some of these tragedies going on in the Middle East, to work for a new Yugoslavia that is democratic, to make sure we build on Madeleine Albright's seeming success in North Korea where, by the way, we have 37,000 troops. Maybe my friend from Illinois knows this. I did not hear any comments about pulling out troops from the Koreans, but maybe that is his next proposal, where we have kept the peace and stability.

Mr. DURBIN. If the Senator from California will yield.

Mrs. BOXER. I am happy to yield.

Mr. DURBIN. She has raised an important point. Most people would agree that the Governor of Texas has limited personal exposure and experience when it comes to foreign policy issues. That does not mean he is disqualified. There have been Presidents who have been Governors. But we have to judge him on what he has said.

His suggestion of the withdrawal of troops in some parts of the world raises serious questions as to whether or not he has considered the consequences. The United States made a commitment, for example, in Europe after World War II to stop the spread of communism. It cost the American people

trillions of dollars. It paid off: 250 years later, communism is virtually wiped off the map and these countries, the Balkans and eastern European countries, now enjoy democracy and freedom.

There was only one country in the world that could do that, and that was the United States. We have military skill, the great men and women in uniform, and we have a reputation of involving ourselves in foreign policy—not to come away with any property or treasure; we are there to try to promote the ideals and values of our country.

So when Governor Bush suggests withdrawing troops in some parts of the world, you have to wonder, has he really reflected on this? Has he taken the time to try to measure why he would change policies that even his father supported, perhaps President Reagan supported, and now he wants to change these policies and approaches?

This is an important element. Thank goodness we live in a world that is generally at peace, but it is a dangerous world that at any moment can flare up. We need leadership in the White House that understands the consequences of its actions.

I salute the Senator from California. What we are seeing happen today in North Korea—where they are finally talking to us; they are finally agreeing to perhaps end the missile testing—is a very positive development. It is only because the United States made a commitment in South Korea with the lives of our service men and women and then kept troops there to protect it that we have reached that point today.

Mrs. BOXER. I thank my friend.

I ask unanimous consent that Senator DURBIN be given 5 minutes following the completion of my time.

Mr. KYL. Mr. President, I did not hear the request.

Mrs. BOXER. I ask that Senator DURBIN be given 5 minutes when I conclude my time.

Mr. KYL. I object, Mr. President, on the ground that I was going to speak at a quarter till.

Mr. DURBIN. May I make an inquiry of the Chair?

The PRESIDING OFFICER (Mr. ENZI). The Senator from Illinois.

Mr. DURBIN. I want to be fair to my colleagues. It was my understanding that the Democratic side would have the first 25 minutes in morning business and then the Republican side. But in the interest of my colleagues who have given up their own time, I am happy to work out an arrangement with them.

The PRESIDING OFFICER. Is the objection over adding 5 minutes or taking the 5 minutes?

Mr. KYL. Let me withdraw the objection.

Mrs. BOXER. I was just making sure that Senator DURBIN would be recognized for the next 5 minutes.

Mr. KYL. Mr. President, might I withdraw my objection. I did not un-

derstand the Senator's request. My understanding was that the minority time would have expired about now. I understand that is not the case. Therefore, I do not object to the request of the Senator from California to have Senator DURBIN speak next. I was hoping to be able to speak before noon, but that may not be possible.

Mr. DURBIN. May I ask for clarification? How much time does the Democratic side have remaining in morning business?

The PRESIDING OFFICER. The Democratic side has a little over 24 minutes. The Republican side has 20 minutes.

Mr. DURBIN. Would the Chair make an inquiry of my two Republican colleagues as to how long they would like to speak.

Mr. THOMAS. Mr. President, if I could clarify, it is no big deal. What we had was the morning business time divided between Republicans and Democrats. The leader's time took some of that, so we didn't have enough. We ought to share equally what remains. Whatever that division is, it ought to be divided between the two of us.

Mrs. BOXER. If I may restate my unanimous consent request, understanding that we have 24 minutes remaining, I would appreciate it if Senator DURBIN could follow my remarks so we have some train of thought. Then we can take the next 10 minutes from the Republican time, if they would like to use it. I don't think Senator DURBIN has a problem; I don't have a problem.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. If we would determine exactly the time that is remaining and then maybe add to that my opportunity to speak after Senator DURBIN.

Mrs. BOXER. I am happy to.

Mr. KYL. If we could suspend one moment.

Mrs. BOXER. I am happy to do that.

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

Mr. KYL. Mr. President, might I ask if we could suspend the request for one moment. Senator THOMAS is technically in control of the time on our side. He should be the one who understands this request.

The PRESIDING OFFICER. When the Senator from California finishes, the Senator from Illinois will speak for 5 minutes, followed by the Senator from Arizona.

Mr. KYL. I thank the Chair.

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

Mrs. BOXER. Out of the 10 minutes I originally had, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used her time.

Mrs. BOXER. I ask unanimous consent for 60 seconds to recap what I said before the time goes to Senator DURBIN.

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

Mrs. BOXER. We have taken longer deciding who is going to talk than we

have on what we really want to say. I will sum up my points today.

I think two issues are coming to the floor in this election. Education is one of them. We have the Governor of Texas saying his kids in Texas are doing great. We learned today that was based on a State test, not a national test. So that is something we have to look at. We have a new study showing that Texas is one of the worst places to raise a child. That is from another objective, nonpartisan study.

Now we have a hearing going on in Foreign Relations beating up on Vice President GORE for something that happened in 1995, when not one Republican ever complained about it until 2 weeks before the election, when Governor Bush has now made a proposal that in essence threw a bomb into NATO—figuratively, not literally—and our NATO allies are worried and concerned that suddenly we have on the table a proposal—not very well thought out, in my view—that would drastically change NATO and would say, in essence, that the United States will be the fighters, someone else will be the peacekeepers.

I think it is more dangerous for our people to take that on alone. It is a big worry I have. It shows in this sensitive time why we need proven, effective, experienced leadership in the White House. We don't want to have someone coming in and throwing this kind of proposal into NATO. We need our NATO allies now more than ever. We have great opportunities for peace in the world. We are not going to make them come true if we dissect NATO and destroy it.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, for the sake of my colleagues on the floor, Senator THOMAS and others, it is my understanding that I am to speak for 10 minutes, and then the Republican side will be recognized.

The PRESIDING OFFICER. The request was made for 5 minutes.

Mr. DURBIN. Five minutes, fine. I will confine my remarks to 5 minutes in the interest of my patient colleagues. After Senator THOMAS and Senator KYL, I would like to reclaim the Democratic time under morning business.

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

#### MAKING TOUGH CHOICES

Mr. DURBIN. Mr. President, in 2 weeks the American people are going to face one of the toughest choices they have had perhaps in modern memory.

This Presidential race is not just a choice between two individuals and whether, frankly, one has a better image on television, or more experience, or a better speaking voice. It comes down to basic questions of values envisioned for this country. There



are two contrasting views to be chosen. I can recall 4 years ago coming to the Senate when the Republicans all lined up and said that our economy was in such terrible shape, and the Federal budget was in such bad shape, we would have to amend the Constitution with a balanced budget amendment because of our deficits. They were so desperate they wanted to give the power to the Federal courts to stop Congress from spending.

Four years later, look at the difference. We are not talking about deficits; we are talking about how to spend the surplus, and we are talking about an economy which, for 8 years, has been cooking, creating 22 million new jobs. There is more home ownership than at any time in our history. Welfare rolls are coming down and crime rates are coming down. Opportunities for businesses, for minorities, for women are unparalleled in our history. When you look at advanced placement courses in schools, we have more Hispanics and African Americans enrolling in them than ever before in our history.

America is moving forward, and I am glad to say we have been part of it in Congress. We can't take credit for it anymore than the President can or Alan Greenspan can. It is a joint effort of families and businesses across America. But make no mistake, the right policy in Washington set the stage for this to happen. When President Clinton said, "I am going to make a meaningful effort to reduce the national deficits," frankly, we didn't get a single Republican vote to support us. Not one. Vice President GORE came to the floor of the Senate and cast the tie-breaking vote, and we started on a path in 1993 that led to where we are today. There are some people who think this is automatic in America, that prosperity is a matter of standing aside and watching it happen.

I know better. I have been in the Congress long enough to know that the wrong policies in the White House can jeopardize economic prosperity. Do you remember the early days of the Reagan years when they came up with an idea called "supply side economics" and the appropriately named "Laffer curve"? We followed that crazy notion long enough to find ourselves deep in red ink, with the biggest deficits in history, the largest national debt and America on the ropes. Thank goodness we have broken away from that.

Should we experiment again? George W. Bush suggests he wants a \$1.6 trillion tax cut going primarily to wealthy people in America. Can we run that risk? The highest 1 percent of wage earners who will see over 40 percent of the George W. Bush tax cut are people who are making more than \$300,000 a year. I can't understand why a person who has an income of \$25,000 a month needs a \$2,000 a month tax cut. But that is what Governor Bush has proposed. He says it is only fair and right; these are taxpayers, too. Think of Bill

Gates. He has been very successful with Microsoft. He is worth billions of dollars. According to George W. Bush, he needs a tax cut. I don't think so.

George W. Bush should take into consideration that the net worth of Bill Gates is greater than the combined net worth of 106 million Americans. He doesn't need our help. The people who need our help, frankly, are families struggling to pay for college expenses. We on the Democratic side believe that we need tax cuts targeted to help families in a real way so they can deduct college tuition and fees up to \$12,000 a year to help kids get through college and have a better life.

We also believe we ought to help families who are going to work trying to find something to do with their children. Day care is an important issue for so many families. We want to increase the tax credit for day care and also give a tax credit for stay-at-home moms who are willing to make the economic sacrifice for their children.

Finally, when it comes to long-term care, so many of us have seen aging parents and grandparents who need a helping hand. I have seen families making extra sacrifices for those parents. Our tax program would give a targeted tax cut to help those families.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

#### CAMPAIGNING ON THE SENATE FLOOR

Mr. KYL. Mr. President, I think it is somewhat unseemly to use the Senate floor for campaign purposes with respect to attacking the qualifications of one of the two candidates for President of the United States. I would like to do some business here and suggest that my colleagues on the other side of the aisle who use their time to engage in campaign tactics really ought to be helping us take care of a bit of business that I think ought to move to the top of the agenda, such as fighting terrorism in the aftermath of the attack on the U.S.S. *Cole*.

#### ENHANCING THE FIGHT AGAINST TERRORISM

Mr. KYL. Mr. President, we now have more reports of specific credible evidence of planned attacks against the United States—terrorism that must be prevented. We have not done everything we can do to prevent terrorism. According to a Commission that has reported to the Congress, there is more to be done. I have incorporated that Commission's recommendations into a bill. We are trying to get the bill passed. It runs into objections from the other side. Today, I am going to lay it out because there isn't much time left.

Earlier this month, I introduced the Counterterrorism Act of 2000, cosponsored by my friend and colleague, Senator DIANNE FEINSTEIN. This should have bipartisan support. As the chairman and ranking member of the Judi-

ciary Subcommittee on Technology, Terrorism, and Government Information, I have held hearings, along with Senator FEINSTEIN, on steps that would better prepare this country to thwart and defend against and prevent and respond to terrorist attacks. Our legislation will do that by capturing many of the recommendations of the National Commission on Terrorism.

The Commission was mandated by the Congress, and it released its report earlier this year. It is bipartisan, led by Ambassador Paul Bremer and Maurice Sonnenberg. They have a long record—both of them—of experience and expertise in this matter. The Commission, with 10 members in all, came to unanimous conclusions on the gaps in America's counterterrorism efforts and made extensive recommendations in their report.

In addition to Ambassador Bremer, who formerly served as Ambassador-at-Large for Counterterrorism and Mr. Sonnenberg, who serves on the President's Foreign Intelligence Advisory Board, the Commission included eight other outstanding experts in the field: former CIA Director, James Woolsey; former Assistant Director-in-Charge of the FBI's National Security Division, John Lewis; former Congresswoman Jane Harman, who served on the House Armed Services and Intelligence Committees; former Under Secretary of Defense, Fred Ikle; former Commander-in-Chief of U.S. Special Operations Command, Gen. Wayne Downing; Director of National Security Studies at the Council on Foreign Relations, Richard Betts; former foreign policy adviser to the Speaker of the House of Representatives, Gardner Peckham; Harvard professor Juliette Kayyem, who formerly served as legal advisor to the U.S. Attorney General.

In June, the members of this Commission testified before the Intelligence Committee, of which I am a member, with their findings and recommendations. A week later, the Commission's report was the subject of a Foreign Relations Committee hearing. At the end of June, Senator FEINSTEIN and I invited the Commissioners to testify at a hearing of the Judiciary subcommittee which I chair. The purpose of our hearing was to explore the findings of the Commission and clarify some recommendations that have been mischaracterized. So the Senate thought that this Commission report was important enough to hold three specific hearings on its findings and recommendations.

Senator FEINSTEIN and I then decided to take action on the recommendations by drafting the Counterterrorism Act of 2000. We believe this is an important first step in addressing shortfalls in America's fight against the growing threat of terrorism.

In summary, this is what the bill would do:

First, it expresses the sense of Congress that the United States Government should take immediate actions to



investigate the unprovoked attack on the U.S.S. *Cole*, should ensure that the perpetrators of this cowardly act are brought to justice.

It directs the President to establish a joint task force to develop a broad approach toward discouraging the fund-raising of international terrorists.

It directs the Director of the CIA to report to Congress with a response to the Commission's findings regarding guidelines for recruitment of terrorist informants and whether those guidelines inhibit the recruitment of such informants.

In effect, what the Commission said is if you are going to try to infiltrate terrorist organizations, you are probably dealing with nefarious characters. They are not Boy Scouts. And you can't demand of them the same clean standards that we would in trying to recruit informants against other governments. When you are dealing with terrorist organizations, you are dealing with terrorists.

The bill also directs the Attorney General to conduct a review of the legal authority of various agencies, including the Defense Department, to respond to catastrophic terrorist attacks, and it requires that a report be provided to the Congress.

It directs the President to establish a long-term research and development program relating to technology to prevent, preempt, interdict, and respond to catastrophic terrorist attack.

It directs the FBI Director to report to Congress on the feasibility of creating an intelligence reporting function within the Bureau to assist in disseminating information collected by the Bureau on international terrorism and other national security matters.

It directs the President to report to Congress on legal authorities that govern the sharing of criminal wiretap information between law enforcement agencies and the intelligence community. The Commission noted there is currently a great deal of confusion in this area. We have to get that squared away so the agencies know how they can share information with each other.

The bill would direct the Attorney General to report to Congress the recommendations on how to improve controls on biological pathogens and the equipment necessary to produce biological weapons. It directs the Secretary of Health and Human Services to report to Congress with recommendations for improving security and physical protection of biological pathogens at research laboratories and other facilities.

It authorizes the full reimbursement for professional liability insurance for law enforcement or intelligence officers performing counterterrorism duties.

And finally, the bill expresses the sense of Congress that Syria should remain on the list of states that sponsor terrorism, as should Iran, until they meet certain conditions.

I recently received a letter from Ambassador Bremer and Mr. Sonnenberg,

expressing very strong support for the Kyl-Feinstein legislation. I also received letters from the American Israeli Public Affairs Committee, the Zionist Organization of America, and the Anti-Defamation League applauding the bill. In addition, the American Jewish Congress released a statement in support of the legislation.

I ask unanimous consent at the conclusion of my remarks these documents be printed in the RECORD.

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

(See Exhibit 1.)

Mr. KYL. The text of the Counterterrorism Act 2000 should be familiar to Members because we tried to move it as an amendment to the intelligence authorization bill. We were open to comments by Senators and we made several modifications to the language in order to suit Senators and the Department of Justice. We agreed in the end to withdraw the bill at that point so the intelligence bill could move forward but indicated our desire then to move the bill as a separate bill, which is now what we are doing.

Among the Senators who have talked to us is Senator LEAHY. We have tried to address his concerns with respect to the bill. Originally his staff advised that if the Justice Department didn't object to the bill, Senator LEAHY would consent to its passage. The Justice Department has cleared the bill. After that, Senator LEAHY's office advised us they desired to have 10 other changes considered and sent another list of 4 other changes. Senator FEINSTEIN and I agreed to make changes to the bill to accommodate 12 of those 14 requests of Senator LEAHY. Yet he still remains in opposition. Under the rules of the Senate prevailing at this time, any Senator can object to the consideration of the legislation and thus block it, which Senator LEAHY, I understand, has done.

This morning my office received some additional concerns purportedly coming from Senator LEAHY. I find them, frankly, not to rise to the level that should take the Senate's time. For example, he objects to a provision, or his staff objects to a provision, that requires the President to report to Congress on the Commission's recommendations about sharing law enforcement information with intelligence agencies on the grounds that this would help set "a dangerous precedent for blurring the line between law enforcement and intelligence activities." A report to Congress on legal authorities on the state of the law sets no dangerous precedent. There are similar types of concerns expressed.

We have to get serious about this. At the very moment that our forces are on a heightened state of alert, at the very moment our embassies are telling people not to travel to certain countries because of terrorist threats against Americans, the Congress has before it a bill embodying the recommendations of the Terrorism Commission, and we

are not acting on it because, as far as I know, one Member of this body is not willing to allow it to move forward.

I plead with him, I plead with other Members, if there are concerns, let's talk about them. But the time is short. Perfection cannot be the enemy of the good considering the nature of the challenge that we face with terrorists around the world and the need to do more about it. This isn't simply something that has been pulled out of thin air to try to deal with this problem. We have embodied most of the recommendations of the Terrorism Commission specifically mandated by Congress to give us recommendations about what else we need to be doing in this legislation.

I say to Senator LEAHY and any others, time is short. We need to visit. We need to talk about these things. We need to clear them away so we can pass this legislation. After the Senate acts, the House will need to act. They are expected to act with alacrity. For example, Representative GILMAN, chairman of the Foreign Relations Committee, and Representative GOSS, chairman of the Intelligence Committee, and I understand the leadership is prepared, if we can pass this bill, to take it up very quickly. However, I don't know how many days or hours are left in this session.

I think it would be a travesty, given the events of the past month, given the threats that currently have been made against the United States, for the Congress to ignore the recommendations of the very Commission that we asked to give us advice, to ignore the recommendations of that Commission and conclude this Congress without acting to pass those recommendations to take additional steps to deal with the terrorist threat.

Let's leave politics aside. This is a bipartisan effort of Senator FEINSTEIN and myself. It has broad support on both sides of the aisle. I encourage my colleagues to please come forth if they have additional concerns so we can get this done.

EXHIBIT 1

SEPTEMBER 22, 2000.

Senator JON KYL,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR KYL: In our capacities as former Chairman and Vice Chairman of the National Commission on Terrorism, we have been asked to comment on the proposed legislation which we understand you intend to introduce to the 106th Congress (called the "Counterterrorism Act of 2000").

As you know, our bipartisan Commission concluded that the threat to Americans from terrorism is changing and becoming more serious. To meet this threat, the Commission made a number of important recommendations to the President and Congress in its final report of June 5, 2000.

We have reviewed the draft bill and wish to commend you and your colleagues for the job of translating into law a number of the Commission's most important recommendations. We are particularly pleased to see the bill address issues such as state sponsorship of terrorism, better collection and dissemination of terrorist intelligence, a broader strategy for disrupting terrorist fund-raising, and

efforts to prevent or deal with catastrophic terrorism in the United States.

We hope that this important bill will become law and that Congress and the Executive branch will do everything possible to implement it expeditiously.

Respectfully,

L. PAUL BROMER, III,  
Former Chairman, National Commission on Terrorism.

MAURICE SONNENBERG,  
Former Vice Chairman, National Commission on Terrorism.

AIPAC,

Washington, DC, October 16, 2000.

Hon. JON L. KYL,  
U.S. Senate, Hart Building,  
Washington, DC.

DEAR SENATOR KYL: On behalf of AIPAC, we are writing to express our appreciation for your introduction of the Counterterrorism Act of 2000. This legislation takes a number of important steps to address the growing problem of terrorism in our country and abroad.

This bipartisan measure adopts many of the key recommendations of the National Commission on Terrorism, particularly with respect to long-term research and development efforts and methods of improving controls over biological pathogens. We believe this legislation will encourage cooperation among states like the United States and Israel that have worked so closely in fighting the scourge of terrorism. Of course, we also endorse the legislation's intent that Iran and Syria should remain on the list of states that sponsor terrorism until they cease their support for terrorist actions.

Thank you again for your leadership, and please let us know if we can be of assistance.

Sincerely,

HOWARD KOHR,  
Executive Director.  
MARVIN FEUER,  
Director of Defense & Strategic Issues.

ZIONIST ORGANIZATION  
OF AMERICA,  
New York, NY, October 11, 2000.

Senator JON KYL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KYL: On behalf of the Zionist Organization of America (ZOA), which is the oldest and one of the largest Zionist organizations in the United States, I am writing to express the ZOA's enthusiastic support for S. 2507, the Counterterrorism Act of 2000.

This vital legislation will ensure that our country takes swift and effective action to impede the ability of terrorist groups to receive funding, acquire technology for use as weapons, and recruit new members. We have all seen, in recent years, the kind of devastation that terrorist groups can wreak. Our government must do everything possible to combat terrorist groups—and S. 2507 will mandate specific and important steps that will play a crucial role in the fight against terrorism.

We are also pleased to note that the S. 2507 urges that Syria be kept on the U.S. list of terror-sponsoring states until it takes concrete anti-terror steps, such as shutting down terrorist training camps and prohibiting the transfer of weapons to terrorists through Syrian-controlled territory. The legislation also appropriately urges that Iran be kept on the list of terror-sponsors until there is concrete, indisputable evidence that Iran has changed its ways and forsaken ter-

rorism. In the absence of such actions, governments such as those in Syria and Iran must be treated as the rogue regimes which they are.

With gratitude for your leadership role in this effort,

Sincerely,

MORTON A. KLEIN,  
National President,  
Zionist Organization of America.

ADL,

New York, NY, October 12, 2000.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: We welcome your leadership in introducing legislation to codify several important proposals of the bipartisan National Commission on Terrorism. As an organization committed to monitoring hate groups while safeguarding civil liberties, we support the bill's tough, constitutional approach to investigating and prosecuting terrorist crimes.

The bill's mechanism for allowing classified evidence to be used within a sound due process a framework represents the kind of balanced approach which would prevent the improper treatment of individuals, while allowing the government to protect sources. The legislation would also implement useful steps to prevent the US from being used as a fundraising base for terrorism.

It is well established that the government has the constitutional right—and the duty—to keep our nation from being used as a base for terrorist activity. The legislation you have crafted makes vital improvements in our nation's capability to investigate, deter, and prevent terrorism.

Sincerely,

HOWARD P. BERKOWITZ,  
National Chairman.  
ABRAHAM H. FOXMAN,  
National Director.

AJCONGRESS WELCOMES LEGISLATION RESPONDING TO THREAT OF BIOLOGICAL AND CHEMICAL ATTACKS BY TERRORISTS; CALLS MEASURE 'A BEGINNING PLAN' TO DEAL WITH THE DANGER

American Jewish Congress Executive Director Phil Baum issued the following statement today following the decision by Senators Jon Kyl and Dianne Feinstein to introduce legislation responding to the recent report of the National Commission on Terrorism:

The danger not only to this country but to all of civil society from the threat of biological and chemical weapons is becoming ever more real and apparent. For some time now, commentators have been warning of the growing risk of terrorist attacks with these weapons unless effective counter measures are quickly put in place.

Those most expert and familiar with these matters warn that the question is not whether there will be an attack, but when.

A sobering report released recently by the National Commission on Terrorism has documented these concerns and has begun the process of alerting Americans to the danger we face and the steps that can be taken to meet that threat.

Until now, little has been done concretely to implement the Commission's report. Fortunately, there are now plans in the Senate to attach as an amendment to the fiscal 2001 Intelligence Authorization Act a measure which is attempting to respond to this challenge. Introduced by Senators Jon Kyl (R-Ariz) and Dianne Feinstein (D-Calif), the legislation lays out at least a beginning plan for dealing with these problems.

The bill for the first time would impose rigorous restrictions on procedures used in

research labs handling pathogens; calls for presidential leadership in the development of new technologies to counter terrorist attacks; limits the capacity of terrorist groups to raise funds in this country—which is often done under the guise of raising funds for social programs; and mandates the CIA and the FBI to report on the continuing effectiveness of anti-terrorist measures currently in place.

One provision of the bill—authorizing the FBI to share foreign intelligence information obtained from domestic wiretaps with the CIA and other intelligence agencies—has quite properly met with criticism has consequently been dropped by Senator Kyl. We are convinced that an effective fight against the new terrorist threat can be waged without violating Constitutionally guaranteed civil liberties—protections which must remain our first priority.

As the American people begin to focus on the dangers of chemical and biological terrorism, two equally unacceptable dangers present themselves: that we remain indifferent to the threat, or that we overreact, at the expense of our civil liberties. Neither is acceptable. A measured response is necessary, and the Kyl-Feinstein bill begins that process.

The legislation presents the Senate with the opportunity to move the American people off dead center and to address the danger in a composed and rational manner, without endangering American freedoms or our country's sense of confidence in its future. The new legislation rests on the premise that the future can be best assured by a realistic address to the dangers we confront.

New technologies have been a blessing for this generation. In the hands of terrorists, they become a curse for all generations.

The PRESIDING OFFICER. The Senator from Wyoming.

## SENATE BUSINESS

Mr. ENZI. Mr. President, I join my colleague from Arizona in requesting the business of the Senate be allowed to go forward. We have seen many filibusters all year. That is what has gotten us into this situation where we are past October 1 and still working on the budget.

I think we ought to be doing the business of the Senate. My predecessor, Alan Simpson, who had this seat in the Senate, said several times, an accusation that isn't answered is an accusation accepted. There are a couple of things I have to clear up from this morning.

First, we did all this work on a balanced budget without the balanced budget constitutional amendment. Yes, we did. But the debate on the balanced budget constitutional amendment is what made the people of America rise up and tell every single one of their representatives that they wanted the budget of this country balanced. And it was the heat the people of this country put on the Congress that led Members to balance the budget. That wouldn't have happened without the debate on the balanced budget.

That is the reason we have what is being referred to as a "surplus" today. It isn't a surplus. It is tax overcharge. We have collected more from the people than we had planned to spend. We ought to refer to it as that.

I could not begin to cover all of the accusations that were misaccusations. Another real important one I have to cover is the Reaganomics attack. Yes, giving the money back to the people, as Reagan suggested, resulted in a 30-percent increase in revenue to this country. So why do we have such a big deficit? Because people spent it. We cannot spend more than we take in. It is a pretty basic principle of economics. Reaganomics increased revenue.

The other side, who was in control of the Congress at that time, outspent what he was able to bring in by increasing business in this country. The balanced budget amendment increased the economy of this Nation. Everybody agrees balancing the budget has done that. If we get back to a position where it isn't balanced, people will lose confidence in the economy, and we will be back where we started, with ever-increasing deficits, particularly if we dramatically increase spending each year.

I notice the Secretary of the Treasury took an unusual approach yesterday and got into the debate on Social Security.

The Social Security issue does come down to: Whom do you trust? Every year that I have been here, there has been a promise that there will be Social Security reform. I went to a White House conference. I have to say it was one of the best planned, best organized, and best done conferences I have ever seen. One of the reasons was that Republicans and Democrats, House and Senate, were invited to be a part of it. When it finished, there was a special part for everybody from the House and Senate to participate in—again, Republicans and Democrats. We sat down with the President and we agreed there needed to be Social Security reform and that reform had to have the fingerprint of everybody on it, that it could not be used as a Social Security scare.

We have saved bill No. 1 for the President's Social Security reform. Every year that I have been here, the President in his State of the Union speech has said: The most important thing for this country is to solve the Social Security problem. We saved bill No. 1 for him. We never got a solution.

The President of the Senate, who is the Vice President of the United States, has been a part of these efforts. He says he has delivered on all his promises. That is a promise that was made. That is a promise that has not been kept. Social Security has not been reformed.

There has been another effort involved in this, too, and that has been a bipartisan commission—again, Republicans and Democrats sitting down to talk about how to save Social Security. They came up with a plan. They had to have a supermajority to have that plan actually presented to us, and the President's nominees to that committee were the ones who objected and made it one vote short of being a request that could be presented to us. Again, a bi-

partisan solution. That bipartisan solution is what you are hearing Governor Bush talk about. It is something that has been presented in a number of plans here in the Senate, but it needs the endorsement of both Republicans and Democrats, and the elimination of a veto threat at the Presidential level, to be able to solve that problem.

Why do we need to solve it? You have heard how far we extended it and how we are getting extra money into the Social Security trust fund. The money in the Social Security trust fund is IOUs, T-bills. Now we are using the Social Security surplus to pay down the private debt for the United States. Do you know what that does? That lets us spend more money. When we have private debt out there, we pay the interest on a regular basis. When we spend Social Security surplus to pay down the national debt, the private part of the national debt, we increase the Social Security debt and we just put in IOUs to pay the interest.

Why is that important? Sometime the debt will come due. You hear a lot of different numbers about when the debt comes due: 2013 is the magic time when the baby boomers move into the group of recipients of Social Security and start jerking out enormous amounts of money from Social Security—2013. They say Social Security is secure until 2037. That is until the last dime is drawn. It will not work that way. Here is why it will not. In 2025, the ones of us who are here—with the exception of maybe one or two—will not be here. There will be a different generation that will be in the Senate and in the Congress. These will be people who have paid into Social Security their whole life and will realize they will not get a dime out of it.

Here is another little problem. When it comes appropriations time, all they are going to do is decide how big the check for interest is going to be, because the national debt will be so huge at that time that we will not build a road, we will not do anything for the military, we will not do anything for education—we will pay interest. How excited do you think the people of this country are going to be to just be paying interest on a debt from the last century and to have no benefit coming their way? I suggest there could be a revolution in this country, an end to Social Security. Future generations may not feel the same need to take care of their parents and other elderly in the country because they themselves are not going to get any benefit. It is not going to be there to take care of them. So it needs to be solved now.

We are also talking about prescription drugs. This is a very complicated issue. There are at least six plans out there, any one of which could provide prescription drug coverage for seniors. It is something in which we are all interested. It is something that needs to be done. We need to be sure that every person in this country can get the prescription drugs they need, and we need

to be sure every person in this country doesn't have to make a choice between food or their prescription drugs. There have been two plans proposed. They are quite different.

One of the things I like to use is this chart. I think it lends a little validity to the decisions between the two principal plans. One is provided by Governor Bush, one is provided by Vice President GORE. Those are the two main ones. I have to tell you, the biggest difference between the two is that Governor Bush's plan provides for choice, your choice. Vice President GORE's plan calls for a national plan. The decisions will be made in Washington. You will not have the flexibility.

Since we are talking about how some of Mr. GORE's drug proposals work, I suggest they lack a little sincerity and are going to make life much harder for working Americans. Here are some thoughts on the Medicare prescription drug plan. This is the biggest secret out there. Mr. GORE's plan would cover 2.6 million fewer low-income Americans than the plan offered by Governor Bush and introduced in the Senate by Republicans. That is because Mr. GORE's plan offers low-income subsidies only up to 150 percent of poverty, while Mr. Bush's plan would help seniors up to 175 percent of poverty.

Mr. GORE's plan would not even become effective until 2002. On top of that, Mr. GORE's plan would also displace the coverage that 70 percent of the current Medicare recipients already have. For those seniors whose employer offered a retirement benefit, there is now no incentive for the company to continue that coverage, leaving the senior with no option but the HCFA-run program. For all the stock Mr. GORE puts into the agenda, and the advice of the AMA, he apparently has not been concerned by their assertion that the HCFA—that is, this national organization that will run his prescription drug plan—is the IRS of the new millennium. I, for one, do not see the sincerity in putting more people on the *Titanic*. As my friend from Texas often says about putting people on programs under the care of HCFA, it would be a disaster.

If Mr. GORE had sincere concerns about the health and welfare of seniors, he would focus on real solutions that stabilize the Medicare program, offer seniors comprehensive health care, and enable seniors to select coverage, including prescriptions, that meets their needs and budgets. That is a commitment Governor Bush has already made. Governor Bush would provide immediate drug coverage for those seniors who right now cannot afford it. He doesn't cross his fingers and take his chances with HCFA. Instead, he builds on the existing drug assistance programs in the States.

Here are a few statistics about the immediate impact of the proposal. Half of women beneficiaries who are currently without coverage would gain immediate coverage. Almost three-

fourths of the minority seniors currently without coverage would gain immediate coverage. And the most frail of our seniors, those over 80 years old, would improve their access under the Bush plan.

Another important part of the Bush proposal is that States will not be restricted from offering low-income subsidies above 175 percent of poverty. Under the Gore plan, there is no option for States to pool funds and ease the expense of drug coverage for even more seniors.

Why is this chart important? This chart was done by the Washington Post. People who understand newspapers in this country understand what the Washington Post does will not be favorable to Governor Bush. They have a tendency to be favorable to the other side. So when they do a chart, a person ought to pay a little bit of attention to it. This is from the article that came with the chart:

Bush details Medicare plan, September 5: Texas Governor George Bush today proposed spending \$198 billion to enhance Medicare over the next 10 years, including covering the full cost of prescription drugs for seniors with low incomes.

Bush's plan was modeled on a bipartisan proposal by Senator John Breaux, Democrat from Louisiana, and Senator Bill Frist, Republican from Tennessee.

This is the commission I was talking about.

Bush's plan proposes "fully subsidizing people with incomes less than 135 percent of the poverty level and creating a sliding scale for people with slightly more money. But Gore would stop the sliding scale at 150 percent of the poverty level, while Bush would extend it to 175 percent.

As I mentioned, a lot of States like that flexibility. A newspaper that normally would not give good reviews, gives a good review. One problem is the cost over the next 10 years would be \$198 billion. The chart they did comparing the two shows \$158 billion. They were charging him with \$40 billion more in costs than what their chart actually shows.

I hope people will pay some attention to the comparisons. I ask unanimous consent that the chart be printed in the RECORD.

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

[From the Washington Post, Sept. 6, 2000]

Bush	Gore
PREMIUMS	
25 percent of health plans' monthly charge.	\$25 per month starting in 2002, increasing to \$44 by 2008.
COPAYMENT FOR EACH PRESCRIPTION	
Not spelled out. Would be determined by individual plan.	Government would pay 50 percent up to maximum of \$2,000 when the program starts, increasing to \$5,000 by 2008.
COVERAGE FOR CATASTROPHIC EXPENSES	
Government pays all costs above \$6,000 per year.	Government pays all costs above \$4,000 per year.
DEDUCTIBLE	
Not spelled out. Would be determined by individual health plan.	None.

Bush	Gore
HELP FOR LOW-INCOME ELDERLY	
Pays premiums and all other costs for individuals with incomes less than 135 percent of the poverty line—that is, \$11,300 or couples with incomes less than \$15,200. Partial subsidies for people with incomes up to 175 percent of the poverty level.	Same, but partial subsidies available for people with incomes up to 150 percent of the poverty level.
WHEN BENEFITS WOULD START	
Help for low-income people and catastrophic coverage would be administered by states, starting next year. Premium subsidies for other people and broader Medicare reforms to make the program rely more heavily on private HMOs would start in 2004.	2002.
COST	
\$158 billion by 2010	\$253 billion by 2010.

Mr. ENZI. Mr. President, the comparison shows pretty conclusively that you get more benefits under the \$158 billion plan than you do under the \$253 billion plan. The \$158 billion plan goes into effect right away. The other one does not go into effect until 2002, and people have to pay, under the Democrat plan, \$600 whether they get any benefits or not. It is my understanding the \$600 has been subtracted from the \$253 billion to make that cost a little bit lower. So it is a another tax for a proposal that provides for Federal control as opposed to your control.

HCFA versus your decisions: Talk to your doctors about HCFA and how it participates and interacts with them. Talk to them about the crisis that HCFA has already caused in this Nation in medical care and ask yourself: Do I want to give them the added burden of a prescription drug plan and only give myself one option? That is what we are looking at here.

I hope you will do some comparisons and see the difference and concentrate on this bipartisan solution to providing prescription drugs. The one thing about the Governor from Texas with which I have really been impressed has been his ability and effort to work with both sides in the Texas Legislature. I used to be in the Wyoming Legislature. I know how important it is for people to work together. It is a little different atmosphere than we have in Washington.

How did Governor Bush do that when he moved in and had a Democrat legislature? He sat down with them one on one, face to face, and talked to them about his priorities and their priorities, and they worked together. What excites me is following the history of Presidents, they tend to repeat what they have done successfully before, and I am really excited about that because I see a Governor coming to Washington and sitting down with both sides, one on one, face to face—a long process; there are 535 of us, but it is doable. That is what is needed in Washington: more effort across the aisle, effort like the Medicare Commission that has provided a solution for prescription drugs that can be done. I thank the Chair and yield my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining under morning business on the Democratic side?

The PRESIDING OFFICER. Six minutes.

Mr. DURBIN. I want to use those 6 minutes to sum up.

UNFINISHED BUSINESS

Mr. DURBIN. Mr. President, when I finished speaking, the Senator from Arizona came to the floor and said it is unseemly that we would be discussing the Presidential race. The race has been discussed by Senators on both sides of the aisle, as it should be. There is no more important decision to be made by the American people than the choice of the President of the United States, and that choice will determine what this body considers for the next 4 years.

Frankly, we ought to reflect on what has happened with this Republican-led Congress. If you take a look at the fact that we are approaching the Halloween holiday, in that spirit we might consider the fact that Congress has become "Sleepy Hollow," the final resting place for priorities of American families.

Take a look at the list of things that have been offered by the Democratic side but have not been acted upon by the Republican side: A real Patients' Bill of Rights. When you go to a doctor, who should make the decision; a doctor or insurance company clerk? That is an easy choice for me. I want the doctor to make the call. When we tried to pass that bill in the Senate, the Republicans defeated us.

Prescription drug coverage under Medicare: Not one of these convoluted schemes we just heard described that would somehow give prescription drugs to the States for 4 years, take it back, give it to the insurance companies—we know how it should work. Medicare has been on the books for 35 years. It is proven. It is universal.

Frankly, we think all seniors and disabled in that category should be able to make the choice themselves, voluntarily, whether or not they want the benefit under Medicare. The Republicans do not care for Medicare. They called it socialized medicine when the Democrats proposed it and, frankly, they are still criticizing it, doing little to help that system.

Most Americans know how valuable Medicare has been to their families. We think a prescription drug benefit under Medicare should be the law. The Republicans and pharmaceutical interests have stopped us.

We also believe in an increase in the minimum wage. Ten million Americans went to work this morning for \$5.15 an hour, and they are not just kids in their first jobs. Over half of them are women and many of them are raising children and trying to eke out a living at \$5.15 an hour. We used to give them a periodic increase in the minimum

wage without even debate, but the Republicans now think this is unacceptable; that we cannot give a minimum wage increase without lording billions of dollars in tax breaks on businesses. For goodness' sake, give these people—400,000 of them in Illinois—an increase in the minimum wage of at least 50 cents an hour for the next 2 years. That bill has not passed, and the Republican Congress has had ample opportunity to address it.

We believe on the Democratic side we need tax cuts; use the surplus for tax cuts for families for the deductibility of college education expenses. That is a concern I hear from families as soon as the baby is born. How are we going to pay for this kid's education? When you see the cost of education going up over a 20-year period of time, from the time that child was born until they will be in school—it goes up 200 percent, 400 percent—people ask: How can we possibly do this?

On the Democratic side, we want to give the families deductibility of tuition and fees to help them pay for college. The Republicans oppose it. We support it. That is the difference. When we offered it, they stopped us.

Also, we are talking about education funds to improve our Nation's schools, to reduce class size. This does not take a Ph.D. in education to understand. If you were a teacher, would you rather walk in on the first day and see a classroom with 30 kids or 15 kids? Are you more likely able to help a struggling student if there are 15 children in the classroom or 30? It is not rocket science. It does not take a Ph.D.

We on the Democratic side believe reducing class size is the first step to helping kids from falling behind and helping those better students get a little more attention.

We also believe we ought to be supporting afterschool programs for students. Letting kids go now at 3 o'clock is just a gamble because very few of them have parents at home. They do not have Ozzie and Harriet waiting with cookies and milk anymore. They are by themselves.

Some do pretty well, but a lot of them do not. We think afterschool programs, supervised, so kids have a chance to maybe catch up on their school subjects, maybe appreciate the arts a little more, maybe become better on a computer, or even just play some basketball, makes some sense as long as there is supervision. We support afterschool programs and fought the Republicans every step of the way trying to put this valuable money back into education.

We also believe in commonsense gun safety legislation. The No. 1 story in 1999 in the news was the Columbine tragedy. What has America done to keep guns out of the hands of children and criminals? Congress has done nothing. Nothing.

The National Rifle Association and its leader, "Mr. Moses," have decided we are not going to do anything to

keep guns out of the hands of children and criminals, and that is criminal. The Republican-led Congress should be held accountable for that.

If you have an aging parent or grandparent, the Democrats believe you should have a tax break to help pay for their care.

How many folks and families do you know worried about that aging parent and how their last years are going to be? They need a helping hand. We support it, as we support increased targeted tax cuts to help people pay for day care, so kids can be left in a healthy, safe environment and families can afford to pay for it. Stay-at-home moms, who sacrifice for their kids, should get a tax break, too. They are making a sacrifice that will enhance that child's future. We should invest in them as well.

When it comes to these myriad issues I have just given you, these are the issues with which working families, middle-income families, and single people as well can identify. Yet we have had no help whatsoever on the Republican side of the aisle. The Republican Congress has failed to address the basic issues of education and health care, taxes that are reduced and targeted tax cuts and credits for families who really need them, prescription drug coverage under Medicare, and a Patients' Bill of Rights.

We came to this Congress with all kinds of lofty goals. We are leaving now, unfortunately, with appropriations bills as large as the Washington, DC, telephone book, scarcely read, that serve too many special interests and too few families across this country.

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

Mr. DURBIN. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. AL-LARD).

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to speak for not more than 10 minutes as in morning business.

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

#### PRIVACY LEGISLATION

Mr. GORTON. Mr. President, we live in a period of unprecedented prosperity and opportunity.

We can go more places than ever before. We are living longer and healthier lives than ever before. We are employed in jobs today that were unthinkable just a few years ago.

Our lives have changed dramatically because of computers, the Internet and technology.

But with all the good that comes with technology, there are elements that cause us concern. One such concern that has captured our attention is the issue of privacy.

As more of us use the Internet to shop and conduct business, more of our personal information is being spread throughout the web. That information, in many instances, is used properly and in a way that is good for consumers. But as in any field, there are those who abuse the public trust by using this personal information in unethical ways.

Because of concerns about consumer privacy, the Senate has considered how we might do better at protecting consumers while not unwittingly turning off the Internet engine that is such a key part of the economic prosperity we currently enjoy.

The Senate Commerce Committee recently held its third hearing this year on the privacy of information gathered from consumers who use the Internet. Since the Federal Trade Commission recommended legislation in this area earlier this session, I, and I believe a substantial number of my colleagues, have come to agree that we must act on this issue in the not-too-distant-future.

I have come to believe that Federal legislation is needed to protect consumers. I don't think that the current voluntary privacy policies are sufficient. Consumers who use the Internet should be given more information about what data is being gathered about them, and they should be given greater control over how this data is used.

I have also come to believe that Federal legislation is needed to protect and improve Internet commerce which, of course, benefits consumers and businesses alike. Not only will the assurance of adequate, enforceable privacy standards increase consumers' comfort with on-line transactions, but the possibility of States acting to protect consumers in the absence of a Federal law threatens to create a patchwork of conflicting privacy mandates that could be hard to apply to a medium that does not recognize State borders.

Though I know that I support Federal legislation regarding the on-line collection and use of consumer information, I confess to not knowing at this time exactly what should be legislated. At the last hearing in the Senate Commerce Committee we considered three different bills, and additional, and more varied, bills have been introduced in the House of Representatives. I don't know which of these approaches or combination of approaches will best protect consumers without making on-

line transactions overly burdensome. On-line merchants, providers of both goods and services, have touted the benefits to consumers of using the Internet to gather information that facilitates targeted marketing. This could very well be the case but I want to know that consumers are informed of and agree with these marketing practices.

Determining more specifically what consumers want from privacy legislation is something that I hope we can do in the next session of Congress.

While much, through certainly not all, of the discussion in Congress about privacy is focused on the issue of the on-line collection and use of consumer information, I think it is also important that Congress remain cognizant of the fact that "privacy" as it relates to the Internet is a far broader and more complex issue. For all of its salutary effects, the ease with which the Internet allows for the compilation and sharing of private information gathered in the physical world, information about financial transactions, medical histories, reading habits, eating habits, sleeping habits, information about almost every aspect of one's life raises legitimate concerns that Congress should and will continue to address.

The privacy of medical information, which can be intensely personal, is one such issue about which Congress must remain vigilant. Improved technology along with changes in health care delivery, billing systems, information gathering and genetic testing all increase the number of people who have access to health records. Americans should know that personally identifiable health information is private and they should have control over who has access to it. At the same time our challenge is to find a way to balance legitimate needs for health care information—for example, medical research—and individual privacy rights.

Future Congresses will adopt additional health care reforms. We clearly need to improve our Nation's health care system. Although most Americans are satisfied with their health care, most Americans are also concerned about those in our country who have inadequate health care and no hope of improving their situation. I support reforms that improve access to quality health care for those who have none, that keep intact our wonderful system of hospitals and clinics in all areas of our country and that provide people with meaningful choices.

When future Congresses address this area, one issue I will watch most carefully is the amount of health care information that is provided to the Government, and how this information is used. We must be careful not to adopt measures that give Government regulators the ability to peek into people's private medical records. A few years ago, my home State of Washington embarked on several health care reforms. Most of these reforms were in the wrong direction. Our legislature adopt-

ed reforms that put the government in charge of health care decisions for people and gave a government commission the ability to cancel private health insurance coverage in our state.

I found both of those moves bothersome, but our legislature didn't stop at just controlling health care decisions for our citizens. No, our legislature took one additional chilling step. It decided that if the government was providing health care, as well as dictating which private health plans could remain in business, the government should have access to personal, private medical records.

That is going way too far, and fortunately, the good people of Washington made sure that radical change was not placed into the law.

Over the next year, I am convinced that Congress will adopt meaningful health care reforms that help people, but as we do that, I must constantly advise my colleagues to follow the "do no harm" rules of medicine and not fall prey to those who believe that government-run health care, along with all that it brings, is the right solution to this challenge.

No matter the type of information in question—consumer or medical—Americans have the right to a reasonable expectation of privacy. Thoughtful legislative action is needed at the federal level to address the legitimate concerns many Americans currently have in this regard.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

#### THE UNITED STATES AND NATO

Mr. VOINOVICH. Mr. President, there has been an effort in recent days to score partisan political points by misrepresenting Governor Bush's commitment to NATO and southeast Europe. Unfortunately, some of my Senate colleagues have been involved in this effort.

No one in the Senate has been more involved in our policy toward southeast Europe, and no one cares more than I do about that part of the world. I have traveled to the region three times this year—on a factfinding mission, to participate in the NATO Parliamentary Assembly, and to participate in the OSCE Parliamentary Assembly. I have been to Kosovo twice and visited with troops.

I have been involved in efforts to bring about alternative leadership in Serbia—something that has finally happened. I have been a leader on the Stability Pact with the belief that its successful implementation is crucial to the long-term stability, prosperity, and peace in the region. I have also constantly watched the situation in Kosovo, outraged at the ongoing ethnic cleansing going on there today.

With this background and involvement, I can say definitely that Governor Bush understands the importance of the region to our national security interests.

I think it is important that we set the record straight. Governor Bush has said that he would systematically review our military commitments internationally upon his inauguration. He will look at them across the world. This will include a review of our deployments in the Balkans. He has said that he will work with our allies to develop a strategy to remove our troops from the region when it is possible to do so without threatening peace and stability in the region or our relationship with our European allies. He understands the important relationship we have with our NATO allies.

There never was and never will be any statement by Governor Bush or, if he is elected, President Bush, regarding a reduced commitment to NATO. He understands how important NATO is.

Vice President GORE has joined Governor Bush in saying that we should pull out of the Balkans when we are no longer needed.

Governor Bush is committed to political stability and security in the Balkans. He emphasized this point repeatedly—that stability in southeast Europe is vital to Europe and hence to the U.S. In other words, we have strategic interests in southeast Europe, which are important to Europe and to the security of the U.S. and, for that matter, peace in the world. So Governor Bush is committed to political stability.

Without the Governor's involvement in the Byrd-Warner debate on our troop commitment to Kosovo, the next President would be facing a July 1 deadline to decide whether to stay or go. Governor Bush stood up and was counted at the time of the Byrd-Warner discussion in the Senate. He demonstrated leadership at a time when leaders from both parties were considering having the U.S. unilaterally withdraw from a NATO commitment. That was a very important thing that he did at that time, because if he had not stood up and said he thought it was overreach, we would have lost that on the floor of the Senate and would have done irreparable damage to our relationship with NATO.

We must remember that the Clinton-Gore administration promised the American people in 1995 that our troops would not be in Bosnia for longer than a year. That promise was never kept. Rather than set a misguided deadline, Governor Bush is simply saying we should not, and will not, be in the Balkans forever. Nothing more.

Governor Bush has said time and again that he would actively consult our European allies in the formation and implementation of our policies in NATO and in southeast Europe. I hope Lord Robertson, who heads up NATO, understands that. I made that very clear when I was at the NATO Assembly in Budapest. We understand how

important our leadership and our commitment is to NATO.

Governor Bush is an internationalist who is committed to NATO and our European allies.

These attacks are just partisan politics designed, in my opinion, to turn attention from a growing scandal involving Vice President GORE.

Just this morning, the Senate Foreign Relations Committee held a hearing to examine Vice President GORE's dealings with former Russian Prime Minister Viktor Chernomyrdin regarding weapons sales to Iran. It has been widely reported that the Vice President failed to fully and properly inform relevant congressional oversight committees regarding agreements reached with Russian officials. He has to be more forthcoming about what went on there.

The hearing was in response to new and critical information on this matter which surfaced in the New York Times report dated October 13. Governor Bush remains fully committed to NATO and American leadership in Europe. Repeating, he remains fully committed to NATO and American leadership in Europe.

He understands our unique role and is committed to maintaining that leadership. We know how important our leadership is to NATO. We certainly found that out during the Kosovo-Serbian war that we had. To suggest that he doesn't understand is just plain hogwash.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### THE FAILURES OF THIS CONGRESS

Mr. KENNEDY. Mr. President, over the period of the past weeks and months, as the ranking member of our Health, Education, Labor, and Pensions Committee, I have tried to point out the failing of this Congress and the fact that we have not addressed reauthorization of the elementary and secondary education bill, which we are charged to do—we had 22 days of hearings and we had a markup and legislation was reported out of our committee.

It has been several months since that legislation was on the floor and then withdrawn by the majority leader. In spite of the efforts of many of us to bring that measure back on the floor of the Senate, we have been unable to do so. We think it is enormously important that we have an opportunity to do so.

We are now some 3 weeks after the date that was suggested that we move into the adjournment for this Congress, and we have seen days go by, quorum calls held, and still no action. Now pending before the committee, we have the bankruptcy legislation, which is going to benefit in a substantial way the credit card industry. But we are not having the opportunity to address the Elementary and Secondary Education Act, which can benefit families

all across this country, with support for State and local communities.

This issue, I think, is back before the Senate because, during the period of our national debate between the Vice President and Governor Bush, great attention has been given to the issues of education. Assurances were given to the American people representing the different positions of the candidates. We have pointed out—I did last week—some of the realities and some of the facts about what is happening in our public schools across this country. And also I pointed out the fact that Texas has not been keeping up with the rest of the country on objective tests. That was challenged by some colleagues on the other side of the aisle. Now we have the Rand Corporation—virtually a non-partisan organization—which has done a very careful review of the Texas experience, and they agree with us and, in effect, agree with Vice President GORE on the issues of education.

I am glad we are getting some clarification. We only have 2 weeks left in this campaign, but I am glad we are beginning to get some clarification on this issue. First of all, I remind our colleagues about what assurances were given to the American people about the commitment of our majority leader on the issues of elementary and secondary education. We only provide some 7 cents out of every dollar that goes into the local communities. States have the primary responsibility. Nonetheless, we can give some focus and attention to programs that have demonstrated positive results in terms of academic achievement and accomplishment. That really is the purpose for which these resources are out there, and also to give special emphasis to the most economically disadvantaged children in this country so they are not going to be left out or left behind.

We come to this debate and discussion looking over the period of recent years. We wonder whether the positions that have been accepted by the Republican leadership are very much in conflict with the age-old positions of the Republican Party with regard to education, where they believe there should not be a role for any Federal aid to education. We had that debate in the early sixties. We have had it many times since then.

Nonetheless, we have seen in the early 1990s when the Republican leadership assumed control of the Senate the first order of business for them was a massive rescission of moneys that had been appropriated and were going to be allocated to school districts that would have provided help and assistance to needy schools across the country.

That money had been appropriated by the House and Senate and agreed to by the conference, signed by the President of the United States. One of the first orders of business by the Republican leadership was to rescind that money. We saw a rescission of about \$2 billion. The initial request was considerably higher. It was reduced, but we had the rescission.

Then in the 1990s we faced the onslaught of our Republican leadership who wanted to abolish the Department of Education. I think most Members and most parents across the country believe that when the President of the United States sits down with the Members at the White House, we want someone sitting at the President's elbow when there is a discussion and debate about domestic priorities in the United States, someone who is always going to say: What about education? What about education, Mr. President?

Those voices are there, appropriately so, in terms of the security interests of the United States and defense, for the foreign policy of the United States, the Secretary of State. We have them there with regard to housing. We have them there in terms of the environment. We have them there in terms of commerce and transportation. Many Members believe we should have them there with regard to the issues of education.

That was not the position of the Republican leadership. They said: No, we don't want to have that there. They tried unsuccessfully to eliminate the Department of Education. Nonetheless, we find the Department is there. It is considerably downsized. It has had an extraordinary record, with great improvement over the previous Republican Secretaries of Education in collecting the debts that are owed to the Department. They have reduced the student loan default rate from 22.4% in 1992 to 6.9% in 2000. Both the guaranteed and student loan collections have been much more efficient.

Now there is a different attitude by the new Republican leadership. It is expressed by the Republican leader himself, going back to January of 1999:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act.

January 29, 1999:

But education is going to have a lot of attention, and it's not going to be just words. . . .

June 22, 1999:

Education is number one on the agenda for the Republicans in Congress this year. . . .

Chamber of Commerce, February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been majority leader . . . and Republicans are committed to doing that.

February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

May 1, 2000:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

May 2, 2000:

Question: . . . have you scheduled a cloture vote on that?

Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every State, including my own State.



July 10:

I, too, would very much like to see us complete the Elementary and Secondary Education Act.

July 25, 2000:

We will keep trying to find a way to go back to this legislation this year and get it completed.

The fact is, for the first time in 35 years we do not have a reauthorization of the Elementary and Secondary Education Act. That is against the background, Mr. President, of what is happening out there across this country and what young children are doing.

We have challenges in our education system. Here is a chart: "More Students are Taking the SAT." That test, by and large, is necessary to gain entrance into the colleges; not virtually unanimous, but by and large it is required. Look at what has happened since 1980, when 33 percent of the children took it: 36 percent in 1985; 40 percent in 1990; 42 percent in 1995; and now in 2000, it is 44 percent.

This is a reflection of the attitude of children in our high schools. The percentage of children taking the SATs is going up significantly. The children want to take those tests. They understand the significance of the SAT and the importance of a college education. The SAT test is demanding. It is hard. It is difficult. Children have to work extremely long hours to prepare for these SATs. The increasing numbers of students taking the SAT is a clear indication from the children of this country that they are serious about education and they want to be able to try to improve their academic achievement.

Not only do we see their willingness to take the most strenuous of tests, which are the SATs, but they are also willing to take the advanced courses in math and science, probably the most difficult courses in our high school.

We see what has been happening in precalculus: In 1990, 31 percent of students enrolled in precalculus; in 2000, 44 percent did. In calculus, the rate increased from 19 percent to 24 percent. In physics, 44 percent to 49 percent. These are the percentage increases of students who are taking the advanced courses in these subject matters—all on the rise. The number of children who are taking the SAT tests is on the rise.

Let's take a look at the results. We have now more children taking the SAT tests. They are taking more demanding courses. What have been the results? We see across the board, going back from 1972 and 1975, 1980, the constant downward movement in terms of results. What we have been seeing since 1990 is the gradual, slow—and I admit it has been slow, but it is going in one direction, and that is up. There has been an improvement in SAT math scores and they are now the highest in 30 years. More kids are taking them, more kids are doing better. That is true across the board in terms of males as well as females.

We have challenges in our education system. This is a reflection on what is happening generally across the country. These are the matters the Vice President has talked about, how he wants to strengthen those.

Now we see what has been happening in the State of Texas. We saw what is happening generally across the country, that all the indicators are going up. Here we have Texas, falling far below the national average on the SAT scores from 1997 to the year 2000.

I brought this up to the Senate floor last week, and a lot of my colleagues were dismissive. But let's look at this. This is the national test, the SAT. These are not homegrown tests in Texas and homegrown tests in Massachusetts, homegrown in other States. The SAT is a national standardized test. I will come back to that in a minute.

These are the national averages for the SAT test. Notice the national average total scores since 1997 has gone up. That, I think, is a clear indication that the children, working harder, taking more challenging courses, have a greater desire, more of them, to go on to the schools and colleges. It is a very definite upward swing, although not great in terms of the total numbers. All of us want these higher. However, the fact remains that progress has been made and the national average is going up.

But not, Mr. President, in the State of Texas. From 1999 to the year 2000, we have seen it flatten out. Going back to 1997, scores have declined; Texas scores have gone down. It is also interesting that Texas scores are well below the national average in the SATs.

I think this is a pretty fair indication about the facts in the State of Texas. With all respect, I am not getting into criticizing the Governor or commenting on his desire to try to do better. But I do think that when he talks about it and he claims how well Texas is doing, it is fair enough to look at the facts and examine whether this is so. We have this as a result of these Scholastic Aptitude Tests that show Texas is well below the national average, and under Governor Bush it hasn't improved on the national average in the last several years, at least while he has been Governor.

These are the earlier facts. Then we have the blockbuster report, the Rand Commission report, which basically sustains that argument that the schools may not have been making as large of improvements as claimed. It has been an important indictment of what has been happening on education in the State of Texas.

Mr. REID. Could I ask the Senator from Massachusetts to yield while we do a unanimous consent request, and the Senator as part of the request would retain the floor?

Mr. KENNEDY. I am glad to.

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

The Senator from Alaska.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4811

Mr. STEVENS. Mr. President, I ask consent that following statements by Senator KENNEDY and Senator BAUCUS ongoing now, the Senate proceed to the conference report to accompany the foreign operations appropriations bill, that it be considered as having been read, and time be limited to the following: 1 hour equally divided between Senators MCCONNELL and LEAHY or their designees, 10 minutes equally divided between myself and Senator BYRD or our designees, and 30 minutes under the control of Senator GRAHAM of Florida. I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report without any intervening action.

Mr. REID. Mr. President, reserving the right to object, it is my understanding there is already scheduled a 4:30 vote.

The PRESIDING OFFICER. That is correct.

Mr. REID. If this debate is not completed prior to that time, we will have to complete it after that vote is taken?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. That is my understanding, too.

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

Mr. STEVENS. I thank Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### EDUCATION TEST SCORES

Mr. KENNEDY. Mr. President, I was just pointing out that we have this extraordinary report. I have it in my hand. It is the October 24, 2000 Rand Commission report: What do test scores in Texas tell us? It is an excellent report. I will have excerpts of it printed in the RECORD. But I hope those who are interested in this issue, trying to make up your minds over the period of these last 10 days, will have a good opportunity to examine that report.

Let me just mention a few of the highlights of the report. First of all, the study was released, as I mentioned, on October 24. It raises serious questions about the validity of gains in Texas math and reading scores. The study compares the results of the Texas Assessment of Academic Skills, the test taken by Texas students, with the results achieved by those same students on the National Assessment of Education Progress tests. There were large discrepancies between the results of the Texas TAAS test and the national NAEP test. The student gains on the TAAS, the Texas test, are far greater than what has been found with the same group of students on the NAEP or other standardized national tests.

Do we understand what we are saying? Significant improvement on the

test just given to Texas students; but for the Texas students who took both the Texas and national test, we found a very dramatic disparity. In Texas, many teachers say they are spending especially—these are the conclusions of the Rand report—large amounts of class time on TAAS test preparation activities. Teachers in low-performing schools reported greater frequency of test preparation than did teachers in higher-performing schools. While this preparation may improve the TAAS scores, it may not help students develop necessary reading and math skills. Also, this could lead to a superficial appearance that the gap between minority and majority students is narrowing when no change has actually occurred.

The exclusion of students with disabilities increased in Texas while decreasing in the Nation. Texas also showed an increase over time in the percentage of students dropping out of school and being held back. These factors produce a gain in average test scores that overestimates actual improvement in student performance.

We understand now what is happening. Regarding those individuals with disabilities, students we have worked long and hard to make sure they are going to be a part of the student body and have the opportunities for educational advancement, if you can exclude some of them from test taking, as in Texas, plus most likely some of the poorer performing students have dropped out and won't be able to take any of those assessment tests, this is going to have an artificial inflator on test scores.

That is the Rand Corporation that is making that conclusion.

Also, Rand researchers hypothesize that a small but significant percentage of students may have topped out on the TAAS. In other words, some students may have scored as high as the TAAS would allow them to. If that happened, it would artificially narrow the gap on TAAS between white students and students of color because white students tend to earn higher scores than minority students. Thus, the reduced gap on the TAAS relative to NAEP may be a result of TAAS being too easy for some students.

As with other tests, there have been documented cases of cheating on the Texas TAAS test.

The NAEP is a national test, which students from around the country can take so States and communities—and parents, most importantly—are able to evaluate the differences between how their children are doing in school compared with how those in other parts of the State and other parts of the country are doing. According to the NAEP, Texas fourth graders were slightly more proficient in reading in 1998 than in 1994. However, the country as a whole also improved to the same degree. Thus, there was nothing remarkable about the reading score gains in Texas. Small improvements in Texas

eight grade math scores were also consistent with those observed nationally.

There is nothing remarkable about the NAEP scores in Texas, and students of color did not gain more than whites. Score increases in Texas are identical to those nationwide when using the NAEP data. However, the gains on TAAS were several times larger than they were on NAEP.

That is what we are hearing the good Governor talking about. That is what he is talking about. This puts it all in the light that that is not a true reflection of what is happening among the young people. The gains on TAAS were greater for students of color than they were for whites. The large discrepancy between the TAAS and the NAEP results raises concern about the validity of the TAAS scores and validity of claims regarding student achievement.

According to the NAEP results, the gap between white students and students of color in Texas is very large and also increasing slightly.

In 1998, the average fourth grade reading score for black students was at the 38th percentile compared to the average white student at the 67th percentile. This gap was slightly larger than the gap between these groups in 1994. In other words, the black-white reading gap increased during this 4-year period. The gap between the blacks and whites had actually increased during this period.

In fourth grade math, the white-Hispanic NAEP gap grew in Texas but not nationally, and the white-black gap remained constant in Texas but actually shrank nationally. In short, the gap sizes between the whites and minorities on the NAEP were improving nationally but getting worse in Texas.

That is not a satisfactory prescription for improving education. It suggests the Texas system is more an education mirage than an education miracle. I think it is important for parents—as they are looking now, trying to get beyond the clichés, beyond the slogans, beyond the set statements, beyond the give and take, even in those debates—to look at the record, and the record is very clear. That is that we have not seen the kind of advancement that has taken place in many other States that are doing a number of things that have been recommended, as we were going to have a chance to hear about in the debate on the ESEA.

We find out the States that made the greatest advancement are States that had smaller class sizes, where they had continuing enhancement and proficiency for teacher education, mentoring with teachers, afterschool programs, accountability. They had a number of those programs and even benefited from early education help and assistance as well.

What we wanted to try to do is to have a debate on those particular matters that have made a difference in States around the country, where we had seen advancements in education.

But we have been denied that opportunity. What basically the leadership, the Republican leadership, has denied us is the opportunity to have that debate, denied us the opportunity to raise these issues. What the American people are being asked is, let's just look back on what has happened in Texas.

When we examine Texas, not out of partisanship, but using the objective standards for the SATs—they do not benefit a Democrat or Republican; they are focused on children—and if we take the Rand study which has been available and can be reviewed by anyone—we are finding out that this has been a mirage in terms of education.

I want to spend a few moments going into another area which I think the American people ought to give some focus and attention to in these final few days, and that is on the critical issue of the credibility gap in health care. Few, if any, issues are of greater concern to American families than quality, affordable health care. Americans want an end to the HMO abuses. They want good health insurance coverage, they want a prescription drug benefit for senior citizens under Medicare, and they want to preserve and strengthen Medicare so it will be there for today's and tomorrow's senior citizens. And they want these priorities not only for themselves and their loved ones but for every American, because they know that good health care should be a basic right for all.

The choice in this election year is clear. It is not just a choice between different programs. It is a choice based on who can be trusted to do the right thing for the American people. AL GORE's record is clear. He has been deeply involved in health care throughout his career. The current administration has made significant progress in improving health care in a variety of ways—from expanding health insurance to protecting Medicare. He has consistently stood for patients and against powerful special interests.

AL GORE lays out a constructive and solid program that is consistent with his solid record. He is for expanding insurance coverage to all Americans, starting with children and their parents. He is for a strong Patients' Bill of Rights. I daresay, when AL GORE is elected President, a Patients' Bill of Rights will be the first major piece of legislation that passes this Congress. I am absolutely convinced that will be the case, Mr. President.

He has a sensible plan for adding prescription drug coverage to Medicare. He will fight to preserve Medicare without unacceptable changes designed to undermine Medicare and force senior citizens into HMOs and private insurance plans.

George W. Bush's approach is very different. His proposals are deeply flawed. But even worse than the specifics of his proposals is his failure to come clean with the American people about his record in Texas or about his own proposals.

On health care, George W. Bush does not just have a credibility gap. He has a credibility chasm. He has consistently stood with the powerful against the people. He refuses to take on the drug companies, the insurance companies, or the HMOs. His budget plan puts tax cuts for the wealthy ahead of every other priority, and leaves no room for needed investments in American families. His health care values are not the values of the American people.

On the issue of the Patients' Bill of Rights, George Bush said in the third debate that he did support a Patients' Bill of Rights. He said he wanted all people covered. He said he was in favor of a patient's right to sue, as provided under the Texas law. And he said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights. That is what he said. But the reality is very different, as was pointed out in the New York Times after the debate on October 18. "Texas record: Taking credit for patients' rights where it is not necessarily due."

That is the understatement of the year. The reality is George W. Bush vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill, allowing it to become law without his signature.

Mrs. HUTCHISON. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator yield?

Mr. KENNEDY. Briefly for a question, and then I would like to make a presentation, and then I will be glad to yield.

Mrs. HUTCHISON. Mr. President, I am very concerned about what I see as attacks on my State of Texas on the Senate floor. I certainly think it is legitimate to have a Presidential campaign out in the light of day where people can see it. I just ask the question: Is the Patients' Bill of Rights the Senator is referring to the law today in Texas?

Mr. KENNEDY. Yes, it is law.

Mrs. HUTCHISON. Does the Senator think it would be law in Texas today if the Governor had not allowed it to become law?

Mr. KENNEDY. I think another Governor would have gotten the bill faster. If the Senator—

Mrs. HUTCHISON. The question is, Is it law today?

Mr. KENNEDY. Mr. President, I am going to reclaim my time.

The PRESIDING OFFICER. The Senator from Massachusetts reclaims his time.

Mrs. HUTCHISON. I ask if the Senator will give me some time to rebut what I consider to be an attack on my State.

Mr. KENNEDY. I will be glad to yield to the Senator after I spell out exactly what happened in Texas.

Mrs. HUTCHISON. Mr. President, then I ask unanimous consent that I have some time before we go to the foreign ops bill. I ask unanimous consent that I get up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will lay out the facts—and if I can have the attention of the Senator from Texas now—I will lay these facts out, and if the Senator from Texas finds a problem with these facts, then I will be glad to yield for that purpose to listen to what the facts are.

These are what the facts are: George Bush said in the third debate that he did support a national Patients' Bill of Rights.

He said he wanted all people covered.

He said that he was in favor of a patient's right to sue as provided under Texas law.

He said he brought Republicans and Democrats together in the State of Texas to pass a Patients' Bill of Rights. That is what he said.

The reality is different. The Governor vetoed the first Patients' Bill of Rights passed in Texas. He fought to make the second bill as narrow and limited as possible. He was so opposed to the provision allowing patients to sue their HMOs that he refused to sign the final bill and allowed it to become law without his signature. That is not the record of a person who is candid about where he stands and what he has done. Those are the facts.

It is not a record that recommends him for national office for any citizen concerned about a strong, effective Patients' Bill of Rights. It is the record of a candidate who stands with powerful insurance companies and HMOs, not with American families. He was forced effectively to take a Patients' Bill of Rights. So when the Senator says, isn't it law today? yes, but it was required because of what happened in the legislature, not the leadership that was provided by the Governor on that issue.

On health insurance, the record is equally clear—and equally bleak. Governor Bush claims he wants insurance for all Americans. He blames Vice President GORE for the growth in the number of the uninsured. But Governor Bush's record in Texas is one of the worst in the country. Texas has the second highest proportion of uninsured Americans in the country. It has the second highest proportion of uninsured children in the country. Yet Governor Bush has not only done nothing to address this problem, he has actually fought against the solutions.

In Texas, he placed a higher priority on large new tax breaks for the oil industry, instead of good health care for children and their families. When Congress passed the Children's Health Insurance Program in 1997, we put affordable health insurance for children within the reach of every moderate and low-income working family. But George Bush's Texas was one of the

last in the country to fully implement the law.

Do we understand that? Texas was one of the last States in the country to fully implement the law. Despite the serious health problems faced by children in Texas, Governor Bush actually fought to keep eligibility as narrow as possible.

This is what happened in 1994: The Governor takes office; Texas ranks 49th. The year 2000: Bush runs for President; Texas ranks 49th.

These are the facts. People might not like those facts. People might not want to talk about those facts, but these are the facts. If you have different facts, let's have them.

Texas: One of the last States to implement CHIP. October 1997, CHIP funds were available. November 1999, Texas implements the full CHIP program. We had a program where the funds were there. We did not have to appropriate the additional funds. Still it took 2 years. Children cannot wait 2 years when they are sick. They cannot wait when they have a sore throat, or cannot see the blackboard, or cannot see the teacher. They need help and assistance, and the fact it took 2 years, I think, is inexcusable.

Bush places a low priority on children. Bush fights to restrict CHIP eligibility to children below 150 percent of poverty. Most of the other States, a great majority of the other States, went to 200 percent of poverty. Maybe the Senator from Texas has an explanation for that.

Texas has been one of the only States that has been cited, not by the Senator from Massachusetts and not by Democrats, but by a Federal judge for failure to enroll children in Medicaid. That is the record, Mr. President. You might not want to hear about it, but that is the record.

Now, perhaps the most ominous revelation about the Governor's attitude towards this issue came in the third debate when he said:

It's one thing about insurance, that's a Washington term.

Insurance a Washington term? Governor Bush should try telling that to hard-working families across the country who don't take their children to the doctor when they have a sore throat or a fever because they can't afford the medical bill. He should try telling that to the young family whose hopes for the future are wrecked when a breadwinner dies or is disabled because an illness was not diagnosed and treated in time. He should try telling that to the elderly couple whose hopes for a dignified retirement are swept away in a tidal wave of medical debt.

Insurance is far more than a Washington term. It is a Main Street term in every community in America, and its lack of availability is a crisis for millions of families across the country.

Prescription drug coverage under Medicare is another major aspect of the health care challenge facing America. Few issues are more important to

senior citizens and their families. They deserve a prescription drug benefit under Medicare. And we should try to provide it in a way that strengthens the promise of Medicare, not in a way that breaks that promise and breaks faith with the elderly.

The differences between Vice President GORE and Governor Bush on this issue are fundamental. Governor Bush stands with the big drug companies. The Vice President stands with the senior citizens. Governor Bush has sought at every turn to blur the differences between their two plans in a way that is so misleading as to make a mockery of his own attacks on the Vice President's credibility.

Vice President GORE has clearly pointed out the many flaws in Governor Bush's prescription drug plan for senior citizens. But Governor Bush has no response on the merits. Instead, he hides behind phrases like "fuzzy numbers" and "scare tactics."

But the numbers are not fuzzy, and senior citizens should be concerned. Let's look at the facts.

Prescription drug coverage under the Bush plan is not immediate and most senior citizens would be left out.

As the Vice President has pointed out, for the first 4 years, the Bush plan would cover low-income seniors only. AL GORE cited the example of a senior citizen named George McKinney. He said:

George McKinney is 70 years old, has high blood pressure. His wife has heart trouble. They have an income of \$25,000 a year. They cannot pay for their prescription drugs. And so they're some of the ones that go to Canada regularly in order to get their prescription drugs.

Governor Bush responded:

Under my plan, the man gets immediate help with prescription drugs. It's called immediate helping hand. Instead of squabbling and finger-pointing, he gets immediate help.

He kept accusing Vice President GORE of using "fuzzy math" and "scare tactics."

But Governor Bush's own announcement of his Medicare plan proves AL GORE's point. This is what Governor Bush said:

For four years, during the transition to better Medicare coverage, we will provide \$12 billion a year in direct aid to low income seniors . . . Every senior with an income less than \$11,300-\$15,200 for a couple—will have the entire cost of their prescription drugs covered. For seniors with incomes less than \$14,600-\$19,700 for couples—there will be a partial subsidy.

George McKinney has an income of \$25,000. He would clearly be ineligible for help under Governor Bush's plan. If Governor Bush thinks that is fuzzy math, then education reform is even more urgent than any of us realized.

In the third debate, Governor Bush finally admitted that the first phase of his program is only for "poor seniors."

George McKinney is not alone. The vast majority of senior citizens would not qualify for Governor Bush's prescription drug plan, and many of those who did qualify would not participate.

Even this limited program for low-income seniors would not be immediate, because every State in the country would have to pass new laws and put the program in place, a process that would take years in many States.

George Bush's prescription for middle-income seniors is clear—take an aspirin and call your HMO in 4 years.

Governor Bush's prescription drug plan would also require senior citizens to go to an HMO or an insurance company to obtain their coverage. In the first debate, Vice President GORE pointed out that most senior citizens "would not get one penny for four to five years, and then they would be forced to go into an HMO or an insurance company and ask them for coverage. But there would be no limit on the premiums or deductibles or any of the terms or conditions."

Again, Governor Bush did not respond to the Vice President's specific points. Instead, he claimed that the Vice President was trying to "scare" voters.

The facts are clear. George W. Bush's policy paper states that:

Each health insurer, including HCFA-sponsored plans that wish to participate . . . will have to offer an "expanded" benefit package, including out-patient prescription drugs. . . . This will give seniors the opportunity to select the plan that best fits their health needs.

In other words, to get prescription drug coverage under the Bush plan, you have to get it through a private insurance plan. How high will the copayments be? How high will the premiums be? How high will the deductible be? Governor Bush has no answer. Those important points are all left up to the private insurance companies.

Governor Bush says senior citizens will have the opportunity to select the plan that best meets their health needs. But what they will really have is the opportunity to select whatever plan private insurers choose to offer. If it costs too much, senior citizens are out of luck. If it does not cover the drugs their doctors prescribe, they are out of luck. The Bush plan is an insurance industry's dream, and a senior citizen's nightmare.

On prescription drugs, and every other aspect of Medicare, the choice between the two Presidential candidates is very clear, and it is clear on every other aspect of health care. The Bush record in Texas is one of indifference and ineptitude—of putting powerful interests ahead of ordinary families.

The Bush record in the campaign is one of distortion. The Bush proposals are at best inadequate and at worst harmful. Tax cuts for the wealthy are not as important as health care for children and prescription drugs for seniors. The American people understand that, but evidently Governor Bush does not.

AL GORE has a career-long record of fighting for good health care for families, for children, and for senior citi-

zens. The current administration has a solid record of bipartisan accomplishment, ranging from protecting the solvency of Medicare to improving health insurance coverage through the enactment of the Kassebaum-Kennedy bill and the Child Health Insurance Program. AL GORE's program responds to the real needs of the American people with real resources and a detailed action plan.

I am hopeful that every American will examine the records of the two candidates carefully. On health care, there should be no question as to which candidate stands with the powerful special interests and which candidate stands with the American people. The choice is clear. Governor Bush stands with the powerful, and AL GORE stands with the people.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Texas.

#### SETTING THE RECORD STRAIGHT

Mrs. HUTCHISON. Mr. President, I rise today to refute everything the Senator from Massachusetts has said about my State and my Governor.

Mr. President, I think it is legitimate to talk about a person's record when you are running for President of the United States. But, Mr. President, I object to the use of the Senate floor to trash my State of Texas. And I object to a misrepresentation of the record of my State.

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

Mrs. HUTCHISON. I will yield on your time—on the time of the Senator from Massachusetts, not on my 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has no time.

Mr. KENNEDY. But there is not a time limitation, is there?

The PRESIDING OFFICER. The Senator from Texas is under a time limitation.

Mr. KENNEDY. I ask my response not be charged to the Senator.

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

Mr. KENNEDY. Mr. President, does the Senator from Texas deny that Texas is 48th out of 50 States in terms of the total number of uninsured children? Does she deny that?

Mrs. HUTCHISON. Mr. President, I deny that that is the relevant point. Because, in fact, 41 States are behind in the CHIP program sign-up because when Congress passed the Children's Health Care Program, they gave the States 3 years to spend the money. It just happened that our State meets every other year in the legislature. By the time they were able to meet and start the CHIP program, the State had had a very steady influx of children. We are on the way, and 40 other States are in the same situation.

So I am going to reclaim my time. I would like for the rest of my 15 minutes to start now because I thought the

Senator from Massachusetts was going to ask a question. But I am not going to yield further.

The Senator from Massachusetts has been speaking for quite awhile about my home State of Texas. If there is more than 15 minutes before we start the foreign operations bill, I ask unanimous consent to be able to continue speaking until Senator McCONNELL comes and have the full time to refute what I think are misrepresentations of the Texas record.

The PRESIDING OFFICER. The Senator should be advised, there is an agreement to recognize Senator BAUCUS. But subject to that agreement, without objection, the Senator may proceed.

Mrs. HUTCHISON. I ask unanimous consent that I have up until the time that the foreign operations bill starts. What is the agreement with Senator BAUCUS?

The PRESIDING OFFICER. There is an agreement that Senator BAUCUS be recognized with no time limit before the foreign operations bill. However, the Senator is not here at this point.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak until I finish.

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

Mrs. HUTCHISON. Mr. President, the State of Texas has just surpassed New York as the second largest State in America. That didn't happen because our State wasn't well run. It didn't happen because we have a sorry education system. It didn't happen because we don't take care of our children. It happened because we have a great quality of life. We have a Governor, George W. Bush, who is doing a great job, and we have a legislature led by our Lieutenant Governor, Rick Perry, and our House Speaker, Pete Laney. One is a Democrat; one is a Republican. They work together. That is the way we do things in Texas.

There has been a gross misrepresentation about Texas throughout the campaign for President and on the Senate floor today. I will tell the Senate why the State of Texas is in great shape and why it is absolutely unconscionable to trash Texas in order to get an advantage in the Presidential race.

Let's take education. Everyone would acknowledge that we have a problem in the public education system of our country. Our Congress, the Republicans, and our Governor in Texas have tried to open up our public education system. Governor Bush has tried to take the problems we have and put creativity and more State resources into those problems so that every child will have a chance to reach his or her full potential in our State of Texas. That is what we have tried to do in Congress for the entire United States. We have tried to put creativity into the schools. We have tried to give parents more choices.

Every time we do, however, it is the people on the other side of the aisle

who throw up the roadblocks, who want to have the Federal Government, from the top down, dictate what the local governments and the school boards would do all over our country.

If you think that Governor Bush disagrees with that, you are right. And so do I. He believes in local control. He is very pleased that Congress is going to put more money into public education, but he wants the decisions made by the people who know the children and who know what the children's needs are.

Let me tell you what he has done in Texas. We were very concerned about the high school dropout rate in Texas. It was especially high in our Hispanic community. Governor Bush believes, as do I, that if our young people are dropping out of high school, that is trouble—T-R-O-U-B-L-E—for all of us. It means those children will not have a chance to succeed, and it means our society is losing the benefit of a productive citizen.

Governor Bush said: Let's find out what the problem is. Well, we found out what the problem is. Many of those young people who are dropping out of high school can't read very well. So he said: We are going to attack this so that every child will be able to read at grade level, so that every child will be able to participate in public education all the way through the system. So we start testing our children in Texas in preschool, kindergarten, in the first grade, in the second grade. And in the third grade, the child must read at grade level. The child is tested. And if the child cannot pass the test, the child will not progress to the fourth grade.

That child will be given extra help to learn how to read until that child can read at grade level. Then that child will go to the fourth grade. Governor Bush believes that a child is not going to be able to learn multiplication tables if a child can't read in the third grade. Governor Bush wants to go back to basics in education. He wants reading, writing, arithmetic, and history to be the core subjects that are taught in our schools. That is what he has done in Texas. The test scores are going up, and especially they are going up among our minority students. In fact, we have phenomenal increases in the test scores of our minority students, which is the emphasis we have put in the program, because we are so hopeful that by starting at that third grade level, every child will be able to reach his or her full potential.

Texas is one of two States that has made the greatest recent progress in education according to the congressionally mandated National Education Goals Panel. African American fourth graders in Texas ranked first in the Nation in math. Since 1992, African American fourth graders in Texas have made the greatest gains in math, and Hispanic fourth graders have made the second greatest gains.

African American and Hispanic eighth graders in Texas ranked first

and second in the Nation in writing. Texas eighth graders, as a whole, ranked fourth in the Nation. Under Governor Bush, the number of students passing all parts of the State skills test has increased by 51 percent. The number of both minority students and economically disadvantaged students passing all parts of this test increased by 89 percent.

I think that is a record of which our Governor should be very proud.

We have had problems in our public education system. We have had children who don't speak English in great numbers in our education system. We are a border State. We value education. Our Governor was the first to step up to the line and say we would educate every child in Texas regardless of whether or not that child was a legal resident of Texas. The children of illegal immigrants are educated in Texas, and that is under the leadership of our Governor.

So I think it is very important that we set the record straight because it is a good record. We take care of our children, and we believe a strong system of public education is the ticket to success in our country. We believe Texas is leading the way.

Now the Senator from Massachusetts pointed out that a Federal judge had said we are not doing enough for the children in the insurance program that has been a part of Medicaid. I think that is very interesting because that lawsuit was filed when we had another Governor in Texas, not Governor Bush. That lawsuit was filed when Ann Richards was the Governor of Texas. Governor Bush has been in office for 7 years, so that lawsuit has been pending for over 7 years. I wonder what it was that made Federal Judge William Wayne Justice decide to rule in the last 6 weeks in that case. I wonder why he waited for over 7 years to declare that Texas was not meeting its responsibilities. Furthermore, I wonder why he waited until October 30 to ask for the report from the State—October 30 of an election year in which our Governor is running for President. I just ask that question about the timing.

As a matter of fact, it happens that our State is going to report that they are doing everything they can to cover every child with Medicaid and under the CHIP program because 41 States were not able to meet the 3-year mandate of the CHIP program, for a combination of reasons. Partly, it was regulations put out by the Federal Government that our States had to digest before they would be able to go forward and put the program in place. Our State legislature meets every other year, as do many other State legislatures. So once they met, they put the program in place. Texas has been going full steam ahead ever since that point. Mr. President, 100,000 children are now covered under our CHIP program; 400,000 are expected to be covered by the end of next year.

Under Governor Bush, the percentage of Medicaid-eligible children who get

prevention care has doubled from 30 percent to 60 percent. Congress is going to pass legislation that is going to help all 41 States that haven't been able to get their programs up completely and running, so that all of them will be covered and they will have the money they need, including Texas. So 41 States had to get the program up and going with legislatures that meet every other year. So the States and the Federal Government are working together to make sure children are covered, and our Governor is leading the way.

I want to discuss the Patients' Bill of Rights, which was mentioned by the Senator from Massachusetts. He acted as if we didn't have a Patients' Bill of Rights in Texas. We do have a Patients' Bill of Rights in Texas, and the Governor worked very hard to get that bill passed. The disagreement between the Governor and some of the people in the legislature, which was the subject of the negotiation, was how much the caps on pain and suffering lawsuits would be. The Governor thought they were too high. He didn't veto the bill; he let it go into law. In fact, because he did that, it is the basis of the law that eventually Congress will pass, because it has very clear internal reviews and very clear external reviews and because those reviews are so comprehensive and independent, there have been virtually no lawsuits filed, which is exactly what you want. You want patients to be covered; you want them to get the care they need. You don't want a bunch of lawsuits in which the patient is a person forgotten in the process. You want a Patients' Bill of Rights so that you can get the care and because the internal and external reviews have been so good, the system is working.

It is law in Texas today because Governor Bush was the leader who worked to get those internal and external reviews, who worked to have reasonable caps, who let the bill become law, and who now, I hope, will lead our country to a Patients' Bill of Rights that will not be a lawsuit machine but will give patients and their doctors the ability to make their decisions.

The Senator from Massachusetts said our Governor, in running for the Presidency, has a prescription drug benefit for our elderly, but he said it was "fuzzy." It is not fuzzy. He wants a prescription drug benefit for our elderly people who need it. He wants to do it immediately. He does not want one person to have to decide between a necessity in life and a prescription drug. So he is advocating exactly what we have been trying to do in Congress, which is to get money to the States immediately to help in a transition until we can have a real addressing of the issue of prescription drug benefits. He is advocating an option in Medicare so that every person will have the ability to have coverage, if that is the option the person in Medicare chooses to have—prescription drug benefits—something that would operate like Medicare Part B or Medicare Part C.

I think we should not have to criticize a State in order to make a point in a Presidential race. I don't think the people of America are very persuaded, and if Vice President GORE doesn't have anything else to talk about but the State of Texas, he should not be the leader of our country because I think most people would like to know what Vice President GORE and what Governor Bush are planning to do in the future for our country. I think their platforms are pretty clear. I don't think you have to say that the State of Texas is backward when we have one of the best qualities of life of any State in our Nation, and people are voting with their feet because they are moving to Texas by choice. Texas is a great place to live. We have wonderful people, and we have a legislature that operates in a bipartisan way. I don't think you would hear one of our legislators stand on the floor of the House or Senate and trash another State in order to make a point, because it is just not necessary.

We have a system of public education that is improving every day in Texas. It is under the leadership of Governor Bush that that is happening. We are covering our children in the CHIP program, and our outreach is comprehensive. We are trying to do the education efforts today so that every child who is eligible will know through that child's parents that they are eligible.

We have a Patients' Bill of Rights that is the leader in the Nation for patients in our State, with their doctors having control of their health care. We did it under the leadership of Governor Bush.

Mr. GRAMM. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield to the Senator.

Mr. GRAMM. Mr. President, let me say I have been busy all morning trying to work out our Medicare and Medicaid Improvement Act and work on finalizing actions so we can, hopefully, finish the business of the Senate tomorrow or Friday. I have not had an opportunity to come over, though I understand Senator KENNEDY has gone on at great length talking about Texas.

Let me respond in the following way. There are a lot of States in the Union I wouldn't want to live in. But I know there are people who love those States. I am proud when people ask: What State do you represent in the Senate? I am proud I can say I am a Senator from the greatest State in the Union. I am a Senator from Texas.

Now, Texas does not need defense against TED KENNEDY. The fact that TED KENNEDY is not for George Bush for President is a very good reason to vote for George Bush for President. The fact that TED KENNEDY does not like our Patients' Bill of Rights in Texas is a pretty good indication we have a good Patients' Bill of Rights in Texas. After all, it was TED KENNEDY who joined the Clintons in proposing that the Government take over and run the health care system in America.

I don't have to defend Texas because people vote with their feet. We have

had 321,666 people move from other States to Texas since George Bush has been Governor. They must think things are pretty good in Texas. We have created 1.6 million permanent, productive tax-paying jobs for the future in Texas while George Bush has been Governor. While America has lost manufacturing jobs, we have gained 100,000 manufacturing jobs in Texas. Come to think of it, wouldn't it be great if America were a little bit more like Texas?

I quote from the rules of the Senate, rule XIX, clause 3: No Senator in debate shall refer offensively to any State of the Union.

Now I don't intend to come over and say bad things about Massachusetts. Some great Americans have come from Massachusetts. Massachusetts is a great and wonderful State. I don't choose to live there, but I know the people who live there love it.

It is interesting that we are gaining two congressional seats because so many people are moving to Texas; Massachusetts keeps losing congressional seats. But I am not going to come out here and criticize Massachusetts.

I say to Senator KENNEDY and to others: if you want to run for President, you want to campaign, go out and do it. But I don't think we ought to turn the floor of the Senate into the fulcrum of that campaign.

I thank my colleague for coming over. She does a great job in defending Texas and defending its interests. I am always proud to be associated with her. Texas doesn't need any defending. But obviously the rules of the Senate do. I call on my colleagues to abide by the rules. I don't think we help each other if we try to tear down other people's States. I think it behooves us to try to build up our own States—to try to build up our own country. I think when we do that, the country benefits.

I thank my colleague for yielding.

Mrs. HUTCHISON. Mr. President, I wish to discuss for a moment this Rand report that has been quoted so many times by Senator KENNEDY and others. It seems there are some people in the Rand organization who have put something out showing Texas in a bad light in the education system.

That was not a full study. Rand actually did a full and comprehensive study. It was released July 25 of this year. I will read a few highlights of the comprehensive study. The study examined and compared the results from the National Assessment of Educational Progress Tests taken between 1990 and 1996 among 44 States. They judged the States according to State score improvements, raw achievement scores, and scores comparing students from similar demographic groups.

Results from the Rand study show that math scores in Texas had improved at twice the rate of the national average. Texas was second among all States in improved math scores. Texas leads all States in a comparison of students from similar socioeconomic and family backgrounds. Texas African

Americans and non-Hispanic white fourth graders ranked first on this test in math in 1996. Texas Hispanic fourth graders ranked fifth. The study confirms earlier reports that Texas is one of two States that has made the greatest overall academic gains in recent years.

The report went on to say one reason why Texas has been so successful, according to the Rand study, has been the higher percentage of teachers who are satisfied with their teaching resources. Governor Bush provided those resources. He wants to do the same thing through initiatives such as Reading First, at the Federal level, which would offer training and a curriculum for teaching reading to K-through-12 teachers.

Governor Bush thinks reading is fundamental. I think his mother is the one who started that when she started the Reading First Program for America. He believes if a child can read, that child is going to be able to take the next steps in public education. That is why Governor Bush put the resources there in Texas. That is why the real Rand study that was comprehensive showed the great improvement in Texas. That is why his education plans for America will work because we want no child to be left behind in Texas or any other State.

I hope the campaign rhetoric doesn't hit the Senate floor again. I am not going to stand here and I am not going to sit in my office and listen to anyone else use Texas as a whipping boy, A, because Texas is a great State; B, we have a great Governor; C, the things that are being said are misrepresentations; and D, in Texas, where we have been behind in the past, Governor Bush has said we are going to get ahead.

We are tackling our problems. Every State has problems. I am proud of the leadership in Texas of our Speaker, Pete Laney and our Lieutenant Governor, Rick Perry, and our Governor, George Bush, who have worked together in a bipartisan way to make sure the resources are going into public education and into our children's health insurance program. It was our legislative leaders working with Governor Bush who said our entire State tobacco settlement would go to fund the children's health insurance program, and they took a huge part of our State tobacco settlement and put it in a trust fund in which every county in Texas will participate in perpetuity for the treatment of our indigent health care patients all over Texas. That was the leadership of our State legislature, and our Governor. Because they do want quality health care for all our Texas residents.

Maybe I am a little biased, but I think I come from a very great State. I think the statistics prove it. I do not want to hear anyone else say that Texas is not meeting its responsibilities in education, in health insurance, in patients' rights—because we are a leader. We are a leader and we want ev-

eryone in America to have the quality of public education that we are building to get in Texas. We want every child in America to reach his or her full potential. We want every child to have health insurance coverage. We want every person in Texas to have quality health care. That is why all of our tobacco settlement is going for health care or education programs to educate young people on the hazards of smoking. That is it, that is the entire use of our tobacco money: to educate young people on the hazards of smoking and health care for every citizen of Texas who needs it.

I am very proud of our record. I am proud of our Governor and I think he is the person who can bring these qualities to the United States.

I yield the floor.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4811, "Making appropriations for foreign operations, export financing, and related programs for the fiscal year 2001, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 24, 2000.)

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report on the foreign operations bill.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. Speaker, the bill before the Senate is a half billion dollars below last year's appropriation—the fiscal year 2000 bill was \$15.4 billion—this year we are presenting a \$14.9 billion bill. This includes \$14.5 billion in fiscal year 2000 funds plus an additional \$466 million in supplemental funding for debt relief, Southern Africa, and the Balkans.

Although we are below last year's level, we have managed to substantially increase key priorities, including providing \$865 million for Ex-Im, a nearly \$100 million increase over last year, \$1.3 billion for development assistance, again a \$100 million increase, within child survival we surpassed the request for AIDS funding and provided \$315 million. Overall child survival funding was also increased to \$963 million. In addition to over \$1 billion in

supplemental funds for Colombia, the Narcotics and Law enforcement account was increased by \$20 million over the request to \$325 million. For the first time in years, we managed to increase security assistance. This account is of real concern to our friends and allies in Central and Eastern Europe. We exceeded the request and provided \$3.545 billion. To respond to crises from Chechnya to Sierra Leone, we substantially increased funding both over last year's level and this year's request for refugees to \$700 million. In this account we were able to work out a compromise that will improve management and oversight of UNHCR while affording the administration flexibility to respond rapidly to any real emergency.

Finally, we provided funds for the fiscal year 2001 and the supplemental request for debt relief. In addition to language on IMF reforms recommended by Senator GRAMM, we have included a number of HIPC conditions worked out between Senator HELMS and Congressman LEACH, representing the authorizing committees. There are a number of policy provisions which are also important to mention. Within the \$675 million account for Eastern Europe, we have provided up to \$100 million for Serbia. Senator LEAHY and I agree that we will never be able to withdraw troops and help stabilize the Balkans as long as Milosevic and other criminals responsible for outrageous atrocities across the Balkans are allowed to go free. No government in the region will have confidence in Belgrade if the rule of law is not upheld.

The administration lobbied heavily against our arguments that U.S. support for the new government should come with specific conditions attached. We thought aid should flow only if the Serb government met three specific conditions: First, they need to cooperate with the War Crimes Tribunal. Second, they must take steps to end support for organizations in the Republic of Srpska which prevent effective integration of Bosnia Hercegovina. Finally, given Belgrade's vicious track record, we thought it was important to seek assurances that the new government will implement policies which respect the rights and aspirations of minorities and the rule of law. Each of these conditions was designed to serve our interests in stabilizing the region so that an exit strategy for U.S. troops can be safely and effectively executed. The bill modifies this approach and includes an agreement which will give this administration and the new government in Belgrade a 5-month window in which assistance can move forward. After that period, only humanitarian aid and support to local mayors will be allowed if Belgrade refuses to meet the conditions which I have outlined.

I must confess my reservations about this approach. I listened to the arguments for flexibility, but I have little confidence in the administration's past record of support for the Tribunal and



standing up to Belgrade. I believe that there is no problem in Serbia that will be made easier by Milosevic's predatory presence. No regional government will have confidence in Belgrade as long as he is allowed to go free. It is in their interest and ours to see him turned over for trial. In the end I agreed to this compromise because funds for Serbia are made available subject to the committee's notification. If there is no sign of cooperation or progress on our conditions during the next five months, the administration should understand that I will put a hold on funding. This compromise is not a free pass to spend for five months—Senator LEAHY and I will be expecting concrete progress. The second area of tremendous concern addressed in the bill is Russia's action in Chechnya. Since launching this war, Moscow has blocked all humanitarian relief operations or international human rights investigations from proceeding in Chechnya. While we cannot always change the views in Moscow, I was extremely disappointed by the administration refusal to support the U.N. High Commissioner for Human Rights call for an international investigation. Instead Secretary Albright testified the administration preferred to allow Moscow to conduct its own internal investigation. The State Department has also rejected support for nongovernment groups providing relief and preferred instead to work through the Russian government.

To address these problems, we have earmarked \$10 million for the more than 400,000 displaced families in Chechnya and Ingushetia which can only be provided through NGOs. Aid to the Russian government is also made contingent upon cooperation with international investigations in Chechnya. We have also made aid to the Russian Government contingent upon a certification that Moscow has terminated support for the nuclear program in Iran. In the past we have withheld 50 percent of the Russian government funds until this certification is made—this year we have increased the withholding to 60 percent. Putin has said Russia must build a dictatorship of law—what remains unclear is whether his personal emphasis will be on dictatorship or law. I think our aid should be leverage to secure a result which serves American interests and nuclear armed Iran certainly is not in U.S. interests.

Finally, let me mention debt relief. Senator HELMS and Congressman LEACH reported out bills which conditioned U.S. support to the Heavily Indebted Poor Countries Initiative managed by the IMF and the World Bank. The Foreign Relations Committee bill requires the Secretary of Treasury to certify that it is World Bank policy to—(1) suspend funding if loans are diverted or misused, (2) not displace private sector funding, and (3) disburse funds based on the implementation of reforms by the recipient country in-

cluding the promotion of open markets and liberalization of trade practices, the promotion of projects which enhance economic growth and the establishment of benchmarks to measure progress toward graduation from assistance. Similar conditions are required of the IMF. In addition to including language supported by Senator HELMS and Congressman LEACH, we have included House language limiting resources to countries engaged in a pattern of human rights abuses. I supported stronger language which would have required that the Secretary of Treasury certify that the IMF and Bank actually were implementing new policy conditions before Treasury was allowed to disburse funds—this approach was recommended by Senator GRAMM, the chairman of the Banking Committee. That was my view of how it should have been handled. Instead, my colleagues on the conference supported Helms-Leach language which releases the funds and then requires reporting on performance over the course of the next year.

While I completely agreed with Senator GRAMM, I also shared the problem he has with his committee—there simply were not the votes to sustain this position. I think we have made progress on conditioning debt relief, but the Treasury Department should understand that I will continue to consult with Senator GRAMM when we receive notifications on intended debt relief recipients. Performance benchmarks are essential if we are to avoid seeing the same groups of countries and banks back in 5 years seeking the same relief all over again. Separate from the HIPC relief, we did include binding requirements that the Treasury Department withhold 10 percent of our contribution to any multilateral bank until specific conditions are met on procurement and management reforms. Not only will the banks have to improve internal management practices through audits, they will have to improve recipient country procurement management and financial practices. This is an important step in our battle against fraud and corruption. Once again, I think we have produced a balanced bill which funds U.S. priorities within sound budget principles and I urge its favorable consideration.

Finally, I repeat, this bill is below the amount spent for foreign operations last year. That makes it somewhat unique among the appropriations bills we have been in the process of passing, and I am proud to say we were able to bring this bill in under last year's total.

Mr. President, are we under some time agreement?

The PRESIDING OFFICER. The Senate is under a 1-hour time limit.

Mr. McCONNELL. I suggest the absence of a quorum and further suggest the time during the quorum call be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Senator BENNETT is here and wishes to speak in morning business. It seems to me he ought to speak on the bill time so we do not have to move the vote any later in the day.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. The ranking member is here. Maybe Senator BENNETT can comment after the ranking member addresses the bill.

Mr. BENNETT. Absolutely.

Mr. McCONNELL. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad we are here. I commend Senator McCONNELL and also our counterparts in the House, Chairman CALLAHAN and Mrs. PELOSI. The chairman, Senator McCONNELL, and I have worked closely together on this bill. In the same way I tried to accommodate those concerns of his side of the aisle, he has tried to do the same on our side. As a result, we have a good bipartisan bill.

We tried to meet everyone's concerns without putting in unnecessary earmarks or taking away the appropriate flexibility the President should have. We funded the President's important priorities, and I note that both sides of the aisle supported those.

I am disappointed, of course, as I am sure the Senator from Kentucky is, with the amount of time it took to get here. Finally, we are here. Had it been left to the two of us, we could have finished this bill before the August recess, but while we were told to make sure the cars in the train would follow, we were not allowed in the engineer's seat to get it down the track. It is here now, and it is a good result.

I am glad that we found an acceptable compromise on family planning that does not restrict what private organizations can do with their own private funds. That is only wise. After all, we have heard speeches forever from people here about how the government should get off the backs of individuals. We have finally agreed to do that. It was not easy. I give very high praise to Congresswoman PELOSI for her work on this.

I am also pleased that we include \$425 million, the Senate funding level for family planning. This is not money for abortions. No funds in this bill can be used for abortions. This is money for family planning. So many countries I have visited are among the poorest of the poor, and they tell me that reducing the rate of population growth is one of their highest priorities but they lack the money to do so. They also say that when they have money for family planning, the number of abortions in their country goes down.

We provide adequate authority and funding for debt forgiveness. That had overwhelming support at the meeting the President had with Republicans and Democrats, members of the clergy across the ideological spectrum, representing all faiths and persuasions. I felt honored to be in that meeting.

One of our Senate guest Chaplains that week, Father Claude Pomerleau of the University of Portland, accompanied me there. I thank him for his advice and help on this. I should also say that Father Pomerleau is my wife's brother, my brother-in-law. Even the President said that it was probably Father Pomerleau's recommendation that got me into the White House, rather than my position that got him in.

In seriousness, on the issue of debt forgiveness, we want to help the world's poorest countries get out of debt. We also want to be sure they make the necessary economic reforms so they can stay out of debt in the future. It is not enough to say, look, we are going to pay your bills so you can get out of debt. It does nothing if then within a few years they are back in debt.

We provided aid to Serbia, subject to important conditions relating to Serbia's cooperation with the War Crimes Tribunal. Chairman MCCONNELL, myself, as well as Senator BIDEN and others, strongly support these conditions.

The conditions do not take effect until March 31, 2001, and we do not intend the aid spigot to be opened wide before then. We expect the administration—this administration and the next one—to proceed cautiously. We will be watching, as appropriators, just how cautious they are. After all, administrations come and go, but the Appropriations Committee stays here, and we will be here to watch what is done next year.

We want to support the new Serbian Government, but only if it is truly democratic and respects the rights of its neighbors and also the rights of minorities. We expect the administration to treat the apprehension and prosecution of war criminals as a priority.

I am pleased with the amount of funds for HIV/AIDS. It is a \$100 million increase above last year's level. We provided up to \$50 million for child immunization, and substantial increases for programs to combat TB, malaria, and other infectious diseases.

There are a lot of other provisions I could mention, from restrictions on assistance for Peru—we did that because of the recent efforts to subvert democracy there. We hear the President of Peru make promises, but then take actions that belie what he has said. We put in additional funding for refugees. Unfortunately, we know that the reality throughout the world today is that there are more and more refugees. However, I strongly object to one House provision that was included. And I told the conferees that I objected. It is a \$5.2 million earmark for AmeriCares. This is a private organiza-

tion that does work in Latin America and other places. I cannot recall a single instance—certainly not since 1989, when I became chairman of the Foreign Operations Subcommittee; nor in the 5 years I have been ranking member, and the Senator from Kentucky has been chairman—when we have earmarked funds for a private organization such as this.

It was done here, as I understand it, because a 6-year, \$5.2 million proposal of AmeriCares was rejected by AID. According to AID, the proposal was too high-tech to be sustainable in the country in question, and because some of the work was already being done by others. I suspect it was a proposal which would buy a lot of expensive equipment from some manufacturer somewhere but might not be something appropriate for that country.

Although AID suggested to AmeriCares that they submit a revised proposal, AmeriCares opted instead to seek a congressional earmark, ignoring the usual practice, and basically saying: Just give us the money. We will decide what to do with it.

I have no opinion on the merits of their proposal. But if you are going to be applying for Federal funds, you ought to follow the same rules everybody else does.

There are literally hundreds of PVOs that submit requests to AID, and many are rejected—some because they do not make sense, and others because there is not the money to fund them. Are we now going to give those other dissatisfied PVOs their own earmarks? It is a terrible precedent. It does not belong in this bill.

I will give you an example. I have fought to ban landmines all over the world. We have the Leahy War Victims Fund that spends millions of dollars every year for landmine victims. I wrote the legislation that was the first piece of legislation ever in any country to ban the export of landmines.

There are many NGOs and PVOs—that is, nongovernmental organizations and private voluntary organizations—that have come in and worked to get rid of landmines and care for landmine victims. Some are funded through the foreign aid bill or the defense appropriations bill. Some are funded through private donations that they raise. Many contact me because of my identification with this and say: Could I get Federal funding?

One of the nice things is that a lot of these—they are screened just before the money goes out. But can you imagine how it would be if we simply gave them the money just because it was requested by a Senator who wants to eradicate landmines?

It has always been my view we should let the experts judge the merits of these proposals, rather than just hand over the money to whichever organizations have the most political clout.

Some have complained—and I heard this morning—that this is a Republican

bill. Others have said it is a Democratic bill. They are both wrong. Neither side got everything they wanted. There were significant compromises on funding and on policy by both sides. That is as it should be, especially for a bill that deals with foreign policy. And that is why I am proud to be here with the Senator from Kentucky, because we should not have a Republican foreign policy or a Democratic foreign policy. We should have a foreign policy that represents the interests of the United States.

We have had somewhat of an uneven record since the time when Senator Vandenberg spoke about "politics ending at the water's edge." But on this bill, at least, Republicans and Democrats have come together.

It is interesting, too, because the Subcommittee on Foreign Operations of the Appropriations Committee has probably the smallest staff of any committee around here—on the Republican side, with Robin Cleveland, and Tim Rieser on our side, aided by just a couple of people whom I will mention later—to put this together. We don't have huge armies of people to help us, but maybe that is just as well because as a result, in the end, Senators talk to Senators. That is the best way to do things around here.

I see the Senator from Utah is on the floor.

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

THE PRESIDING OFFICER. The Senator from Utah.

#### THE RAND STUDY

Mr. BENNETT. Mr. President, I thank the Senator from Vermont for his courtesy. I was more than happy to give him whatever leeway he wanted, but I appreciate the opportunity to make a comment. Given the nature of the session in which we find ourselves, we have to take every opportunity as it comes along. As the chairman of the subcommittee, the Senator from Kentucky, indicated, the time will be taken off the bill.

I rise to take the opportunity to respond to the comments that were made earlier by the Senator from Massachusetts in his scathing attack on the education system in Texas. The Senator from Massachusetts, as well as Senator HARKIN yesterday, referred to a Rand Corporation study on the State of Texas schools. They would have us believe that based on that study, the Texas schools are terrible and, further, that those of us who are saying nice things about Texas schools are deliberately misleading the public.

I want to make it clear that the people who are missing this story are the people who sit in the gallery above the Chair. The press has missed the story here because they have bought the line laid down by the Senator from Massachusetts and others in his party that somehow the Rand Corporation has denounced Texas schools as being terribly inferior. The Rand Corporation has done no such thing. Democrats

have used the recent Rand study to try to tell everybody that the Rand Corporation has done that. If I may, too many journalists have taken the press release as it has come out of the Democratic headquarters and not read the record for themselves.

I took a class in journalism. The first thing they said was, check the facts yourself. I didn't follow that career, but I have tried to remember that advice. So I have checked the facts myself. The place I went to begin with, with the help of my staff, was the Rand Corporation. Let us go back to the Rand Corporation and see what they have to say about Texas schools. I will leave aside the argument as to whether or not they are right. There is always the possibility that even these so-called experts could be wrong in their analysis. Let us set that aside for just a minute and ask ourselves, what does the Rand Corporation have to say about Texas schools?

This is what the Rand Corporation has to say about Texas schools. I am reading from a news release issued by the Rand Corporation itself. I ask unanimous consent that this be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BENNETT. The Rand Corporation says:

The education reforms of the 1980s and 1990s seem to be working, according to a new RAND report, but some states are doing far better than others in making achievement gains and in elevating their students' performance compared with students of similar racial and socioeconomic background in other states. Texas and Indiana are high performers on both these counts.

I will repeat that last sentence:

Texas and Indiana are high performers on both these counts.

This is not a Republican speaking. This is not the Bush campaign speaking. This is the Rand Corporation speaking. Texas, a high performer.

It goes on:

Math scores are rising across the country at a national average rate of about one percentile point per year, a pace outstripping that of the previous two decades and suggesting that public education reforms are taking hold. Progress is far from uniform, however. One group of states—led by North Carolina and Texas and including Michigan, Indiana and Maryland—boasts gains about twice as great as the national average.

This is the Rand Corporation, Mr. President, saying Texas is boasting rates of improvement twice the national average.

Back to the report:

Even more dramatic contrasts emerge in the study's pathbreaking, cross-state comparison of achievement by students from similar families. Texas heads the class in this ranking with California dead last.

Interesting. They go on to say:

Although the two states are close demographic cousins, Texas students, on average, scored 11 percentile points higher on NAEP math and reading tests than their California

counterparts. In fact, Texans performed well with respect to most states. On the 4th-grade NAEP math tests in 1996, Texas non-Hispanic white students and black students ranked first compared to their counterparts in other states, while Hispanic students ranked fifth. On the same test, California non-Hispanic white students ranked third from the bottom, black students last, and Hispanic students fourth from the bottom among states.

How can this be, for the Rand Corporation to be saying such wonderful things about Texas and then having Democratic Senators come to the floor and quote the Rand Corporation as saying terrible things about Texas? If I were a conspiracy theorist, I would think the release of the latest Rand study might have something to do with the fact that there is an election in less than a week. But the president of the Rand Corporation has insisted that is not the case. He has insisted that the timing of the release of this second study, which is being used to trash Texas, was entirely coincidental and had nothing whatever to do with the election.

All right. Let's take him at his word and read his words to see how he reconciles the earlier Rand statement with the later one. I didn't tell you, but that first study I quoted from was released in July, before either of the conventions took place, before the question of Texas performance in education became a national priority or a national issue.

How does the president of Rand reconcile these two apparently irreconcilable positions, one where Rand says, in July, Texas is No. 1, Texas comes in first with California last, and the two States are demographically very similar—how do they reconcile that statement with the statements we are hearing on the floor today?

Read what he has to say, I say again to my journalist friends, who take the press release from the Democratic headquarters, put it in the headlines—top story in today's television—that the Rand Corporation has trashed the Texas record. I don't think any of them read what the president of Rand had to say because if they had, the story would have been different on this morning's news.

This is what he has to say:

The July study "Improving Student Achievement" touched on the Texas schools and received widespread press play. Both efforts—

Talking about the July study and this last one—

draw on NAEP scores. The new paper suggests a less positive picture of Texas education than the earlier effort, but I do not believe these efforts are in sharp conflict. Together, in fact, they provide a more comprehensive picture of key education issues.

So Rand is not backing away from their earlier statement that Texas is No. 1 in the areas that they quoted and covered in their first statement. They are not repudiating that.

They are not contradicting it. They are not backing away from it. Again, the president of Rand says:

I do not believe that these efforts are in sharp conflict.

It is the politicians who have put them in sharp conflict, not the researchers. Let's examine the research and see what it says. Quoting again from the president of Rand:

The July report differed in scope.

Then in parentheses he says:

(It covered almost all States, not just Texas.)

Therein lies the answer to this dilemma. The July report that says Texas ranks No. 1 was a comparative study of Texas against other States. In that study, they said: In these areas we are checking, Texas is the best. The Rand Corporation said "Texas is the best."

Now, they came back to Texas to do a different study on an entirely different issue, and the issue they studied the second time was whether or not the Texas test system was a good one. They came to their own conclusion that the Texas system of testing needs to be improved. Their judgment, their opinion. Never at any time did they say that Texas was not getting better results than any other States, even with a system they claim needs to be improved.

I see the chairman of the subcommittee has returned. I will be happy to yield the floor now and get back to the foreign operations bill, which is before us. I could not pass the opportunity to straighten out the Record.

The Senator from Massachusetts and the Senator from Iowa have misled us because they have not read the fine print of the report they are quoting from, and they have not consulted the opinion of the president of the organization they are citing. At no time, in no place, in spite of what the political headline said, has the Rand Corporation backed away from its conviction that Texas is first in many, if not all, of the categories they examined on education. The Governor of Texas and the two Senators from Texas who spoke earlier are rightly entitled to be very proud of the progress that has taken place in education in their State.

#### EXHIBIT 1

##### RIISING MATH SCORES SUGGEST EDUCATION REFORMS ARE WORKING

STATE ACHIEVEMENT DIFFERENCES TIED TO SPENDING, POLICIES TEXAS FIRST, CALIFORNIA LAST IN TEST SCORES OF SIMILAR STUDENTS

WASHINGTON, D.C., July 25—The education reforms of the 1980s and 1990s seem to be working, according to a new RAND report, but some states are doing far better than others in making achievement gains and in elevating their students' performance compared with students of similar racial and socioeconomic background in other states. Texas and Indiana are high performers on both these counts.

The study is based on an analysis of National Assessment of Educational Progress (NAEP) tests given between 1990 and 1996. The authors rank the 44 participating states by raw achievement scores, by scores that compare students from similar families, and

by score improvements. They also analyze which policies and programs account for the substantial differences in achievement across states that can't be explained by demographics. Here are the key findings:

Math scores are rising across the country at a national average rate of about one percentage point per year, a pace outstripping that of the previous two decades and suggesting that public education reforms are taking hold. Progress is far from uniform, however. One group of states—led by North Carolina and Texas and including Michigan, Indiana and Maryland—boasts gains about twice as great as the national average. Another group—including Wyoming, Georgia, Delaware, and Utah—shows minuscule gains or none at all. Most states fall in between.

Even more dramatic contrasts emerge in the study's pathbreaking, cross-state comparison of achievement by students from similar families. Texas heads the class in this ranking with California dead last. Wisconsin, Montana, Iowa, Maine, North Dakota, Indiana and New Jersey cluster closely behind Texas. Louisiana, Mississippi, West Virginia, Alabama and Rhode Island perform almost as dismally as California.

Although the two states are close demographic cousins, Texas students, on average, scored 11 percentile points higher on NAEP math and reading tests than their California counterparts. In fact, the Texans performed well with respect to most states. On the 4th-grade NAEP math tests in 1996, Texas non-Hispanic white students and black students ranked first compared to their counterparts in other states, while Hispanic students ranked fifth. On the same test, California non-Hispanic white students ranked third from the bottom, black students last, and Hispanic students fourth from the bottom among states.

Differences in state scores for students with similar families can be explained, in part, by per pupil expenditures and how these funds are allocated. States at the top of the heap generally have lower pupil-teacher ratios in lower grades, higher participation in public prekindergarten programs and a higher percentage of teachers who are satisfied with the resources they are provided for teaching. These three factors account for about two-thirds of the Texas-California differential. Teacher turnover also has a statistically significant effect on achievement. (California is now implementing class-size reduction and other reforms but these steps began after the 1996 NAEP tests.)

Having a higher percentage of teachers with masters degrees and extensive teaching experience appears to have comparatively little effect on student achievement across states. Higher salaries also showed little effect, possibly reflecting the inefficiency of the current compensation system in which pay raises reward both high- and low-quality teachers. However, the report points out that salary differences may have more important achievements effects within states than between states. Also, they may have greater impact during periods when teachers are in shorter supply than during the 1990-1996 measurement period.

To raise achievement scores, the most efficient and effective use of education dollars is to target states with higher proportions of minority and disadvantaged students with funding for lower pupil-teacher ratios, more widespread prekindergarten efforts, and more adequate teaching resources. As for teacher salaries and education, the report adds, "efforts to increase the quality of teachers in the long run are important, but . . . significant productivity gains can be obtained with the current teaching force if their working conditions are improved."

The most plausible explanation for the remarkable rate of math gains by North Caro-

lina and Texas is the integrated sets of policies involving standards, assessment and accountability that both states implemented in the late 1980s and early 1990s.

The RAND study, led by David Grissmer, is based on NAEP tests given in 1990, 1992, 1994 and 1996 to representative samples of 2,500 students from the 44 voluntarily participating states. Five tests were given in mathematics and two in reading at either the 4th- or 8th-grade level. Not all of the states took all of the tests. And there were too few reading tests to permit a separate analysis of those results. Taken together, however, the tests provided the first set of data permitting statistically valid achievement comparisons across states. The researchers used data from the census and from the National Educational Longitudinal Survey to establish the student samples' family characteristics.

The 1998 NAEP reading and math scores became available too late to be incorporated in this analysis. "We're examining those data now, however, and we find that the state rankings change little and our findings about which policies make the most difference aren't affected at all," Grissmer declares.

"Our results certainly challenge the traditional view of public education as 'unreformable,'" he concludes. "But the achievement of disadvantaged students is still substantially affected by inadequate resources. Stronger federal compensatory programs are required to address this inequity."

Grissmer's coauthors include Ann Flanagan, Jennifer Kawata and Stephanie Williamson. Improving Student Achievement: What NAEP Test Scores Tell Us was supported by the ExxonMobil Foundation, the Danforth Foundation, the NAEP Secondary Analysis Program, the Center for Research on Education Diversity and Excellence and by RAND.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I think the Senator from Utah has made an extraordinarily good point. If he would like to speak further, I can wait. I am going to propose a unanimous consent request.

Mr. BENNETT. I have probably exhausted my indignation on that subject, I say to the Senator from Kentucky. I will be available again if someone comes along to try to misinterpret and misquote these studies.

Mr. McCONNELL. I thank my friend for his very important contribution to what has become an issue across America.

Mr. President, with relation to the foreign operations bill, I ask unanimous consent that the vote regarding the foreign operations conference report occur beginning at 4:30 p.m., and that there be 4 minutes for debate immediately following the vote for closing remarks with respect to the pending Feingold amendment and S. 2508, and that that vote immediately occur.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, I was told this had been cleared on both sides. We will propound the unanimous consent request later when it is cleared.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I had to leave the floor for a moment. Am I correct that the continuing resolution will not be here for a 4:30 vote?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask the distinguished Senator from Kentucky, would it be his intention, once all time is finished or yielded back, to go to a rollcall vote on this bill?

Mr. McCONNELL. I am told that is fine with our side. We will be happy to finish up the debate and vote.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on final passage of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I know we are discussing the underlying bill. I ask unanimous consent to be yielded 7 minutes.

Mr. REID. Parliamentary inquiry, Mr. President: It is my understanding that we have a vote scheduled at 4:30.

The PRESIDING OFFICER. That is not correct; that has been changed.

Mr. REID. I don't understand how we are not having a vote at 4:30. How could it have been changed?

Mr. McCONNELL. Mr. President, I propounded a unanimous consent agreement to which the Senator from Florida objected and that is how we found ourselves where we are.

Mr. REID. So what I stated earlier on the floor—that we had a vote at 4:30—was really not accurate, is that true?

The PRESIDING OFFICER. The vote was to occur at that time, but the measure on which the vote was to occur has not yet arrived from the House.

Who yields time?

Ms. LANDRIEU. I have requested time. I understand under a previous unanimous consent request, Senator GRAHAM of Florida was granted 30 minutes. He is yielding me a part of his time.

The PRESIDING OFFICER. Does the Senator from Florida yield the time to the Senator from Louisiana?

Mr. GRAHAM. Mr. President, I yield 10 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we have been discussing a variety of subjects in the last few hours. The matter before the Senate is the Foreign Operations Appropriations bill.

One of the difficulties all Members are having, is trying to get some accurate information about what is actually in these bills, as they come to us rather quickly. That is one of the things we have been talking about today. I think Senator LEAHY raised an excellent point. There are provisions in

foreign ops about which I also have some serious concerns. But right now, I just wanted to take a few minutes to discuss the Adoption Tax Credit.

#### ADOPTION TAX CREDIT

Mr. President, the adoption tax credit is broadly supported in this Chamber by Democrats and Republicans. It is one of the issues we seem to be able to come together on to say, yes, we believe in adoption. Adoption affirms life. It affirms families. It helps us to build families in very special ways. It provides an opportunity for children who don't have parents, and for parents who desperately want children, to get together.

Over the last couple of years, together, Democrats and Republicans, the White House, President Clinton and the First Lady, have been aggressive advocates of adoption. We have made great progress.

Just last week, under the tremendous leadership of Chairman HELMS, we passed the first ever International Treaty on Adoption. This treaty is going to reduce corruption, minimize the costs of international adoptions, and expedite this process so the children all around the world can find homes. We believe there are no unwanted children, just unfound families. We passed historic legislation a few years ago to help break down racial barriers to allow people of all different races to adopt children in need, in order to build families. We all know that love knows no color lines.

We are doing a wonderful job. I am on the floor today to encourage my colleagues to just try to do a little bit better. I am concerned that we are not going to expand this adoption tax credit and increase it in ways that are meaningful, in ways that will make a difference.

Just two months ago, many members of this body gathered in Philadelphia and vowed that under their leadership, no child would be left behind. This is a laudable goal, and one I think that every member of this body embraced. Here is our opportunity to prove it.

Let me briefly explain what I mean. Right now, as many people know—particularly those who have adopted children, or who have been touched in a positive way in their life through adoption, either as an adoptee, as a birth mother who is happy with the choice she made, or an adoptive couple—there is in place a \$5,000 tax credit for adoption. We adopted this tax credit in 1996, in an effort to provide assistance to families wishing to adopt. It allows parents who adopt a child to receive a maximum of \$5,000 in credit on their taxes. If that child is what we call a special needs child, the amount of the credit is raised by \$1,000. In addition, reimbursements for adoption expenses from a private employer are also excluded from an adoptive parent's gross annual income.

The National Adoption Clearinghouse estimates that a private adoption costs anywhere from \$4,000 to \$30,000. Inter-

national adoptions are reported at between \$10,000 and \$30,000. About six months ago, I was at a citizenship ceremony for newly adopted children. One mother came up to me and told me that, without the tax credit, she could not have even thought about adopting a second child.

So this is an important tax credit. It helps waiting children find homes. It helps working couples who want to be parents experience the sheer joy parenting brings. But it is not working for everyone. Unfortunately, the way the credit is currently structured, it is not helping all adoptive families, just some. Let me show you why.

As you can see, I have pictures of three children here, all of whom were adopted. The first Elena, a child from Guatemala, who was adopted when she was one year old. She has no known health conditions. This second child is Jack, a little boy from the United States, who was given up for adoption when he was born. Jack was immediately placed through a private adoption agency. Jack also has no known health conditions.

And this is Serina, a little girl, also from the United States who was also recently adopted. Serina was taken into foster care immediately upon her birth. She was born with prenatal cocaine addiction. She is small, in a wheelchair, and has difficulty seeing and hearing. She suffers from Cerebral Palsy, as well as multiple other problems.

As I mentioned, these two children, Elena and Jack, are relatively healthy. The third child, Serina, has multiple challenges. Under our current system, one would think all of these children and their families would deserve some help with adoption. But right now under our system, Elena and Jack have received help. Elena's parents received \$9,786, while Jack's family claimed \$5,890. Serina's parents, on the other hand, received nothing.

Under the current tax code, only expenses which are incurred in the act of adoption are eligible. Although adopting Serina meant that her adoptive parents had to renovate their car and make their home wheelchair accessible, such costs are not "qualified adoption expenses."

As I mentioned, the difficulty lies in the tax code. One can be reimbursed for expenses related to the adoption. But, as is widely known in the adoption community, when you adopt a special needs child, perhaps one who is not physically handicapped, or one who has emotional or mental difficulties or has been in foster care, there are little or no expenses related to the active adoption.

Serina is a special needs child, just like the 100,000 special needs children who are freed for adoption in the United States and yet are still waiting for a home. These are all children like Serina, waiting for a family to love and care for them. We want that adoption tax credit to work for these children,

as well. The Department of Treasury estimates that, not including step parents, there were 77,000 adoptions in 1998, 31,000 of which were special needs. That is almost half.

Therefore, under our current system, the very children and families we are trying to help, encourage, and reward for opening up their homes and hearts to these children are actually being left out.

Here is a report to Congress from our own Department of Treasury, a report we received just in the last week. I brought this to the attention of our ranking member on the Finance Committee, Senator MOYNIHAN. This has also been transmitted to Chairman ROTH from Delaware, to help my colleagues understand that, according to this report, special needs children are being left out. I know that in the final days of the session, negotiators have been trying to reach a final agreement on a tax package. However, I am told that, while this package does include a provision to extend the non-special needs tax credit for two additional years, it does not include any relief for special needs children.

I know some people might say: Senator LANDRIEU is not right. She couldn't possibly be right. This can not be happening. We are not giving a tax credit for healthy kids and no tax credit for special needs kids.

That wasn't our intention. At least I believe it wasn't our intention.

Let me conclude by saying, when people stand up on this floor, or in Philadelphia, or in California, giving speeches all over America, and say they don't want to leave children behind, that "no child will be left behind", we are about to leave 100,000 children behind, because we will not take the time and the energy to fix this adoption tax credit. Children such as Serina, children in my State and a number of others, all of these beautiful children from different States—these are the kids who are about to be left behind.

If I have to come to this floor every day until we are finished—and Lord only knows how long we will be here—I will continue to do so, to speak for the children who are being left behind. We can fix the tax credit; it costs very little to fix it. If we are truly a body which vows to leave no child behind, then we must do something to help both special needs and non special needs children.

Mr. President, I will come to the floor every day if necessary to ensure that these children are not left behind.

I thank the Chair. I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, how much time remains under my 30 minutes?

The PRESIDING OFFICER. Twenty-one minutes 10 seconds.

#### FISCAL POLICY

Mr. GRAHAM. Mr. President, I yield myself such time as is necessary.

For the last several weeks, I have been raising concerns about the direction of our fiscal policy. Today, we reach a historic moment. Many were here in the 1980's and 1990's when the Federal Government, through annual deficits, acquired a record national debt of almost \$5.5 trillion. In 1992, we reached the peak of this when we had a 1-year deficit of in excess of \$290 billion.

In the 1990s, we took a number of steps to try to rectify this situation and to mitigate this constant increase in the national debt.

A key part of that process occurred in 1997. In 1997, we set spending limits for ourselves, including spending limits on the discretionary accounts of the Federal Government such as the account that we are dealing with today. We promised ourselves and the public that for every tax dollar cut there would be \$1 less spent, and vice versa. That is the way in which a family would approach having to restrain its budget in order to come into line with its income. It would buy the holiday gifts that it could afford but not necessarily the ones that everyone in the family wants because for those family budgets there are some very real caps.

But, for Congress, the commitment to realistic budget and fiscal responsibility was a novel, even a radical idea. We had not even thought about it that much in the preceding 20 or 30 years. Apparently, it was so radical that it was too much to ask. It is almost as if this Halloween season we have all turned into Dr. Jekyll and Mr. Hyde. On the campaign trail we put on one costume; that is, the costume of our better selves where we boast about the courage and foresight it took to balance the budget. We talk about all the good things we are going to do, whether it is saving Social Security, providing a prescription drug benefit for Medicare, cutting taxes, or adding spending in other favorable programs. Then we return to Congress and we take off our mask. We begin grabbing for what we can get, a few billion here, a few billion there, regardless of the long-term consequences.

We have doled out treats to line our political pockets while we are playing a trick on the American public. That trick is that we are sleepwalking through the surplus. We are about to deny ourselves and future generations one of the greatest opportunities that we have had in American political and economic history: to use this enormous period of prosperity to deal with some of those long-term issues that will affect, not just ourselves, but future generations.

But as we vote to set the deficit monster free, we make the promise that this is only for this year. We are not really going to let him out of the cage; we are just going to open the door a bit and let him sniff some of the desirable consequences of profligate spending. This year we tell the American public this is our chance to celebrate this

American prosperity. Next year we will cut the monster down to size, put him back in his cage, and no long-term harm will have been done. But the truth is for our children and our grandchildren this could be a very scary Halloween.

My friends, are we really so humble as to believe that what we do today will not resonate through future years? I personally find it hard to believe that this will be just a 1-year exception to a constancy of fiscal discipline.

In 1997, we planned for the future because we knew that what we did with the taxpayers' dollars would have real consequences. They are having real consequences.

I ask unanimous consent that a copy of the Washington Post article aptly entitled "Binges Becoming Regular Budget Fare" be printed in the RECORD immediately after my remarks.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, this story chronicles the crumbling of our wall of fiscal resolve in the face of a behemoth of appropriations bills. The bill we have before us, the foreign operations bill, carries a \$14.9 billion price tag.

It has been stated that this bill is actually lower than the bill that we passed last year. If I am in error—and it is very difficult to respond since we have only in the last few hours gotten a copy of a multipage bill, but as I read through the bill, it is my analysis that in calculating last year's \$15.5 billion expenditure, we have included an almost \$2 billion item, the Wye Plantation commitments for the Middle Eastern peace, which are nonrecurring. So if you are comparing apples to apples, those things that we spent money on last year and those things we are going to spend money on this year, actually last year's comparable appropriation for foreign operations was closer to \$13.5 billion. So instead of the \$14.9 billion being a reduction, it actually represents approximately a 10-percent increase over the spending that we had on this same account last year, a 10-percent increase, while we are operating under the rule that we are only supposed to spend the rate of inflation, which is 3.5 percent, as an increase from 1 year's budget to the next.

But that is not what is the true monster in this bill. The true monster in this bill is stuck into the appropriations language, which for us on the floor is printed in the CONGRESSIONAL RECORD, since we do not have a copy of the actual bill and conference report. It is specifically stuck on page H10776, nestled in between a provision that relates to gifts to the United States for reduction of the public debt—and I am glad to know that we get some gifts to reduce the public debt—and a provision that provides debt relief for heavily indebted poor countries. It may be appropriate that this language I am about to quote is inserted in between those two provisions.

In section 701(a), this language appears:

Section 251 (c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 . . . is amended by striking subparagraph (A) and inserting the following:

"(A) for discretionary category: \$637,000,000,000 in new budget authority and \$612,695,000,000 in outlays;"

That might seem fairly unexciting, but let me tell you what we are preparing to do. In that Balanced Budget Act of 1997, we provided a spending limit for discretionary accounts for each of the future years. For the fiscal year 2001, the year for which we are now appropriating, the spending limit was established at \$542 billion. The legislation we are about to vote upon will increase that figure from \$542 billion to \$637 billion, a 17.5-percent increase in the allowable expenditure in this 1 year alone. That is the scale of the monster that we are about to let out of the cage by adopting this legislation.

This figure will put far more than a dent in the surplus that we promised. It will put a massive hole in our budget projections. The fact is, by the time we are done, Social Security is more likely to be floundering midstream without a life vest than to be in a secure lockbox on dry land. Instead of fiscal responsibility, we are now practicing fiscal myopia. We are honing in on the magic number, a \$4.6 trillion surplus over the next 10 years. However, what we are forgetting to completely level with the American people about is that that \$4.6 trillion is predicated on the assumption we are only going to spend \$542 billion this year. We are about to authorize a number that is almost \$100 billion larger.

The forecasters of the Congressional Budget Office do not have a crystal ball. They can only see the future the way we look at it and the degree of confidence they place in our actions. The CBO numbers, upon which the \$4.6 trillion surplus is predicated, are based on those commitments made in 1997.

This appropriations bill demonstrates that we are not committed to those commitments of 1997. The surplus projections assume that discretionary spending increases each year would be restrained to the rate of inflation. We are about to completely abandon that facade.

What are we about to do as we go into this new reckless era? The best case scenario—and we can assume under that that we will, indeed, be able to increase discretionary spending for the future only by the rate of inflation, that this is just a 1-year aberration through which we are living; that Halloween is going to be repealed for future years—if we have that best case scenario, we can anticipate that our surplus will sink by about \$100 billion over the next 10 years—\$100 billion less than the projections.

I do not think that is a credible scenario. I do not believe there is any reason to believe that what we are doing today is exceptional. Rather, what we

are doing today is going to be prece-dential for the future. And assume that it is prece-dential. The discretionary spending each year increases by the same rate that we are increasing it this year; that is, approximately 9 percent, or 5.5 percent more than the rate of inflation.

If we act in each of the next 10 years with the same abandon that we do this year, we will spend the entire 10-year projected surplus on this increased spending. There will be no money to strengthen Social Security. There will be no money to finance a tax cut. There will be no money to provide for prescription drugs through Medicare. In fact, spending at this rate will not only eliminate all of those potentials, but Congress will be forced to dip into the Social Security surplus, that thing which it has committed it would never ever do, by \$400 billion over 10 years.

So we are making some very serious decisions as we pass this appropriations bill with its enormous increase in the limitation on discretionary spending.

Save Social Security, indeed. Could it be that when we talked about saving Social Security, we really meant preserving it as a museum piece so we could talk to our grandchildren about what it used to be like? We will tell them that back when we were young, the Government actually sent you money when you grew older and deserved a rest. But if discretionary spending will dent the surplus, the direction we are taking on mandatory spending will virtually hollow it out.

Our lack of fiscal discipline is not only to be found in the appropriations bill but also in the creation of new entitlements. We have already passed the Defense Department authorization bill that changes the health benefits as a new entitlement and will reduce the surplus by \$60 billion over the next 10 years.

We are poised to approve give-backs to Medicare providers that will cost another estimated \$75 to \$80 billion of our surplus over the next 10 years.

Another \$260 billion disappears if we pass a tax bill, which it is rumored that it is about to be presented to us by our colleagues from across the hall in the House of Representatives.

So when you add up all of this laundry list, you will find that we have reduced our surplus to another return to deficits.

It is very easy to add up these numbers and simply say it is too much, but I am well aware that much of the spending is for worthy causes, many of which I myself support. But what these individual pieces of legislation do not add up to is a solid plan for the future. What they do not add up to is the requirement that we make choices, that we set priorities, that we decide which of all of these good things is most important, and that we have the discipline to stick to those priorities.

I ask again, whatever happened to "Save Social Security first"?

Can we really say we have done anything to shore up the Medicare system which is desperately in need of an infusion if it is to remain viable for today's seniors, their children, and grandchildren?

Are we ever going to be able to pay down the debt?

Our colleagues in the House have suggested that 90 percent of the surplus for this year go to debt reduction. That proposal was for this year only, for fiscal year 2001, however, because they cannot do it over the next 10 years. Ten percent of the surplus would be \$456 billion. Congress may very well enact legislation in the next few years that will exceed that amount by in excess of \$100 billion.

We have already committed ourselves to more spending than the House of Representatives pledge would require using 90 percent of the surplus to pay down the national debt.

Mr. President, \$100 billion is more money than most Americans can ever conceive of.

In a few short months, history will move forward again and we will gather together in the Chamber of the House of Representatives to greet a newly elected President to hear his first State of the Union Address.

By almost any measure, the state of our Union is strong. Our economy is the envy of the world. Incomes are up. Unemployment is down. Home ownership is up. Inflation is low. Mortgage rates remain modest.

As we await a new President, and the first State of the Union Address from that new President—the first new President elected in the 21st century—I am reminded of the historic State of the Union speech delivered by President Clinton at the beginning of 1998.

To provide context from that time, we, as a nation, were on the verge of shifting from annual deficits to a hope for a promised projected surplus. We were looking at a prospect we had not faced in years: What do we do with a possible surplus?

In his 1998 State of the Union Address, President Clinton answered that question. If I could quote from his eloquent words of that evening:

For three decades, six Presidents have come before you to warn of the damage deficits pose to our nation. Tonight, I come before you to announce that the federal deficit—once so incomprehensibly large that it had eleven zeros—will be, simply, zero.

If we balance the budget for the next year, it is projected that we'll then have a sizable surplus in the years that immediately follow. What should we do with this projected surplus?

I have a simple, four-word answer: Save Social Security first.

Mr. President, that simple four-word answer, "Save Social Security first," brought all of us to our feet in January of 1998. And, Mr. President at 1600 Pennsylvania Avenue, your greatest legacy will be the restoration of fiscal discipline here in Washington.

Mr. President, you are being challenged as to the fidelity and sustain-

ability of that commitment to fiscal discipline. We should now resist the temptation to allow the deficit monster to escape from the cage again.

We should give to President Clinton the rightful recognition for reversing decades of rampant borrowing and, as a result of that courage, producing sustained national prosperity and the potential for even more prosperity.

But, Mr. President, at the end of your administration, we need you to remain true to the principles that have produced this legacy. If we in the Congress are unable to exercise fiscal discipline, we will have to turn to you to provide us with the necessary restraints.

We are talking here about our children and our grandchildren. Are we again going to return to the days when we expect them to pay our bills or are we going to accept the responsibility that virtually every generation of Americans—but for those who have lived in the last 30 years—were prepared to accept? And that is that we would—each generation, each year—pay our bills and not ask future generations to do so. That is the fundamental issue we face with this appropriations bill. Because I believe it fails to meet that test, I will vote no.

Thank you, Mr. President.

#### EXHIBIT 1

[From the Washington Post, Oct. 25, 2000]

BINGES BECOMING REGULAR BUDGET FARE

(By Eric Pianin)

Rules created more than two decades ago to impose fiscal restraint on Congress have broken down, helping fuel a year-end spending spree that is resulting in billions of extra dollars for highways and bridges, water projects, emergency farm aid, school construction and scores of other projects.

Many budget hawks have derided the binge as a typical election year "porkfest." But key lawmakers and experts on federal budgeting say another less visible problem is that the law aimed at reining in such spending has been effectively gutted by the congressional leadership.

In particular, lawmakers are increasingly ignoring the annual congressional budget resolution, the document that is supposed to guide spending and tax decisions in the House and Senate every year. In years past, lawmakers might miss their budget targets by a few billion dollars, but now they are busting the budget by as much as \$50 billion a year.

This year's budget resolution, for instance, called for about \$600 billion in spending this fiscal year on defense, health, education and other non-entitlement programs. When Congress and the White House finally complete their negotiations, probably this week, the total will be \$640 billion or more.

One reason, lawmakers say, is that the GOP congressional leadership has adopted—largely for political reasons—unrealistic budgets that understate the amount of spending members want. Another is that the emergence of big surpluses has made Congress much less vigilant about living within its means—and more prone to make up the rules as it goes along.

"I think the budget process has been destroyed and I think, unfortunately, Republicans have been heavily numbered among the assassins," said Sen. PHIL GRAMM (R-Tex.), a veteran of budget skirmishes. "I think we've made a mockery of the process and it will be very difficult to revive it."



Stanley Collender, a prominent expert on federal spending, added: "What we're seeing is budget decision-making by the seat of their pants."

Collender and other experts say the increased spending being approved by Congress could begin to cut into projected surpluses, leaving less for the spending and tax cut initiatives proposed by Vice President Gore and Texas Gov. George W. Bush. Outside of the Social Security program, analysts have projected the federal government will run a \$2.2 trillion surplus over the next decade. But the Concord Coalition, a bipartisan budget watchdog group, estimates that the forecast surpluses are likely to shrink by two-thirds, to about \$172 billion, if congressional spending patterns persist.

Congress is on track to boost non-defense discretionary spending by 5.2 percent above the rate of inflation during fiscal 2001—the sharpest spending increase of its type in 25 years—according to a new analysis by Democrats on the House Budget Committee.

The decision to ignore the budget resolution is only one sign of a general breakdown of fiscal discipline on Capitol Hill, according to fiscal experts. Congress and the Clinton administration are also ignoring spending caps both agreed to as part of the 1997 legislation to balance the federal budget.

Congress's enthusiasm for real budget constraints began to wane almost as soon as deficits gave way to surpluses beginning three years ago. Until then, the specter of towering annual deficits of as much as \$290 billion had fostered a series of hardnosed policies, including a 1990 budget deal that for the first time imposed caps on spending and required Congress to offset tax cuts by reducing spending or raising other revenue.

The emergence of surpluses has left it to lawmakers to produce budget plans that would impose spending discipline with an eye to the time when Medicare and Social Security will begin to run short of money. But that has not happened.

In the politically charged environment of Capitol Hill, the House and Senate budget committees in recent years produced plans that budget experts say were more GOP political manifestos than practical blueprints. The problem came to a head in 1998, when House Budget Committee Chairman John R. Kasich (Ohio), then a Republican presidential aspirant, produced a House budget resolution so top-heavy with tax cuts and tough on domestic spending that he could not sell it to Senate Republicans or the White House.

For the first time in nearly 25 years, Congress completed that year without a budget. The following year Republicans managed to agree among themselves on a budget, but the document was largely ignored by GOP leaders when they negotiated a final spending agreement with the White House.

This year's plan was somewhat more pragmatic, but even so it called for \$150 billion of tax cuts—about twice what Congress will finally settle for—and spending cuts in many areas that GOP members of the appropriations committees refused to accept.

Some of the additional funding this year will go for emergencies, such as restoration of western forest lands hit by fires last summer and security problems at the national nuclear laboratory at Los Alamos, NM. But much of the additional money will go to satisfy the election year demands of Clinton and special projects sought by GOP and Democratic lawmakers—ranging from \$2 billion for extra highway and bridge projects to \$5 million for an insect-rearing facility in Stoneville, Miss.

"The budget process can only do what the political will can support," said G. William Hoagland, the Republican staff director of

the Senate Budget Committee. "I would argue that, if anything, what this year shows is that you need a [tough] budget process even more in times of surpluses than in times of deficits."

Another phenomenon in recent years has been a growing propensity on the part of congressional leaders to overrule key committees—even in promoting big policy changes. Last year, for example, Republican leaders waited until late in the year to unveil details of a plan to wall off the Social Security surplus from the rest of the budget. They returned from this year's August recess with a new idea for using nine-tenths of next year's surplus for debt reduction.

While both proposals, arguably, will help to impose some limitations on spending, they were presented without any meaningful debate or review by the committees with jurisdiction. House Majority Leader Richard K. Arney (R-Tex.) defended the practice, noting that "the leadership can't have any idea that holds water unless the [GOP] conference holds it with them."

#### BUSTING THE BUDGET

(Dollars in billions)

Fiscal year	Budget resolution	Actual spending	Excess spending
1997	\$528	\$538	\$10
1998	531	533	2
1999	533	583	50
2000	540	587	47
2001	600	1 640	40

<sup>1</sup> Estimate.

Source: Senate Budget Committee.

#### THE CUBAN TRANSITION PROJECT

Mr. MACK. Mr. President, I would like to engage Senator McCONNELL, Chairman of the Foreign Operations Appropriations Subcommittee in a colloquy regarding an important project addressed in both the Senate and House Committee Reports. This project is the Cuban Transition Project located in Miami, FL.

Mr. McCONNELL. I would be pleased to engage in such a colloquy.

Mr. MACK. Mr. President, my purpose for entering into this colloquy is to seek clarification from the Chairman regarding the Conferees' intent to support the Cuban Transition Project. The House Committee Report states that it supports \$3.5 million be provided through USAID for this important initiative to provide policy makers, analysts and others with accurate information and practical policy recommendations that will be needed over a multi-year basis to assist this country in preparation for our next stage of interaction with the Cuban community and nation. The Senate Committee Report similarly supported this project, and it is my understanding that you support this project and intend that it receive support from USAID.

Mr. McCONNELL. That is correct. Support for the Cuban Transition Project was clearly stated in both the House and Senate Reports, and it is the Committee's intention that the project be supported by USAID as indicated. This project is envisioned as a critical component as we prepare ourselves for dealing with Cuban issues in the future. It is our intent that the Cuban Transition Project receive funding this year.

Mr. MACK. I thank the Chairman for reiterating his support and clarifying the intent of the subcommittee. This project has the strong support of the Chairman of the House International Relations Committee, and I know that this committee will also be expressing support to the agency. I would like to ask if you will be willing to further advise the Agency formally of your position on this matter.

Mr. McCONNELL. Mr. President, the subcommittee will further clarify this matter with USAID and I would be happy to work further on any concerns that my colleague from Florida may have.

Mr. MACK. I thank the Chairman for his comments.

#### POLIO ERADICATION

Mr. HARKIN. Mr. President, I would like to engage in a colloquy with Senator LEAHY, ranking member of the Foreign Operations Appropriations Subcommittee. It is my understanding that the Senate Appropriations Committee report recommended \$30 million for the global polio eradication campaign at USAID and the House recommended \$25 million. It is also my understanding that the Child Survival and Disease Programs Fund received a \$248 million increase for Fiscal 2001 and that there are sufficient funds for the USAID to provide the \$30 million for global polio eradication, am I correct?

Mr. LEAHY. Yes, we have provided sufficient funds to fund polio eradication at the Senate level of \$30 million.

Mr. HARKIN. Will the Senator work with me to ensure that the current USAID Administrator and the Administrator in the new administration provides \$30 million for global polio eradication for fiscal 2001?

Mr. LEAHY. Yes, I would be happy to work for the Senator.

Mr. HARKIN. Thank you, Senator LEAHY for your commitment and leadership on this issue.

#### MICRONUTRIENT FUNDING

Ms. MIKULSKI. Mr. President, I wonder if the distinguished ranking member of the Foreign Operations Subcommittee. Senator LEAHY would engage in a brief colloquy about funding for USAID programs in micronutrients?

Mr. LEAHY. I would be delighted to do so with the distinguished Senator from Maryland, a member of the subcommittee.

Ms. MIKULSKI. It is my understanding that the conference report currently under consideration makes no reference to micronutrient programs funded through the Child Survival and Disease Programs Fund. However, the Senate provided \$30 million for this activity in its version of H.R. 4811, while the House provided \$25 million. Given that the conference report before the Senate provides \$963 million for child survival and disease prevention activities, an increase of almost \$250 million that I strongly support, I was wondering if the Ranking

Member would join me in working to obtain the Senate level of \$30 million for micronutrient programs.

Mr. LEAHY. I would be happy to. As the Senator has correctly pointed out, the conference report includes a significant increase for child survival activities at USAID. AID is strongly encouraged to dedicate more resources to the micronutrient programs.

Ms. MIKULSKI. I thank my colleague.

Mr. FEINGOLD. Mr. President, I rise to comment on the conference report on the Foreign Operations Appropriations bill.

I reluctantly voted against that conference report, because it contained a provision dramatically increasing the budget caps, effectively throwing fiscal discipline to the wind.

But I want to go on record indicating that, if the amendment busting the budget caps had not been included in the bill, my vote would have been an enthusiastic yes. Substantively, this is a remarkably good bill, and I commend the managers, Chairman MCCONNELL and the ranking member, Senator LEAHY, as well as Chairman Callahan and Congresswoman PELOSI for their excellent work.

An unprecedented commitment to fighting HIV/AIDS abroad and full funding of the Administration's request for debt relief initiatives are among the many laudable provisions in the bill that complement this year's authorizing work of the Senate Foreign Relations Committee.

The conference report contains significant assistance for important family planning work, which can help to bring better health and economic development to families and especially to women around the world. Moreover, I am pleased to see that the bill does not contain restrictive, so-called "Mexico City" language designed to limit what private organizations can do with funds raised from non-U.S. government sources.

During the debate on the Senate's version of this bill earlier this year, I asked for, and received, the commitment of Senators MCCONNELL and LEAHY to pursue full funding for flood recovery assistance in Mozambique and southern Africa, a region of the world utterly devastated by a series of cyclones earlier this year. This was especially tragic, because prior to the flooding, Mozambique had been making progress toward climbing out of poverty, enjoying economic growth rates of 10 percent per year. I want to thank both Senators for keeping their word. This conference report contains \$135 million in flood recovery assistance for the region. This is the right thing to do.

I took a particular interest in the southern Africa issue, in part because I serve as the ranking member of the Senate Foreign Relations Committee's Subcommittee on African Affairs. In that same capacity, I have joined with a number of my colleagues on both

sides of the aisle to insist that the Administration make accountability a top priority in the context of our policy towards Sierra Leone. I am gratified to note that the statement of the managers accompanying the conference report includes language urging the State Department to provide support for the Special War Crimes Court for Sierra Leone. The support of the Foreign Operations Appropriations Subcommittee for this key Congressional priority in West Africa should not be overlooked.

In another area of interest, I note that the conference report retains language suspending certain types of military and security assistance to Indonesia until a set of conditions relating to the disarmament and disbanding of militia forces and accountability for gross human rights abuses have been met. At the same time, it maintains an appropriate level of assistance for the people of East Timor, who are seeking to rebuild their communities and to fully realize their independence each day.

Finally, the conference report provides strong support for the Peace Corps and for important development assistance accounts which, when responsibly administered and monitored, can serve U.S. interests in building a more stable, prosperous, and democratic world.

All of these sound provisions make it all the more unfortunate that the bill has been tainted with the budget-busting amendment, so that my vote would have been an accurate reflection of my support for this bill. Too often in the past, the Congress has failed to understand the critical link between U.S. engagement with the rest of the world and our national interests—our security, our health, our economic stability, and even our national values. This bill recognizes those links and moves in the right direction. It's a shame that a bill that makes such sensible policy choices, so casually busts the budget caps that we rely upon to ensure fiscal responsibility.

Mr. MCCAIN. Mr. President, I rise in opposition to the Conference Report for Foreign Operations Appropriations for Fiscal Year 2001.

The bill before us includes much that is good; in fact, it includes much that is important for our national security. For example, with the Middle East experiencing a level of turmoil not witnessed since the 1973 Yom Kippur War, the assistance in this bill for Israel and for other friends and allies in the region constitutes an essential component of our policy there. Vital humanitarian assistance programs are funded, including debt relief for especially poor countries.

However, I cannot support this conference report because it raises fiscal year 2001 discretionary spending caps to \$637 billion from the \$600 billion that was provided for in the budget resolution passed in April. Assuming that will be the new total amount of spend-

ing allowed, that would be nearly \$40 billion more than the budget resolution, \$13 billion more than what the President requested, and \$50 billion more than what was spent in fiscal year 2000.

In addition, there remains the usual plethora of parochially-driven spending directives. While the bill appears to avoid legally restrictive earmarks, the effect of numerous provisions intended to do precisely that: direct funds where Members of Congress want them to go, usually for parochial reasons. I will be submitting a list of such items for the RECORD.

The decision to vote against this bill, irrespective of the usual pork-barrel provisions, however, was difficult. I recognize the importance of aid to Israel during this crucial period in its history, and I agree with the imperative of relieving the poorest countries of the burden of their international debts. The fiscal irresponsibility of Section 701 of this bill adjusting the spending caps upward to accommodate greater levels of pork barrel spending is too much to ignore. I'm not ignoring it, Mr. President. I oppose passage of this bill because I abhor the continuing disregard for fiscal responsibility it represents. And I abhor the cynicism illuminated by a decision to attach such fiscally irresponsible language to a spending bill so important to our national security.

Mr. President, I ask unanimous consent to print in the RECORD earmarks, Member-adds, and directive language.

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

CONFERENCE REPORT ON H.R. 4811, FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 2001—EARMARKS, MEMBER-ADDS, AND DIRECTIVE LANGUAGE

International Fertilizer Development Center: \$4 million;

United States Telecommunications Training Institute: \$500,000;

National Albanian American Council training program: \$1.3 million;

Section 536 Impact on Jobs in the United States: restrictive language intended to curtail trade that adversely affects employment in the United States;

Section 545 Purchase of American-Made Equipment and Products: Requires the Secretary of the Treasury to report to Congress on efforts by heads of Federal agencies to ensure that directors of international financial institutions make full use of American commodities, products and services;

Kiwanis/UNICEF Iodine Deficiency Program: \$5 million;

University of California, San Francisco: \$500,000 to develop detailed epidemiological HIV/AIDS profiles for priority countries;

Gorgas Memorial Institute, University of Alabama: AID is "urged" to work closely with the institute, drawing from the \$60 million allotted to address global health threat from tuberculosis;

Notre Dame's Vector Biology Laboratory Tulane University's Department of Tropical Medicine: AID is "urged" to direct \$2 million to these institutes to establish Centers of Excellence for malaria research;

Carelift International: AID is "urged" to direct \$7 million to Carelift International;

University of Missouri-St. Louis International Laboratory for Tropical Agriculture

biotechnology program: AID is "urged" to allocate \$1 million;

University of California, Davis: AID is "urged" to allocate \$1 million for the university to train foreign scientists;

Tuskegee University, Alabama: AID is "urged" to allocate \$1 million to establish a Center to Promote Biotechnology in International Agriculture at Tuskegee University;

Marquette University, Wisconsin: AID is urged to allocate a sum of money similar to that received under this bill as other universities to the Les Aspin Center for Government;

United States Telecommunications Training Institute: \$500,000 "should" be made available for the institute;

Habitat for Humanity International: Department of State is urged to coordinate with AID to ensure the program receives \$1.5 million;

Foundation for Environmental Security and Sustainability: AID is "urged" to allocate \$2.5 million to support environmental threat assessments with interdisciplinary experts and academicians;

Alfalit International: earmarks \$1.5 million to combat adult illiteracy;

University of San Francisco: earmarks \$1 million for the Center for Latin American Trade Expansion to assist in the development of trade promotion initiatives;

Patrick Leahy War Victims Fund: earmarks \$12 million;

American Center for Oriental Research: DoS and AID are "urged" to allocate \$2 million for the center, headquartered in Amman, Jordan, with operations in Boston, MA;

Dartmouth Medical School: AID is "urged" to allocate \$750,000 for a joint program with the University of Pristina to help restore educational programs;

Florida State University: AID is "urged" to allocate \$2 million for a distance learning program;

Synchrotron Light Source Particle Accelerator project (SESAME): "the managers intend that \$15 million of the funds made available for Armenia should support this or a comparable project." Berkeley, California, partnership;

University of South Alabama: \$1 million to study the environmental causes of birth defects in Ukraine;

Ohio Center for Economic Initiatives National Telephone Cooperative Association, Arlington, VA: \$3.2 million for industrial sector management tours;

University of Alaska/Alaska Pacific University/Alaska Native regional governments (North Slope Borough and Northwest Arctic Borough): \$20 million for the activities of these institutions in the Russian Far East;

World Council of Hellenes/United States-Russia Investment Fund: allocates an unspecified sum to the World Council of Hellenes and the United States-Russia Investment Fund to support the Primary Healthcare Initiative in Ukraine, Georgia, and Russia;

Notre Dame University: The Department of State is directed to support the university's program of human rights, democracy, and conflict resolution training in Colombia;

Naval Post-Graduate School, Monterey, California: DoS and AID are "urged" to allocate \$150,000 for development of a peace-keeping initiative at the school;

Jamestown Foundation: \$1 million to disseminate information and support research about China.

Mr. BIDEN. Mr. President, in June of this year I expressed my displeasure with the foreign operations appropriations bill when it came to the floor of

the Senate. The overall funding level was too low, security assistant accounts were unfunded, burdensome conditions were placed on contributions to international organizations and an inadequate appropriation was made for debt relief.

I'm pleased to find that the conference report has corrected some of these problems in a very satisfactory way. Appropriators have done the right thing on debt relief, by fully funding the amounts requested. As the wealthiest nation in the world, there is no excuse for us ignoring the plight of the world's poorest countries which are laboring under an untenable debt burden.

I'm also relieved to see that the overall funding level of the bill comes far closer to the administration's request than the bill that the Senate passed in June. That bill, to my dismay, was \$1.7 billion short of what was asked for. The conference report is a vast improvement. It is still some \$200 million below what the executive branch has projected that it will need to undertake foreign operations. Obviously this is quite a large sum and there is a very serious need for Congress to reverse the trend of undercutting State Department and Agency for International Development programs. However the conference report brings the money requested and the money appropriated substantially closer.

The bill contains a provision for assistance to Serbia with which I am in agreement. To unilaterally lift sanctions, or to open up the aid spigot fully would be both premature and naive. The United States should adopt the more measured response reflected in this provision. The language in the conference report sends the right message that we must condition our aid to the new regime in Serbia until it has clearly demonstrated that it will cooperate with the Hague War Crimes Tribunal, respect the independence of Bosnia and Herzegovina and not undermine the Dayton Accords, and that it will unequivocally renounce the use of force in Kosovo and take steps to implement policies that reflect a respect for minorities and rule of law.

Finally Mr. President, let me say that I am also relieved to see that the level of funding dedicated to the Non-proliferation, Anti-terrorism, De-mining and Related Programs (NADR) has been increased substantially. The amount is almost \$100 million more than the level in the Senate passed bill, and slightly higher than the President's request. Although I would like to see more resources dedicated to the International Science and Technology Centers program, I welcome the plus up in the larger account. These programs are a crucial element in our strategy to halt the spread of nuclear weapons, and combat terrorism.

One NADR account that received more than the amount requested was export control assistance, and I truly applaud that. The assistance that we give to other countries in developing

export control laws, regulations, and enforcement is absolutely crucial from the non-proliferation standpoint, and it can also help combat international terrorism. As we plus up that program, however, we must remember to provide the personnel to implement it. Many of those personnel are in the Department of Commerce, and more are needed. Unless appropriators provide elsewhere the requested 7 additional personnel (which translates into 5 additional FTE in Fiscal Year 2001) for the Bureau of Export Administration, the additional funds that we make available in this bill simply will not be implemented as effectively as we would wish.

Mr. DODD. Mr. President, I rise today in support of the Foreign Operations Appropriations Conference report. It has taken some time to reach an agreement satisfactory to all interested parties, but I believe that the bill before us goes a long way toward advancing American interests abroad. Furthermore, this bill contains important provisions to help poor and vulnerable world citizens.

First of all, I am especially pleased that appropriators have agreed to fully fund the President's debt relief package for third world countries, and that language has been included to allow the International Monetary Fund to release \$800 million from the sale of gold reserves so that the interest earned on the proceeds can be put to work providing debt forgiveness to heavily indebted poor nations in Africa and parts of Latin America. The burden of external debt has become a major impediment to economic development and poverty reduction in many of the world's poorest countries—a reality I have witnessed first-hand throughout my travels in Latin America. Until recently, the United States government and other creditors sought to address this problem by rescheduling loans, and in some cases, providing limited debt reduction. Despite such efforts, the cumulative debt of many of the poorest countries has continued to grow beyond their ability to repay, and thus, developing economies are struggling. And, even worse, it is the most vulnerable citizens in these fledgling democracies that are suffering from this debt. When already poor governments are investing vast amounts of their budgets in debt maintenance, little remains for social services for those most in need. As a result, women, children, and the poor end up suffering and living in want.

Throughout my tenure in the Senate, I have supported efforts to target assistance for programs designed to address the special needs and concerns of the poor, and I am grateful that we have had some success in this undertaking. United States assistance programs, together with other international aid efforts, have made basic human necessities available to many of those most in need. However, I believe that the debt reduction initiatives included in the Foreign Operations bill

today build upon that success, and hope that they will dramatically increase the quality of life for citizens in indebted countries. We still have a long way to go to ensure that all people live free of hunger and want, but I think that today we are taking a dramatic leap forward toward that end.

I am also pleased with the increase in funding for children's health programs included in this bill. This conference report provides \$963 million for child survival and disease programs, \$413 million more than the administration requested. Besides providing funding of \$110 million for UNICEF, this money will be used for immunization programs, prenatal care, polio eradication, combating illegal trafficking in women and children, and the establishment of orphanages for displaced children. My colleagues know of my deep commitment to child welfare both at home and abroad. Indeed, too often children are overlooked because they do not vote and have no voice in our political system. I am extremely happy that children's welfare programs have been so generously funded in this bill, and hope that this represents a trend that will continue in the years to come.

Finally, I would like to comment on the family planning provisions in the bill. I believe the problem of overpopulation is an extremely important issue and population stabilization is crucial to the well-being of the planet. Overpopulation threatens to exert tremendous social, ecological, medical, and economic hardship on much of the world, and we must take strong action to limit it.

For families living under the conditions that exist in many developing nations, family planning is critical. Without it, mothers have great difficulty spacing their births and limiting the number of children they bear and, as a result, they suffer the tremendous physical stress of repeated childbirth—often without the aid of physicians or midwives. Furthermore, women are not the only ones who suffer in these cases; their children suffer too. Children in large families find themselves competing for food with other siblings. As a result, they suffer from higher incidents of malnutrition and hunger.

Under the compromise included in the conference report, family planning groups abroad can finally use their own money to provide family planning services, although the restriction on federal funding of abortions continues. In addition, Congress has boosted the general funding available for international family planning from \$370 million to \$425 million which will be available for expenditure after February 15, 2001. By helping women avoid pregnancy before conception, this funding will help mothers in developing countries better plan their child rearing, and will reduce the number of abortions performed annually. Moreover, it will ensure that every child born is a wanted child and will reduce the number of children born to parents who do not have the resources to care for them.

I believe that this is a good bill. It helps those who need it most, and provides funding for our international priorities. It includes money to help end the devastation of AIDS in Africa, assists women, children, and the poor, and allows governments to finally get out of the shadow of crushing debt that both economic circumstance and mismanagement caused to be accrued. On balance, the programs funded in this appropriations bill advance America's foreign policy and national security interests. In short, it is good for the people of the world, and the people of America. When we invest pro-actively in global stability we encourage peace and commerce, and everybody wins. For these reasons, I will vote in favor of this bill and encourage my colleagues to do the same.

Mrs. MURRAY. Mr. President, I rise as a member of the Foreign Operations Appropriations Subcommittee to express my strong support for this conference report. I want to extend my congratulations to Senator LEAHY and Senator MCCONNELL as this is clearly one of the best Foreign Operations bills produced in recent years.

This is a good bill which will advance U.S. interests on many fronts. This is a good bill for my constituents who are engaged in global affairs in everything from international trade to humanitarian relief efforts. This is always a tough bill to finish because it addresses several very controversial issues. Unlike years past, however, this bill is being widely praised by both parties and by the Administration. Again, that is a tribute to the leaders of our subcommittee who worked so hard to bridge very difficult issues.

Perhaps the most significant agreement within this bill is the commitment to fulfill U.S. obligations on debt relief. By providing the requested \$435 million for debt relief, this Congress is sending a powerful message to the poorest countries in the world. The U.S. and the international community, by following through on debt relief to the world's poorest citizens, can give new hope to millions of people. I am proud to have supported this effort. And I am so proud of my constituents who embraced campaigns like Jubilee 2000 which made debt relief an issue no one could ignore.

I want to single out one gentleman in particular who touched so many of us here on Capitol Hill with his work. The Reverend David Duncombe from White Salmon, Washington was a heroic champion for debt relief. On two occasions in the last year, Reverend Duncombe staged hunger strikes here in Washington, D.C. to demonstrate the effects of starvation on the human body. Reverend Duncombe visited my office almost every Wednesday morning when he was in Washington, D.C. He stood before us all, day after day, in solidarity with the millions of people affected by this issue. Passage of debt relief is a genuine tribute to people like David Duncombe who rallied

Americans to the debt relief cause all across our country. I'm proud Americans came together to ensure our foreign aid dollars will make a difference for poor citizens around the world.

I am strongly in support of this bill's increased funding for international family planning. This bill also repeals the global "Gag" order which has crippled our international family planning efforts in previous bills. We know that more and more women in the developing world are starting businesses and contributing to the economic health of families. These women want access to family planning programs and information to build strong, sustainable families. It is time to take our domestic political debate out of the international family planning appropriations process once and for all. International family planning programs help save the lives of women throughout the world. International family planning in a health issue and should be treated that way.

This bill is also strong in the area of export promotion. This bill provides more than \$900 million to the Export-Import Bank of the United States which facilitates job creating exports from throughout our country. Other trade promotion entities like OPIC and TDA will receive increased funding under this bill as well. These programs are tangible, real proof that our foreign aid program generates jobs and economic opportunity for Americans.

There's so much more in this bill which will benefit America's interests. We continue our strong program of microcredit lending. Our commitment to UNICEF and important organizations like the Peace Corps continues with this bill. And we are providing increased funding to confront AIDS, tuberculosis and other health threats to the developing world. I am particularly supportive of the bill's \$50 million contribution to the Global Alliance for Vaccines & Immunizations. The Foreign Operations Subcommittee has devoted much energy to the GAVI effort, and I encourage the Senate to continue its involvement in this promising program.

Our efforts to assist Russia and the former Soviet states as they continue to struggle with reform are key parts of this bill. Washington state is particularly interested in the Russian Far East. This bill funds democracy-building initiatives, economic transition and other programs for most regions of the former Soviet Union. It's frustrating work, but I support this assistance because it is important to our national interest. In other parts of the world, this bill funds human rights work, environmental protection programs, and other important democracy-building initiatives. From Burma to Serbia to Latin America, this bill works to advance America's interests in so many areas.

Mr. President, I urge my colleagues to support this important conference report.

The PRESIDING OFFICER (Mr. HUTCHINSON). Who yields time?

Mr. MCCONNELL. Mr. President, does the Senator from Florida still have time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. GRAHAM. Mr. President, I yield back my 30 seconds.

Mr. MCCONNELL. Is there any other time remaining under the agreement?

The PRESIDING OFFICER. The Senator from Kentucky has 5½ minutes.

Mr. MCCONNELL. I yield back my time.

The PRESIDING OFFICER. Senator LEAHY has 9 minutes. Senator BYRD and Senator STEVENS have 5 minutes each remaining.

The Senator from Vermont.

Mr. LEAHY. Mr. President, earlier I had mentioned Robin Cleveland and Tim Rieser. I also want to thank Jennifer Chartrand and Billy Piper on the Republican side, who are always very helpful and did a superb job. On the Democratic side, Mark Lippert, who recently joined my staff from the Democratic Policy Committee, is mastering the Appropriations Committee process. I saw Jay Kimmitt on the floor earlier of the committee staff. Not only is he a good friend but a repository of all knowledge and the one to whom we can all turn when we need to know just how to get out of whatever mess we have stumbled into.

Mr. MCCONNELL. Mr. President, I thank Tim Rieser and Mark Lippert, a representative of Senator LEAHY's staff, Jennifer Chartrand, and, of course, my longtime associate, Robin Cleveland, and Billy Piper as well, for their great work on this bill. I thank Senator LEAHY. It was good to work with him again this year.

Having said that, I understand there are 5 minutes that Senator STEVENS has reserved. I am told he is happy for me to yield that time back.

Mr. LEAHY. Mr. President, if the Senator will yield, I also yield back the time of the distinguished senior Senator from West Virginia, Mr. BYRD.

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

Mr. MCCONNELL. Let me also thank Jay Kimmitt, majority appropriations staff, for his outstanding work as well. With that, I believe we are ready.

Mr. President, I will propound a unanimous consent request before we go to the vote. I ask unanimous consent that the Senate now proceed to the vote regarding the foreign operations conference report, to be followed by 4 minutes of debate with closing remarks with respect to the pending Feingold amendment to S. 2508 and that vote immediately occur following those closing remarks, to be followed by a vote in relation to the continuing resolution.

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

Mr. MCCONNELL. Therefore, Mr. President, there will be three back-to-back rollcall votes.

The PRESIDING OFFICER. The question is on agreeing to the con-

ference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 65, nays 27, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—65

Abraham	Gregg	Murray
Baucus	Hagel	Nickles
Bennett	Harkin	Reed
Biden	Hatch	Reid
Bingaman	Hollings	Roberts
Bond	Hutchinson	Rockefeller
Boxer	Hutchison	Roth
Brownback	Inhofe	Santorum
Bunning	Inouye	Sarbanes
Campbell	Jeffords	Schumer
Chafee, L.	Kennedy	Shelby
Cochran	Kerry	Smith (OR)
Collins	Lautenberg	Snowe
Crapo	Leahy	Specter
Daschle	Levin	Stevens
DeWine	Lott	Thompson
Dodd	Lugar	Thurmond
Domenici	Mack	Torricelli
Dorgan	McConnell	Warner
Durbin	Mikulski	Wellstone
Gorton	Moynihan	Wyden
Grassley	Murkowski	

NAYS—27

Allard	Enzi	Landrieu
Bayh	Feingold	Lincoln
Breaux	Fitzgerald	McCain
Bryan	Graham	Miller
Byrd	Gramm	Robb
Cleland	Johnson	Sessions
Conrad	Kerrey	Smith (NH)
Craig	Kohl	Thomas
Edwards	Kyl	Voinovich

NOT VOTING—8

Akaka	Feinstein	Helms
Ashcroft	Frist	Lieberman
Burns	Grams	

The conference report was agreed to.

COLORADO UTE SETTLEMENT ACT  
AMENDMENTS OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2508.

Pending:

Campbell Amendment No. 4303, in the nature of a substitute.

Feingold Amendment No. 4326 (to Amendment No. 4303), to improve certain provisions of the bill.

Mr. CAMPBELL. I ask unanimous consent that Senator FEINGOLD and I have 2 minutes to address the Senate before the vote on the motion to table Feingold amendment No. 4326.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

AMENDMENT NO. 4326

Mr. FEINGOLD. My amendment is supported by the administration because it improves the bill. It actually makes the bill comply with Federal reclamation and environmental laws. It makes it clear that only the features of the latest version of the Animas-La Plata Project will be constructed, and the result of that, my colleagues, will be a better return for the taxpayers than the underlying measure. This is important.

The Ute and Navajo tribes will have their claims settled and paid for, even under my substitute, 100 percent by the Federal Government, but the nontribal water recipients will have to repay their share of the construction, fish and wildlife mitigation, and recreation costs. That kind of repayment is only fair. It is what other water users and other projects such as the California central valley and central Utah have to pay.

If my colleagues will look at the fact, this is not unprecedented. This is actually the way other water projects are handled now. The water users have to pay these fair costs. This amendment not only does not kill the bill, it just makes sure there is a fair opportunity for court review. The bill does not undercut; the non-Native American users actually pay their fair share.

Most importantly, this greatly expanded project that has now been scaled down to a reasonable level does not somehow get put back into this large wasteful project. It is both strong in terms of environmental concern and very strong in terms of the taxpayers.

I hope by supporting this, my colleagues, the Senator from Colorado could have this water project that he has worked on for so long, but that it be done in a responsible way which the administration supports.

Mr. CAMPBELL. Mr. President, I am joined by Senator BINGAMAN, Senator DOMENICI, and Senator ALLARD in asking the Senate to support our version of the Animas-La Plata water project by voting to table the Feingold amendment. In 2 minutes they will not have time to speak, but I believe I am speaking for them.

Our version of S. 2508 is truly bipartisan. By the way, it is not an expanded project. This is a much more reduced project. The Republican Governor and the Democratic attorney general of Colorado strongly oppose the Feingold amendment. By voting to table the Feingold amendment, we will leave intact a bipartisan version of S. 2508, supported by the administration, the States of Colorado and New Mexico, the Ute tribes of Colorado, the Navajo nation, and rural and municipal water users of southwest Colorado and northwest New Mexico.

In doing so, we will be saving the taxpayers over \$400 million by downsizing the currently planned Animas-La Plata water project. If the Feingold amendment is not tabled, most of those entities will withdraw their crucial support

for the historic compromise and it will be dead.

If the Feingold amendment is adopted and the compromise collapses, then our only option for satisfying the tribal water right claims will be to build the entire huge Animas-La Plata water project as authorized in 1968.

In addition to killing our bipartisan solution to a regional water conflict, the Feingold amendment unfairly singles out rural water users and small municipalities in both of our States to pay higher costs for their domestic water supplies than the residents of big cities such as Phoenix and Tucson that are served by the central Arizona and central Utah projects, which were also authorized in 1968 at the same time the Animas-La Plata Project was authorized.

As chairman of the Committee on Indian Affairs, the Feingold amendment sends the wrong message by penalizing a region for participating in historic water rights settlement. If the Feingold amendment is not tabled, there will only be losers because the Indians and non-Indians will be locked into needless and expensive litigation and taxpayers will have to pay the costs of litigation on both sides. Therefore, I ask my colleagues to join with me, along with Senators BINGAMAN, DOMENICI, and ALLARD, to support our bipartisan effort in voting to table the Feingold amendment.

I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

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

Mr. CAMPBELL. I move to table the amendment of the Senator from Wisconsin, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 4326. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. GORTON) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 56, nays 34, as follows:

[Rollcall Vote No. 281 Leg.]

#### YEAS—56

Abraham	Gramm	Miller
Allard	Grassley	Moynihan
Baucus	Gregg	Murkowski
Bennett	Hagel	Murray
Bingaman	Hatch	Nickles
Bond	Hollings	Roberts
Breaux	Hutchinson	Santorum
Brownback	Hutchison	Sessions
Bunning	Inhofe	Shelby
Campbell	Inouye	Smith (NH)
Cochran	Johnson	Smith (OR)
Conrad	Kerrey	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Lincoln	Thurmond
DeWine	Lott	Torricelli
Domenici	Lugar	Voinovich
Dorgan	Mack	Warner
Enzi	McConnell	

#### NAYS—34

Bayh	Fitzgerald	Reed
Biden	Graham	Reid
Boxer	Harkin	Robb
Bryan	Jeffords	Rockefeller
Byrd	Kennedy	Sarbanes
Chafee, L.	Kerry	Schumer
Cleland	Kohl	Snowe
Collins	Lautenberg	Specter
Dodd	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	McCain	
Feingold	Mikulski	

#### NOT VOTING—10

Akaka	Frist	Lieberman
Ashcroft	Gorton	Roth
Burns	Grams	
Feinstein	Helms	

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Campbell substitute.

Without objection, the Campbell substitute is agreed to.

The amendment (No. 4303) was agreed to.

Mr. HATCH. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. GORTON) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 5, as follows:

[Rollcall Vote No. 282 Leg.]

#### YEAS—85

Abraham	Gramm	Moynihan
Allard	Grassley	Murkowski
Baucus	Gregg	Murray
Bayh	Hagel	Nickles
Bennett	Harkin	Reed
Biden	Hatch	Reid
Bingaman	Hollings	Robb
Bond	Hutchinson	Roberts
Breaux	Hutchison	Rockefeller
Brownback	Inhofe	Santorum
Bryan	Inouye	Sarbanes
Bunning	Jeffords	Schumer
Byrd	Johnson	Sessions
Campbell	Kennedy	Shelby
Cleland	Kerrey	Smith (NH)
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
Craig	Landrieu	Stevens
Crapo	Leahy	Thomas
Daschle	Levin	Thompson
DeWine	Lincoln	Thurmond
Dodd	Lott	Torricelli
Domenici	Lugar	Voinovich
Dorgan	Mack	Warner
Edwards	McCain	Wellstone
Enzi	McConnell	Wyden
Fitzgerald	Mikulski	
Graham	Miller	

#### NAYS—5

Boxer	Durbin	Lautenberg
Chafee, L.	Feingold	

#### NOT VOTING—10

Akaka	Frist	Lieberman
Ashcroft	Gorton	Roth
Burns	Grams	
Feinstein	Helms	

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

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

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President. I rise today to congratulate my colleague from Colorado, Senator BEN Nighthorse Campbell, on the passage of S. 2508, the Colorado Ute Settlement Act Amendments of 2000. This important Indian water rights settlement would never have gotten as far as it has in the Senate without the hard work and diligence of Senator CAMPBELL. As chairman of the Senate Energy and Natural Resources Committee and a member of the Senate Indian Affairs Committee, I know how difficult it is to reach consensus on Indian water rights settlements. It takes a great deal of knowledge, dedication and downright hard work to get these kinds of bills through committee and onto the Senate floor and while the work can be frustrating, the rewards of a job well done are the appreciation of the Tribe and the water users. Senator CAMPBELL should reap those rewards. This settlement has been a long time coming and I hope the House of Representatives will look favorably on the hard work that has been done here and

pass this bill expeditiously so that it will make it to the White House and be signed into law.

My only regret is that this bill has taken so long to pass the Senate. Fulfilling this commitment to the Colorado Ute Indian Tribes and the Colorado water users never should have taken this long. The settlement agreement was signed in 1986 and now—finally—after 15 years of foot dragging and outright obstruction by outside groups, a bill to implement the agreement passes the Senate. The history of this unfulfilled promise is not a good one. For the past 15 years, numerous, and duplicative studies have been required, each of which resulted in substantial reductions in water to be diverted and stored in the Animas-La Plata project. The tribes, in order to get a project, have agreed to substantial modification of their rights under the 1986 agreement and 1988 Settlement Act to make this proposal work. The cost of the project has been cut by almost two thirds, yet opponents of the project are still unhappy. I wonder what would make them happy—complete and total derogation of the Federal Government's obligation to the tribes? I know Senator CAMPBELL would not let that happen and I would certainly support him in his efforts.

This bill, as passed today, represents the best hope for the United States to do right by the Colorado Ute Indian Tribes at this point and I am pleased to vote for it. I again congratulate Senator CAMPBELL.

#### MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 115) making continuing appropriations for fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. Without objection, the joint resolution is read the third time.

The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT) the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Wash-

ington (Mr. GORTON) and the Senator from Montana (Mr. BURNS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 283 Leg.]

#### YEAS—87

Abraham	Feingold	Mikulski
Allard	Fitzgerald	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Hollings	Roberts
Bryan	Hutchinson	Rockefeller
Bunning	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Campbell	Inouye	Schumer
Chafee, L.	Johnson	Sessions
Cleland	Kennedy	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Levin	Thompson
Dodd	Lincoln	Thurmond
Domenici	Lott	Torricelli
Dorgan	Lugar	Voinovich
Durbin	Mack	Warner
Edwards	McCain	Wellstone
Enzi	McConnell	Wyden

#### NAYS—2

Baucus Leahy

#### NOT VOTING—11

Akaka	Frist	Jeffords
Ashcroft	Gorton	Lieberman
Burns	Grams	Roth
Feinstein	Helms	

The joint resolution (H.J. Res. 115) was passed.

#### MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

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

#### INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

#### ACKNOWLEDGMENT OF SENATOR JEFF SESSIONS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator JEFF SESSIONS has achieved the 100 hour mark as presiding officer. In doing so, Senator SESSIONS has earned his second Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator SESSIONS and his staff for their efforts and commitment to presiding duties during the 106th Congress.

#### VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

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

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 25, 1999:

Haeng Eom, 57, Seattle, WA;

Jeong Eom, 60, Seattle, WA;

Jamal Johnson, 18, New Orleans, LA;

Joe Leavitt, 65, Kansas City, MO;

Lanette Macias, 34, Kansas City, MO;

Solomon McGruder, 30, New Orleans, LA;

Irving E. Varon, 51, Seattle, WA;

Alfonso Vilmil, 53, El Paso, TX;

Walter Williams, 35, Nashville, TN; and

Unidentified Male, 16, Chicago, IL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### STATUS OF INTELLECTUAL PROPERTY LAW AND THE INTERNET

Mr. DEWINE. Mr. President, I rise today to discuss the impact the Internet is having on database producers and the lack of Intellectual Property protection we provide to creators of databases, in particular. This is an issue that deserves the Senate's attention, and I will be encouraging the Chairman of the Judiciary Committee, Senator HATCH, to hold hearings early next year to examine this issue in detail.



Intellectual Property laws are about striking a balance between our need to encourage invention and creativity with a public policy that discourages the use of monopoly power. Our founding fathers recognized the importance of national patent and copyright laws in Article 1, Section 8 of the United States Constitution. Similarly, we have a long tradition of protecting the public from monopolistic abuses through our Antitrust laws, starting with the Sherman Antitrust Act of 1890.

Through our copyright and patent laws, we allow artists and inventors to have monopolies of limited duration on their creations and inventions, which can have the short-term effect of limiting access by consumers. However, these exclusive rights give artists and inventors incentive to create more—ultimately to the benefit of the public at large. Our thriving economy and the success of our country's technology sector is evidence that we have reached an appropriate balance between exclusive rights and consumer access.

However, the balance has shifted with the emergence of new technology. Digital technology, for example, allows an individual to copy huge volumes of data from anonymous sources and then distribute it almost immediately all over the world through the Internet.

I am very concerned about the utter lack of protection for individuals and companies who invest substantial resources in gathering and organizing large volumes of data or information. These databases were, at one time, protected by our copyright laws under a legal theory known as "sweat-of-the-brow." This policy protected collections of information from theft and recognized that significant resources often were spent in collecting and organizing information. In 1991, the Supreme Court overturned the sweat-of-the-brow protection and said that only "original" works are covered by copyright law. This ruling, coupled with the ease of copying and distributing databases over the Internet, have created a significant problem with theft or "piracy" of databases. The creators of stolen databases are usually left with only piece-meal protections and often have no recourse whatsoever.

I share the concerns of those who believe that database protection legislation could limit the access of consumers to information, and I certainly will not support legislation that harms consumers. However, Mr. President, I believe that this is a case where our policies are out of balance.

Information is a resource that becomes much more valuable when it is organized in a coherent way. Database companies devote substantial resources to collecting, organizing, and maintaining information for users. Without such investments, vast quantities of data would be incomprehensible and almost unusable. We must give the companies that create these databases some sort of exclusive right to enjoy

the benefits of their hard work and investment.

Without granting some exclusive right to database producers, investment in databases will diminish over time, as more and more databases are copied and distributed by pirates. Ultimately, the reliability of information available to consumers over the Internet would be undermined.

This potential for unreliability has serious real-life implications. For example, emergency room staff and parents use databases to identify poisons and their remedies; doctors use them to find specifics about a medical procedure; farmers use them for weather and soil information; lawyers use them to find cases and precedents; pharmacists use them to detect dangerous drug interactions; chemists use them to test new compounds; workers use them to find new jobs; and home buyers use them to find the right house. If these databases are not available or are inaccurate, it is the consumer who loses. As with all of our intellectual property rights, some small limitations on consumer access in the short-term will produce significant long-term advantages and increased access to accurate information.

This is not a new issue for the Senate. Two years ago, in the 105th Congress, a serious effort was made to pass legislation that would limit database piracy. Judiciary Committee Chairman HATCH hosted extensive negotiations between all interested parties. Unfortunately, a compromise on database protection could not be reached. At the last minute, the database provisions were dropped from the conference report for the Digital Millennium Copyright Act (DMCA).

When we passed the DMCA, I came to the Floor and expressed my disappointment that we could not reach a consensus on a database provision. Judiciary Committee Chairman HATCH and the Ranking Member LEAHY also expressed their disappointment. I asked, and Senator HATCH agreed, that the Judiciary Committee address the database bill early in the 106th Congress. Unfortunately, despite efforts particularly in the House of Representatives to reach an agreement, conflicts in the industry remain. We have not been able to consider such a bill during this Congress. Now, with only a few days left, it appears that we will not consider database protection at all this year.

I believe that we should start fresh on database legislation early next year. I ask Chairman HATCH for his commitment that the Judiciary Committee will hold a hearing on this important matter in the Spring. For my part, I will do everything I can to draw attention to this matter. I will continue working toward a solution that protects databases from piracy while protecting the rights of consumers.

## INTERNATIONAL BROADCASTING EMPLOYEES

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague, Senator HELMS, in expressing my strong support for this legislation to benefit international broadcasting employees.

The bill is important for several reasons. A new special immigrant visa class will be established to cover individuals working in the United States for the International Broadcasting Bureau or one of the grantee organizations affiliated with the Broadcasting Board of Governors. Included among the grantee organizations are the well-respected Radio Free Asia, the Voice of America and Radio Free Europe.

In creating a special immigrant visa category, we are making a concerted effort to address the recruitment shortages plaguing these worthwhile broadcasting organizations. This legislation will help to attract qualified foreign employees for available positions with the international broadcasting industry here in the United States.

The mission of the United States with respect to international broadcasting makes it important for us to be able to attract and retain a large number of foreign language broadcasters. They must have a unique combination of journalistic skills, including fluency in various languages and an in-depth knowledge of the people, history and cultures of other nations. To carry out its mission, the Broadcasting Board of Governors and its grantees must employ a minimum of 3,400 broadcasters and support staff, such as reporters, writers, translators, editors, producers, announcers, and news analysts.

Historically, the Broadcasting Board of Governors has been unable to obtain sufficient numbers of U.S. workers with the rare combination of skills needed for this mission. As a result, we have had to look to other nations to attract the necessary talent.

No current visa category exists which properly suits the needs of the international broadcasting industry. Neither the H-1B nor J-1 non-immigrant visas are appropriate for the Broadcasting Board of Governors to use as a means to recruit foreign broadcasters and support personnel. Each of these categories has restrictions which make it difficult to recruit qualified applicants.

This legislation overcomes these problems by adding a special immigrant category under the Immigration and Nationality Act. Up to one hundred immigrant visas will be available each fiscal year for foreign nationals employed by the Broadcasting Board of Governors. Spouses and dependent children will also be able to benefit from this legislation.

This proposal will provide significant assistance for the international broadcasting industry in meeting its goals and recruitment needs in providing essential news coverage for many of the most dangerous regions of the world. The people employed by organizations

like Radio Free Asia, the Voice of America and Radio Free Europe are exceptionally talented and courageous. They and their families make substantial sacrifices, and they put themselves at great personal risk to carry out their important responsibilities. These dedicated men and women deserve our full support. I strongly urge my colleagues to pass this needed legislation.

#### GUN VIOLENCE IN AMERICA

Mr. LEVIN. Mr. President, the 106th Congress is about to adjourn without passing critical legislation to reduce the level of gun violence in this country.

Over the last years, the American people have been demanding that their schools, places of worship, and other public places be better protected from gun violence. Congress had an opportunity to address the gun violence problem in our country by passing sensible gun laws that would help ensure that young people or those with criminal backgrounds do not illegally gain access to firearms. In the end, Congress failed the American people.

It is very disappointing that Congress refused to act on the issue of gun violence. Too many senseless shootings have put our sense of safety in jeopardy. Here are just some of the high profile shootings that took place during this session of Congress, and the casualties that occurred as a result.

In the year 1999:

January 14, an office building, Salt Lake City, Utah, one dead, one injured;

March 18, a law office, Johnson City, Tennessee, two dead;

April 15, a library, Salt Lake City, Utah, three dead, four injured;

April 20, a high school, Littleton, Colorado, 15 dead, 23 injured;

May 20, a high school, Conyers, Georgia, six injured;

June 3, a grocery store, Las Vegas, Nevada, four dead;

June 11, a psychiatrist's office, Southfield, Michigan, three dead, four injured;

July 4, multiple locations, Illinois and Indiana, three dead, nine injured;

July 29, two day trading firms, Atlanta, Georgia, 13 dead, 13 injured;

August 5, two office buildings, Pelham, Alabama, three dead;

August 10, a Jewish Community Center, Los Angeles, California, five injured, and later in the same day, one dead;

September 14, a hospital, Anaheim, California, three dead;

September 15, a church, Fort Worth, Texas, eight dead, seven injured;

November 2 an office building, Honolulu, Hawaii, seven dead;

November 3, a shipyard, Seattle, Washington, two dead, two injured;

December 6, a middle school, Fort Gibson, Oklahoma, four injured; and

December 30, a hotel, Tampa, Florida, five killed, three injured.

In the year 2000:

January 23, a Sikh temple, El Sobrante, California, one dead, one injured;

February 14, a sandwich shop, Littleton, Colorado, two dead;

February 29, an elementary school, Flint, Michigan, one dead;

March 1, several locations, Wilkesburg, Pennsylvania, three dead, two injured;

March 8, the scene of a fire, Memphis, Tennessee, four dead, two injured;

March 10, a high school dance, Savannah, Georgia, two dead, one injured;

March 24, a State office building, Effingham, Illinois, two dead;

April 18, a seniors home, Lincoln Park, Michigan, two dead, one injured;

April 24, a zoo, Washington, D.C., seven injured;

April 28, several locations, Pittsburgh, Pennsylvania, five killed, one injured;

April 28, a restaurant and hotel, Salt Lake City, Utah, two dead, three injured;

May 11, a middle school, Prairie Grove, Arkansas, two injured;

May 17, a ball park, Ozark, Alabama, two dead, one injured;

May 26, a middle school, Lake Worth, Florida, one dead;

June 25, a basketball court, Chicago, Illinois, seven injured;

August 28, a professor's office, Fayetteville, Arkansas, two dead;

September 7, a sewage lagoon, Bunker, Missouri, two dead, two injured;

September 24, a high school, outside Seattle, Washington, one injured;

September 26, a middle school, New Orleans Louisiana, two injured;

October 20, a courthouse, Yreka, California, one dead, two injured; and

October 23, a pizzeria in New Baltimore, Michigan, one dead.

Gun violence is a critical issue that the majority of Americans care about deeply. The will of the majority can be frustrated in the short run, but not in the long run. This issue will not go away. If this Congress will not pass legislation addressing gun violence in America, I am confident that another Congress will, and I will continue to work toward that objective.

#### UNITED STATES POLICY TOWARDS YUGOSLAVIA

Mr. BIDEN. Mr. President, I rise today to discuss the volatile situation in Yugoslavia. Slobodan Milosevic as Yugoslav dictator is history. The long nightmare is over. The Serbian people have spoken and, although Milosevic's ultimate fate is still uncertain, Kostunica's victory marks a sea change in Serbia's current history, a clear choice for democratic change over a stagnant and morally bankrupt dictatorship.

As Kostunica works hard to secure and stabilize his fledgling government, the final outcome is not yet certain. The United States must not fumble the opportunity to support the new Serbian government as it navigates a potentially treacherous transition. With Milosevic's party still controlling the Serb parliament and Milosevic himself

still lurking in the political shadows, we must engage in an open and constructive dialogue with Kostunica and his allies.

To this end, I welcome the recent move by the administration to lift some of the sanctions that specifically targeted the Milosevic regime, namely the flight ban and the oil embargo, while retaining the so-called "outer wall" of sanctions. I also commend the State Department's decision to send a delegation to Belgrade to discuss the Kostunica government's assistance needs.

Mr. President, extending a helping hand does not, however, mean giving Kostunica and his new government a free pass when it comes to accounting for the terrible crimes of the Milosevic regime. To unilaterally lift all sanctions, or to open up the aid spigot fully would be both premature and naive. Instead, the United States should adopt a more measured response, recognizing as well the fact that a too forward-leaning or heavy handed policy could risk undermining Kostunica before he is able to consolidate power. The following immediate steps would, I believe, help lay the correct groundwork for future cooperation.

First, the United States must maintain its insistence that Milosevic be delivered to the Hague to stand trial for war crimes. Anything less would fatally undermine the International Tribunal.

Second, even as we congratulate Mr. Kostunica and recognize him as an inestimable improvement over his predecessor, we must emphasize to him that his democratic credentials alone will not be a sufficient qualification for Serbia to reenter the international community. A Kostunica government must fully respect the independence of Bosnia and Herzegovina and not undermine the Dayton Accords. Kostunica's recent meeting in Sarajevo with the three members of Bosnia's collective presidency gives some grounds for optimism. Serbia must also unequivocally renounce the use of force in Kosovo and take steps to implement policies that reflect a respect for minorities and rule of law.

The foreign operations bill for fiscal year 2001 will, in fact, condition U.S. assistance to Serbia on meeting the above benchmarks. I support this section of the bill because it is the right thing to do and the right message to send. But while we should remain firm in our policy, we must also be flexible in our evaluation, recognizing what Kostunica is able to do and what he is unable to do while pro-Milosevic forces still wield considerable power in the Serbian government.

Third, the Stability Pact for Southeast Europe must be given a jolt. Too much time has been wasted on conferences and working groups. Assistance must begin to flow in the next few months. A long-needed measure to help the front-line states would be a crash-effort to clear the Danube River of

bombed-out bridges, thereby reopening vital trade links from Bulgaria and Romania to Western Europe.

Finally, we should strongly encourage the European Union to make good on this commitment to expand its membership to candidates as soon as they meet the qualifications. In South-eastern Europe this means Hungary and Slovenia. Brussels must not squander a once-in-a-lifetime opportunity.

Mr. President, there is another reason I wanted to take the floor today, one that touches on the future of our commitment to the Balkans and, indeed, to a stable and secure Europe.

As we continue to work towards a Serbia that will meet the necessary criteria to rejoin the community of western democracies, it is just as important to remember why we are engaged in the Balkans in the first place. This is, after all, an election year, a time when Americans should rightly question the policies and decisions of the current administration when making their decision about the next.

U.S. military engagement on the European continent since the end of World War II has provided the security umbrella under which democracy and free-market capitalism have been able to develop and flourish. The Balkans, however, are a world away from that reality, the last remaining area of instability in Europe. During the last decade several hundred thousand people have been killed in three bloody wars there. The NATO-led peace-keeping operations in Bosnia and Kosovo are designed to provide the same kind of umbrella as in post-war Western Europe to allow democracy, civil society, and capitalism to take root and develop.

Without American leadership, this region would most likely still be mired in civil war, ethnic cleansing, and ultra-nationalist aggression, with Milosevic firmly ensconced at the center of it all.

I remember well when in September 1992, reacting to the mass murders an ethnic cleansing that Milosevic directed in Croatia and Bosnia, I called for lifting the arms embargo against Bosnia and, six months later, for hitting the Bosnian Serbs with air strikes. I was joined by Bob Dole and JOE LIEBERMAN, but for three years ours was a lonely fight. Finally, after hundreds of thousands killed and massacres in Srebrenica and Sarajevo that galvanized public opinion, our government undertook a bombing campaign that led to the Dayton Accords.

Just as that American military action in 1995 served as the catalyst for change in Bosnia, so did Operation Allied Force in 1999 dash the myth in Serbia of Milosevic's invincibility. If he had gotten away with purging Kosovo of most of its ethnic Albanians, those in Serbia who found Milosevic to be odious would have had no reason to believe that anything could be done to stop his immoral and ruinous policies.

American leadership has been indispensable for successful military action

in the Balkans. The bombing campaign our government undertook in 1995 led to the Dayton Accords for Bosnia. Operation Allied Force in 1999 forced Milosevic to withdraw his military and paramilitary units from Serbia, destroying the myth in Serbia of his invincibility. This leadership goes beyond the purely technical military assets that only the U.S. can deploy; it also involves intangibles. SFOR in Bosnia and KFOR in Kosovo contain thousands of highly qualified soldiers from many countries, but the American troop presence on the ground gave the mission its ultimate credibility with the Balkan peoples. This fact I have witnessed firsthand from my many trips to the region.

I am, therefore, alarmed by the recent calls for a unilateral withdrawal of U.S. forces from the Balkans. Such a radical shift in our policy, I believe, would have a catastrophic effect not only on the very real progress we have made in stabilizing both Bosnia and Kosovo, but on U.S. leadership in Europe and on the Atlantic Alliance as a whole. U.S. participation on the ground in the Balkans is essential to our overall leadership in NATO, which is an alliance not only of shared values, but also of shared risk and responsibility. To begin a disengagement from the Balkans would not only guarantee the loss of American leadership in NATO, but also, I fear, lead to the premature end of Western Europe's commitment to stabilizing the Balkans.

As my colleagues surely know, the vast majority of the troops in SFOR and KFOR—approximately eighty percent—are European. Yet despite this minority participation, the United States retains the command of both Balkan operations in the person of U.S. General Joseph Ralston, the Supreme Allied Commander Europe (SACEUR).

Let me be blunt: it is naive to believe that we could retain command of these operations—or, more importantly, leadership of NATO itself—if we would cavalierly inform our allies that we were unilaterally pulling out of the Balkans. It just won't work.

If the U.S. withdrew, like it or not, the future of SFOR and KFOR would be in jeopardy, and the likelihood of renewed hostilities and instability beyond the borders of Bosnia and Kosovo would greatly increase.

We are entering into a very sensitive period for the Balkans, one that could either strengthen or tear apart the fragile peace that KFOR and SFOR have helped secure. Local elections will take place in Kosovo later this month, in Bosnia in November, and in Serbia in December. The anti-democratic, ultra nationalist forces in the region are now no doubt biding their time and hoping for a new administration that has already laid its withdrawal cards on the table.

The assertion that our Balkan operations are a heavy drain on our resources is also completely off base. Our Bosnia and Kosovo operations together

amount to little more than one percent of our total defense budget. This hardly constitutes a "hollowing out" of the military.

The argument that our commitment to the Balkans is open-ended is equally misleading. There are detailed military, political, economic, and social benchmarks set in place. Our "exit strategy" is crystal clear: a secure, stable, democratic Balkans with a free-market economy that can join the rest of the continent, a Europe "whole and free." These are the ideals for which the greatest generation fought and died. We dare not embark upon a policy that fails to recognize the most important international lesson of the twentieth century: America's national security is inextricably linked to the maintenance of a stable and peaceful Europe.

To pull the plug on a Balkans policy that has finally begun to yield real dividends and at the same time to put NATO, the most successful alliance in history, at risk would jeopardize America's national security.

It would also betray the brave crowds in Serbia, who have struggled to open up great possibilities for their country, the Balkans, and all of Europe. This is no time for Americans to retreat from the struggle out of ill-conceived, artificially narrow definitions of national security. The American people have shown time and again that they lack neither vision nor patience when they are convinced of the importance of a cause. A Europe unified by democracy is such a cause.

#### S. 1854, THE 21ST CENTURY ACQUISITION REFORM AND IMPROVEMENTS ACT OF 2000

Mr. HATCH. Mr. President, I was pleased that last Thursday the Senate unanimously passed S. 1854, the "21st Century Acquisition Reform and Improvements Act of 2000." I originally introduced the bill last year with Senators DEWINE and KOHL, and we are hopeful that it will be enacted into law this year. I want to express my thanks to Senator LEAHY, the Ranking Member of the Judiciary Committee, and to Senators DEWINE and KOHL, the Chairman and Ranking Member of the Antitrust Subcommittee, respectively, for their hard work and cooperation in developing and passing the bipartisan proposal that the Senate approved. The reforms that will be put in place upon enactment of this legislation are long overdue. Businesses, both small and large, as well as the antitrust enforcement agencies, have much to gain by its enactment.

As my colleagues know, the Hart-Scott-Rodino Antitrust Improvements Act of 1976 requires companies contemplating a merger or acquisition to file a pre-merger notification with the Antitrust Division or the Federal Trade Commission if the size of the companies and the size of the proposed transaction are greater than certain

monetary thresholds. These monetary thresholds, however, are seriously outdated. They have not been changed—even for inflation—since the legislation was enacted more than two decades ago.

Because these monetary thresholds are obsolete, businesses today often are required to notify the Antitrust Division and the FTC of proposed transactions that simply do not raise competitive issues. As a result, the agencies are required to expend valuable resources performing needless reviews of transactions that were never intended to be reviewed. In short, current law senselessly imposes a costly regulatory and financial burden upon companies, particularly small businesses, and needlessly drains the resources of the agencies. Because of the unnecessarily low monetary thresholds, current law fails to reflect the true economic impact of mergers and acquisitions in today's economy.

In addition, after a pre-merger notification is filed, the Hart-Scott-Rodino Act imposes a 30-day waiting period, during which the proposed transaction may not close and the Antitrust Division or the FTC conducts an antitrust investigation. Prior to the expiration of this waiting period, the agency investigating the transaction may make a "second request"—a demand for additional information or documentary material that is relevant to the proposed transaction. Unfortunately, many second requests require the production of an enormous volume of materials, many of which are unnecessary for even the most comprehensive merger review. Complying with such second requests has become extraordinarily burdensome, often costing companies in excess of \$1 million. Second requests also extend the waiting period for an additional 20 days, a period of time that does not begin to run until the agencies have determined that the transacting companies have "substantially complied" with the second request. This procedure results in many lawful transactions being unnecessarily delayed for extended periods of time, causing an enormous strain on the businesses, their employees, and their shareholders.

I am pleased that this legislation will rectify many of the problems with the 1976 Hart-Scott-Rodino Act. First, the legislation increases the size-of-transaction threshold from \$15 million to \$50 million, effectively exempting mergers and acquisitions that would not pose any competitive concerns from the Act's notification requirement. Such mergers make up over half of all transactions reported in 1999. Therefore, this legislation provides significant regulatory and financial relief for all businesses, particularly small and medium-sized ones. In addition, the legislation indexes the threshold for inflation, so that the problem of an expanding economy outgrowing the statute's monetary threshold will not recur.

In addition to providing regulatory and financial relief for companies, an-

other purpose of this legislation is to ensure that the Antitrust Division and the FTC efficiently allocate their finite resources to those transactions that truly warrant antitrust scrutiny. To that end, one of its main objectives is to achieve a more effective and efficient merger review process by eliminating unnecessary burden, costly duplication and undue delay. In order to accomplish this objective, this legislation directs the Assistant Attorney General and the FTC to conduct an internal review and implement reforms of the merger review process, including the designation of a senior official for expedited review of appeals regarding the scope of and compliance with second requests. Fortunately, these reforms will be implemented quickly because, under this legislation, the Assistant Attorney General and the FTC will have 120 days to issue the guidelines and make the necessary changes to their regulations and policy documents to implement the reforms, and they must report back to Congress within 180 days.

This legislation sets forth reforms to the Hart-Scott-Rodino Act that are long overdue. It provides significant regulatory and financial relief for businesses, while ensuring that transactions that truly deserve antitrust scrutiny will continue to undergo review. Again, I thank my colleagues who joined me in supporting passage of this legislation. In the waning hours of this Congressional Session, it is my intention to see this non-controversial consensus legislation enacted into law this year, and I will seek its attachment to one of the remaining "must-pass" vehicles.

Finally, I would like to recognize the hard work and efforts of several staff members of the Judiciary Committee who were instrumental in the successful passage of this legislation. On my staff, I particularly would like to thank the Committee's Chief Counsel and Staff Director, Manus Cooney, the lead counsels who worked on this measure, Makan Delrahim, Rene Augustine, and Kyle Sampson, and legal fellow Thadd Prisco. On Senator LEAHY's staff, I would like to recognize the professional skills and input of the Minority Chief Counsel, Bruce Cohen, and the Minority General Counsel, Beryl Howell. On the Antitrust Subcommittee, I would like to thank Peter Levitas and Mark Grundvig, who are Senator DEWINE's able counsels, as well as Jon Leibowitz and Seth Bloom, counsels to Senator KOHL, for their tireless efforts and input. Without the assistance and hard work of these loyal public servants, the important reforms in this legislation would not have been possible. Thank you.

#### THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. I am pleased that the House of Representatives tonight approved the Bulletproof Vest Partner-

ship Grant Act of 2000, S. 2413, and sent it to the president for his signature. President Clinton has already endorsed this legislation to support our nation's law enforcement officers and is eager to sign it into law.

Senator CAMPBELL and I introduced this bipartisan bill on April 12, 2000. The Senate Judiciary Committee passed our bill unanimously on June 29. For the past four months, we have been urging passage of the Bulletproof Vest Partnership Grant Act of 2000. The Senate finally passed our bipartisan bill on October 11, 2000 by unanimous consent.

I want to thank Senators HATCH, SCHUMER, KOHL, THURMOND, REED, JEFFORDS, ROBB, REID, SARBANES, BINGAMAN, ASHCROFT, EDWARDS, BUNNING, CLELAND, HUTCHISON, ABRAHAM and GRAMS for cosponsoring and supporting our bipartisan bill.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998, public law 105-181. That law created a \$25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999-2001.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

In its two years of operation, the Bulletproof Vest Partnership Grant Program funded more than 325,000 new bulletproof vests for our nation's police officers, including more than 536 vests for Vermont police officers with federal grant funds of \$140,253 for Vermont law enforcement agencies. More information about the Bulletproof Vest Partnership Grant Program is available at the program's web site at <http://vests.ojp.gov/>. The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to \$50 million for fiscal years 2002-2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50-50 matching funds because of the tight budgets of these smaller communities. In addition, under the Leahy-Campbell floor amendment to this bill, the purchase of stab-proof vests will be eligible for grant awards to protect corrections officers and sheriffs who face violent criminals in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country

face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

In the last Congress, we created the Bulletproof Vest Partnership Grant Program in part in response to the tragic Drega incident along the Vermont and New Hampshire border. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, who was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later. I am relieved that Officer John Pfeifer is doing well and is back on duty today.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. We all grieve for the two New Hampshire officers who were killed. Their tragedy underscores the point that all of our law enforcement officers, whether federal, state or local, deserve the protection of a bulletproof vest. With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers. Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association. In my home State of Vermont, the bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have

sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." Each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Mr. President, I look forward to President Clinton signing this life-saving legislation into law.

#### FAILURE TO PASS AN INTERSTATE WASTE BILL

Mr. ROBB. Mr. President, one of the many items that the Senate failed to address during this Congress is legislation that would allow the states to protect themselves from unwanted out-of-state garbage. Three separate bills were offered in the Senate on this issue and each had merit, at least as a point of departure. In fact two of the bills incorporated elements that easily passed the Senate a few years ago.

The Environment and Public Works Committee held a hearing on these bills but failed to move any of the bills forward. This is more than disappointing. For a state like Virginia that is now importing over 7 million tons of municipal solid waste each year, with no way to limit the growth of this unwanted import, it is important that the committee and the full Senate act on legislation.

Seven million tons of imported solid waste represents 280,000 truck loads of waste moving into the Commonwealth of Virginia each year. The traffic this generates is reason alone to authorize additional state controls. But there are other reasons. Cheap landfill disposal due to an over abundance of capacity, has made us less vigilant about recycling. And although new federal landfill standards protect our environment better than the old standards, today's landfills are much larger than yesterdays, and we are not yet certain that all the engineering improvements we have made are enough. We may not know if these new landfills leak for a few more years.

Transporting waste hundreds of miles for disposal is also a senseless use of diesel fuel, and when we are already facing a shortage we should seek to conserve our fuel resources. We are misallocating fuel that could be used to heat homes this winter and using it to haul trash up and down the east coast. I understand from the Federal Highway Administration that the large trucks used to transport waste get about 6.1 miles per gallon. An out of state delivery of trash to Virginia landfills can amount to 680 miles round trip and 68 gallons of gas. If only half the trips to Virginia are that long, over 500,000 gallons of diesel fuel will be used to ship waste several hundred miles. This is a waste.

During this Congress, I introduced one interstate waste bill and co-sponsored two others, and if members of the Senate propose other ways to deal with this problem, I am more than willing to work with them to develop something that is workable for all parties. But at this time unless a state chooses, as some have, to simply stop siting land disposal capacity, they lose all control in terms of how long that capacity will last and what kind of traffic it will receive.

When we come back next year I will try again to move legislation. I will meet with the exporting States and I will continue to work toward a goal of wiser use of our resources, and that includes recycling, minimizing waste in the first place and certainly finding a way to dispose of it without moving half way across the country.

#### INTERSTATE TRANSPORTATION OF SOLID WASTE

Mr. LEVIN. Mr. President, it is outrageous that another Congress has passed without the enactment of legislation which would resolve the problem of the interstate transportation of solid waste. The people should not be dumped on any longer. They should have some control over their own jurisdictions and over their own land. It is up to us to give them that authority. I just heard that Toronto Canada is thinking about sending its waste to Michigan and the people of Michigan have nothing to say about it.

The U.S. Supreme Court has ruled that, under the Commerce Clause of the Constitution, unless Congress acts, states and municipalities are powerless to stop trash from being brought into their jurisdictions—powerless to protect their citizens' safety, the environment and their quality of life. So our states and municipalities rely on us to pass this protective legislation, and we let them down—again. The Senate has expressed its will on this issue over and over again—A majority of Senators support this legislation. We passed it by an overwhelming vote of 94-6. But the House has not acted. There are a few people over there who oppose it who have managed to displace the will of what appears to be a clear majority of House Members.

What will it take? The problem is getting worse. Total interstate waste shipments continue to rise and there is a finite amount of landfill capacity available. Michigan, my State, imports over 12 percent of all of the solid waste it disposes of in landfills. Michigan counties and townships have plans for waste disposal. They have invested in it. They have made significant commitments to waste reduction and recycling. They have spent a lot of money on these investments to dispose of their waste locally. Those plans and those good faith investments are totally undermined when contracts to bring in waste from other states and countries are entered into without consideration by State, county, or local

governments of the impact of those contracts for importing waste into those areas. When you import waste in that way, without consideration of plans, and without consideration of the efforts that local governments have made to dispose of their own waste, it totally disrupts those efforts and those expenditures. It is not right. States and local governments have a right to do that planning and to make those investments in order to dispose of their own waste and, should they see fit, not to see their own plans displaced by the import of waste from other places.

I want to commend all the Senators who have been involved in this effort for so many years. Our previous vote of 96 to 4 shows that this truly is a bipartisan effort and it will continue to be.

Our States are counting on us to give them the authority to protect their citizens and the environment. I can assure you that, when Congress returns in January, I will be ready to fight this battle again until we pass legislation to prevent our states from being dumping grounds.

#### RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. DEWINE. Mr. President, just before the August recess, the Senate passed the Religious Land Use and Institutionalized Persons Act of 2000, S. 2869. I had some serious concerns about this bill as originally introduced. As my colleagues know, the distinguished chairman of the Senate Judiciary Committee, Senator HATCH and my distinguished colleague from Massachusetts, Senator KENNEDY, came up with a bipartisan compromise that addressed many of the concerns I had about the initial bill. Specifically, I was concerned that the bill would have unintentionally impeded the ability of states and localities to protect the health and safety of children in a variety of ways. I am relieved that the new Senate version has a much more limited scope. Because the bill that was passed applies only to zoning decisions, landmark designations and institutionalized persons, it will not have any impact on child welfare systems, including the ability of states and localities to protect the health and safety of children. I see the distinguished Senator from Massachusetts on the floor and I would ask my colleague, as one of the authors of this new legislation, if my understanding of this legislation correct?

Mr. KENNEDY. The Senator from Ohio is correct.

Mr. DEWINE. Since the definition of "land use regulation" is limited to "a zoning or landmarking law, or the application of such a law," am I also correct in understanding that this legislation will not affect the ability of states and localities to enforce fire codes, building codes, and other measures to protect the health and safety of people using the land or buildings, such as

children in childcare centers, schools, or camps run by religious organizations?

Mr. KENNEDY. Yes, the Senator from Ohio is correct.

Mr. DEWINE. Am I also correct that the legislation will not affect civil rights laws that protect young people?

Mr. KENNEDY. The Senator is correct.

Mr. DEWINE. I thank my friend and colleague from Massachusetts for clarifying these points, and for working to pass legislation that does not compromise the health and safety of children and their families.

#### RECORD THIRD QUARTER NET PROFITS FOR BIG OIL

Mr. LEAHY. Mr. President, I come to the floor once again to announce that Big Oil is beginning to release its third quarter profit reports and while the news is great for investors, it's not so great for American consumers. As American families have been paying sky-high prices at the gas pump and are bracing for record-high home heating costs this winter, the oil industry has been savoring phenomenal profits. Something is wrong when working families are struggling to pay for basic transportation and home heat while Big Oil rakes in obscene amounts of cash by the barrel.

The overall net income for major petroleum companies more than doubled in the third quarter of 2000 relative to the third quarter of 1999. Let me illustrate the phenomenal profits of the oil industry for the past year when gasoline prices soared and heating oil stocks fell.

In the third quarter of 2000, Chevron Corporation reported net profits of \$1.53 billion, Exxon Mobil Corporation reported net profits of \$4.29 billion, and Texaco reported net profits of \$798 million. Compared to the third quarter of 1999, the profits in the third quarter of 2000 increased 163 percent for Chevron, 96 percent for Exxon Mobil, and 106 percent for Texaco. I ask unanimous consent that a chart of these statistics be printed in the RECORD.

Not surprisingly, these multi-million and even multi-billion dollar profits are making record profits. Exxon Mobil executive Peter Townsend is quoted as saying: "We've got a lot of cash around here. It's coming in pretty fast, flying through the door." And according to Fadel Gheit, an analyst with Fahnestock & Company: "The fourth quarter could beat the third."

There is no doubt that Big Oil reaped record profits while American consumers and small business owners dug deeper into their pockets to pay for soaring gasoline prices. And more record profits for Big Oil at the expense of consumers and small business owners are expected this winter when heating costs go through the roof. Mr. President, that is outrageous.

Even more disturbing are the recent press reports that the major oil compa-

nies are not using their record profits to boost production and lower future prices, but are instead cutting back on exploration and production. Listen to this from a report in the Wall Street Journal: "Exploration and production expenditures at the so-called super majors—Exxon Mobil Corp., BP Amoco PLC, and Royal Dutch/Shell Group—fell 20 percent to \$6.91 billion in the first six months of the year from a year earlier. . . ."

The investment firm UBS Warburg in London estimated this month that the surplus cash of the top 10 global energy companies will total \$40 billion this year and grow to \$130 billion by the end of 2004. The companies, Warburg predicts, will use about two-thirds of the surplus to repurchase stock to bolster market price, and one-third to reduce debt. Indeed, last week Texaco and Chevron agreed to merge with Chevron paying \$35.1 billion to acquire Texaco.

Well I for one have had enough of Big Oil making record profits at the expense of the working families and the small business owners who pay the oil bills, live by the rules and struggle mightily when fuel and heating costs skyrocket.

On September 27, 2000, I introduced S. 3118, the Windfall Oil Profits For Heating Assistance Act of 2000. My legislation imposes a windfall profits assessment on the oil industry to fund heating help for consumers and small business owners across America.

In true arrogance to the needs of Americans struggling to heat their homes, John Felmy of the American Petroleum Institute has publicly stated: "The profits aren't owned by consumers, they're owned by the shareholders. The companies have to do what's appropriate for owners of the enterprise."

The oil industry is made up of corporations formed under the laws of the United States. These oil industry corporations have a responsibility to the public good as well as their shareholders. To reap record windfall profits and then cut back on exploration and production to further increase future profits is poor corporate citizenship and an abuse of the public trust by these oil industry corporations and their executives.

In response to the energy crisis of the 1980s, Congress enacted the Crude Oil Windfall Profit Tax Act of 1980. This windfall profits tax, which was repealed in 1988, funded low-income fuel assistance and energy and transportation programs.

Similar to the early 1980s, American families again face an energy crisis of high prices and record oil company profits. This past June, gasoline prices hit all-time highs across the United States, with a national average of \$1.68 a gallon, according to the Energy Information Administration. This winter, the Department of Energy estimates that heating oil inventories are 36 percent lower than last year with heating oil inventories in New England estimated to be 65 percent lower than last

year. In my home state of Vermont, energy officials estimate heating oil costs will jump to \$1.31 per gallon, up from \$1.19 last winter and 80 cents in 1998.

Given the oil industry's record windfall profits in the face of this energy crisis, it is time for Congress to act and again limit the windfall profits of Big Oil. My bill would do just that and dedicate the revenue generated from this windfall profits adjustment to help working families and small business owners with their heating oil costs this winter.

Specifically, the Windfall Oil Profits For Heating Assistance Act of 2000 would impose a 100 percent assessment on windfall profits from the sale of crude oil. My legislation builds on the current investigation by the Federal Trade Commission into the pricing and profits of the oil industry. The bill requires the Federal Trade Commission to expand this investigation to determine if the oil industry is reaping windfall profits.

The revenue collected from windfall oil industry profits, under my legislation, would be dedicated to two separate accounts in the Treasury for the following: 75 percent of the revenues to fund heating assistance programs for consumers such as the Low Income Home Energy Assistance Program (LIHEAP), weatherization and other energy efficiency programs; and 25 percent of the revenues to fund heating assistance programs for small business owners.

American consumers and small business owners continue to pay sky-high gasoline prices and home heating oil costs are expected to hit an all-time high this winter while U.S. oil corporations reap more record profits. It is time for Congress to restore some basic fairness to the marketplace. It is time for Congress to transfer the windfall profits from Big Oil to fund heating oil assistance for working families.

I urge my colleagues to support the Windfall Oil Profits For Heating Assistance Act of 2000.

Mr. President, I ask that the chart to which I referred, be printed in the RECORD.

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

#### RECORD PROFITS FOR BIG OIL—THIRD QUARTER PROFITS

Company	3rd quarter		change (in per- cent)
	1999	2000	
Chevron .....	\$582 million .....	\$1.52 billion .....	163
Exxon Mobil .....	2.19 billion .....	4.29 billion .....	96
Texaco .....	387 million .....	798 million .....	106

#### RETIREMENT OF TINKER ST. CLAIR

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Tinker St. Clair, who is retiring at the end of this year after 21 years of outstanding service to the Senate as doorkeeper.

Tinker goes back many many years with the Kennedy family. In a sense, I inherited Tinker from my brothers. At the time of the 1960 Presidential campaign, Tinker was active in Democratic Party politics in McDowell County in the heart of coal country in West Virginia. Tinker supported Jack in the key West Virginia Presidential Primary that year, and he campaigned effectively for my brother throughout southern West Virginia. Jack won a dramatic victory in that primary, and it put him solidly on the road to the White House. So it's fair to say that the New Frontier was born right there in West Virginia, and Tinker St. Clair was very much a part of that victory.

Tinker was also there for my brother Robert Kennedy in his Presidential campaign in 1968.

For the past 21 years in the Senate, Tinker has been a great friend of mine as well, and a great friend of many other Senators on both sides of the aisle.

Day in and day out on the Senate floor, Tinker's welcoming smile and wonderful personality have warmed our hearts and minds. He is often here with us, sitting in the back of the Chamber, listening intently to our debates, offering an encouraging word when we arrive and when we finish speaking, reminiscing about past days in the Senate and past campaigns in West Virginia, telling us with pride about his children, his grandchildren, and in recent years, his great-grandchildren.

When Tinker leaves us this year, he will leave a place in our hearts that will be impossible to fill. But as he said the other day, he feels it is time, as the West Virginia mountaineer he's always been, to sit on the porch and enjoy his family.

As this session of Congress comes to an end, I express my warmest wishes to Tinker for a long and happy and healthy retirement. He has surely earned it. He has served West Virginia well, he has served the Senate well, and he has served the Nation well, and we will miss him very very much.

#### PRESIDENT KIM DAE JUNG AND THE NOBEL PEACE PRIZE

Mr. BINGAMAN. Mr. President, I rise today to congratulate the President of South Korea, Kim Dae Jung, for winning the Nobel Peace Prize. This is a man who truly deserves this honor, as there are few men in the world today who have worked so tirelessly for democracy and peace in East Asia. Like so many of the outstanding men of our time, President Kim's life reads something like a novel, from his early childhood as a farmer's son on a small Korean island, to his criticism of the Japanese colonial rule, to his constant fight against dictatorship in South Korea, to his relentless pursuit of a constructive engagement policy with North Korea. No part of his path to the present has been easy, and, he came perilously close to losing his life on

several occasions. The stories that are told about his near death experiences at the hands of the military regime in South Korea, and the intervention by the United States to save his life, are legendary in his country. He has been accused of nearly every possible political crime, from subversion to treason. But he has persisted and has succeeded, this in spite of the formidable odds against him. Significantly, South Korea has achieved its status as one of the world's most stable democratic countries because of his efforts, and it is appropriate he should be recognized by the Norwegian Nobel Committee for the impact he has made over the years.

As my colleagues know, Secretary of State Madeleine Albright arrived in North Korea earlier this week, her stated goal being to improve relations with that country. This follows the trip to North Korea by President Kim, the trip to this country by North Korean Vice Marshal Jo Myong Rok, and the normalization of relations between North Korea and both Great Britain and Germany—all of which occurred in the last six months and are a direct result of the "sunshine policy" that President Kim introduced when he entered office. Needless to say, since the initiation of the policy he has been roundly condemned by government officials and analysts alike as an idealist who did not entirely understand what was at stake in the region. Recall it was only in June of 1999 that North and South Korea fought a battle off the South Korean coast. But President Kim has persevered and, as a result, has brought the region closer to peace and stability than any time in the last fifty years. This is no small accomplishment.

There is no doubt that South Korea has some serious challenges to face in the immediate future. Looking at the South Korean economy, although it has recovered substantially from the 1997 financial crisis, it is again showing signs of instability. The reforms that were considered necessary by President Kim for a sustained transformation—financial, corporate, and governmental—have not yet fully occurred, raising the possibility of another crisis down the road. It is also true that most of the rapprochement that has taken place between South Korea and North Korea is symbolic in nature, leading to hard questions concerning what concrete actions will be undertaken to increase cooperation and decrease tensions in the region.

But hopefully the Nobel Peace Prize will provide President Kim with additional leverage for the policies his country has been pursuing, and through greater national and international consensus, he will find a path to the desired end of peace and prosperity in the region. There is no doubt that remarkable steps forward have been taken by all those involved, and I remain optimistic that change can occur. Before she left North Korea, Secretary Albright stated that there



were "many towering peaks ahead" in the process. This is, no doubt, true. Pragmatic and reciprocal confidence-building mechanisms will be required to convince all the parties involved that the peace process should move forward. But it is also true that the prospects for cooperation are brighter than ever before. And much of this progress can be directly attributed to President Kim.

So, Mr. President, I take this opportunity to congratulate President Kim for his selection by the Nobel Committee, to celebrate those things that he has accomplished in his life, and to wish him much success in the days, months, and years that follow.

#### THE LEGACY OF GUNN MCKAY

Mr. LEAHY. Mr. President, all of us who knew him during his decade of service in Congress, and others who knew him only by reputation, mourn the recent passing of Gunn McKay.

Gunn McKay was a leading member of the Committee on Appropriations in the other body and chaired the Subcommittee on Military Construction. He was effective. He knew how to lead and how to legislate. His voice was an influential voice on energy issues and military readiness and Federal land policy. And he knew how to bring people together to get things done.

It was not politics that motivated Gunn McKay in his public service; it was people. He thrived in being able to help people get and keep good-paying jobs. He deeply, unequivocally believed that there is a role for government, through programs like Medicare and Social Security and in other ways, in helping those who struggle.

Gunn achieved all of the good he accomplished in life through a deep-down and infectious optimism about people and about the future. More than being a great public servant, he was a good man. Those who worked with him will tell you that Gunn did not have a mean bone in his body. When he left public life Gunn and his wife, Donna, devoted much of their time to church service abroad.

The Nation and its Congress are better for the fact that Gunn McKay served here. And so, certainly, are the people of his beloved State of Utah.

I ask unanimous consent that an article from the Salt Lake Tribune about Gunn McKay be printed in the RECORD.

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

[From the Salt Lake Tribune]

UTAH DEMO GUNN MCKAY DIES AT 75

(By Judy Fahys)

K. Gunn McKay, the Weber County farmer's son and Democrat who served five terms in Congress in the 1970s and earned bipartisan praise for his down-home warmth and political skill, died Friday night from cancer. He was 75.

"Tell the facts and leave the right impression," McKay used to tell his young congressional aides, and that credo served the

former teacher through a career in state and national politics and on Mormon mission assignments in Europe, Africa and Asia.

"Unassuming" and "determined" are the words Barry McKay, a Salt Lake City lawyer, used to describe his eldest brother. He recalled Friday how Gunn McKay spent most of one Christmas, the day he returned home from a church mission in England, helping neighbors start their frozen cars.

Political scientist J.D. Williams called McKay "the personification of Huntsville," McKay's hometown in the Ogden Valley.

"He talked with a rural Utah slang when he wanted to," said Williams. "He had a beautiful smile and demeanor, and he was everybody's friend."

"You didn't have to guess what he meant," said former Sen. Jake Garn, a Republican who served with the Democrat in Congress and lived near him outside the nation's capital.

"He was extremely well-liked," said Garn, whose U.S. Senate service overlapped with six years of McKay's time in Washington. "Whether you agreed with him or not, you could trust him. He would always follow through."

McKay even converted David L. Bigler, a Utah historian and former public-relations director for Geneva Steel, then known as U.S. Steel. Bigler switched political parties to raise money for McKay's first campaign.

"He really did care for people," said Bigler, who was struck at once by McKay's integrity. "All politicians say that, but few of them do. He did."

Politics may have been in McKay's blood. His grandfather, Angus, was House Speaker in Utah's first Legislature. And his father, James, had run for the 1st Congressional District seat that McKay would win 35 years later, in 1970.

And unlike most emerging politicians, name recognition was never a problem for McKay, whose father was a cousin to one of the most beloved presidents of The Church of Jesus Christ of Latter-day Saints, Huntsville-born David O. McKay. The church leader died just a year before his relative took the oath for his first term in Congress.

The eldest of eight children, McKay was a three-sport star at Weber High School before serving in the U.S. Coast Guard during World War II and on an LDS mission to England the following three years. He later graduated from Utah State University with a degree in education.

He was teaching history in Ogden City Schools and running a deli when he was appointed to the first of two terms in the Utah Legislature.

From there, he was tapped to be chief of staff to Democratic Gov. Calvin L. Rampton.

During his five terms in Washington from 1971 to 1981, McKay built a reputation for being one of the half-dozen most conservative Democrats in a Congress long controlled by Democrats.

He fought federally funded abortions and backed the U.S. Supreme Court's decision to outlaw prayer in schools. He pushed the Central Utah Project, military appropriations that bolstered Hill Air Force Base and other Utah installations, "gasohol" and a balanced-budget law. He also fought higher fees for ranchers who leased federal range.

McKay's powers of persuasion helped land him a seat on the coveted Appropriations Committee upon entering Congress—the first ever for a Utahn.

"Most people have to wait [10 years] to be considered," said Jim McConkie, a Salt Lake City lawyer who served on McKay's congressional staff for five years.

McConkie recalled how McKay used his influential role as chairman of the Military Construction Subcommittee to become close

to President Carter, who invited McKay to Camp David a few times.

"But he never lost his roots," said McConkie. "He could see to the heart of an issue."

Notwithstanding his Washington successes, McKay lost his seat to Republican Rep. Jim Hansen in the Ronald Reagan landslide of 1980.

In 1986, when McKay unsuccessfully challenged Hansen for his old seat he shared his view of Utah voters, one that contemporary Utah Democrats have taken to heart.

"Utah voters are independent thinkers," McKay told The Salt Lake Tribune. "They are concerned with ineffective federal policies and lack of congressional action on issues which are increasingly having a negative impact on their lives."

The year after he left Congress, McKay went on an LDS mission to Scotland with his wife Donna. Later, the couple was called to serve in Kenya, where McKay found himself a block away from the embassy bombing in 1998.

They also served in Singapore and Malaysia. McKay took ill while serving in Pakistan.

The McKays, who married in 1950, had 10 children, 40 grandchildren and one great-grandchild.

Said former Utah First Lady Norma Matheson: "He loved being in public service, and it showed."

#### CONGRESSMAN MEEHAN'S ELOQUENT TRIBUTE TO HIS FATHER

Mr. KENNEDY. Mr. President, all of us who know and admire our distinguished colleague in the House of Representatives, Congressman MARTY MEEHAN, were saddened to learn of his father's death earlier this month.

At the funeral service for his father on October 14 in Lowell, Massachusetts, Congressman MEEHAN delivered an eloquent tribute to his father that deeply touched all of those who were present. He described in vivid terms and in many wonderful stories the lifelong love and support that Mr. Meehan gave to his family.

I believe that Congressman MEEHAN's moving eulogy to his father will be of interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

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

EULOGY OF MARTIN T. MEEHAN

(By U.S. Rep. Martin T. Meehan, October 14, 2000)

On behalf of my mother, brothers and sisters, my Aunt Katherine and Uncle John, my cousins, and my entire family, I want to thank all of you for joining us today to help celebrate our father's life. We are all honored by your presence and are grateful for your support and affection over the last few days.

I can imagine my father looking out at the long lines forming outside the McCabe's funeral Home yesterday. He would have said, "Frankie McCabe must be giving something out for Free!"

Frank isn't, Dad, believe me.

My father was born in Lowell on July 16, 1927 to Martin H. Meehan and Josephine Ashe Meehan. His father immigrated to the United States from County Clare, Ireland in 1912. His mother, immigrated from County

Kerry the year before, was a cousin of the great Irish patriot Thomas Ashe, who died during one of the first hunger strikes—in Ireland's fight for freedom in Mount Joy Jail in 1916.

Thomas Ashe's picture was hung on the wall of his family home on Batchelder Street in the Acre Section of Lowell. In 1963, a portrait of President Kennedy was added.

The Acre was where the Greek and Irish immigrants settled in Lowell. My father grew up there and he loved it. Swimming in the canals, playing baseball for St. Patrick's and Lowell High School, and building lifetime bonds. It was a neighborhood where the kids were tough and strong, and everyone had a nick name—hence "Buster." The Acre was where thousands of new immigrant families were becoming part of the great American Dream.

In 1946, Dad met my mother at a party her cousin Maureen Gay had. Dad was not invited, he crashed. And my mother was glad he did. There were married three years later.

My father had a saying for everything in life. Some of them really bugged me at times. But they all had a purpose and wisdom for how to lead a good life.

"One God, One County, One Woman" he used to say. That—one woman—was my mother. He was passionately in love with her through 51 years of marriage. Their love for each other intensified and grew. I believe the love our father and mother shared for one another was extended to every person who was a part of their lives.

I can remember as a very small boy first learning the concept of love. "I love you kids with all my heart" he'd say. "But I love your mother even more." "But Dad", I once replied, "Who am I supposed to love more? You or Ma? "You kids should love your mother the most", he'd say. "She gave birth to you."

First they lived in a three tenement on Lincoln Street where Colleen and Kathy and I were born. Later they bought an eight-room house the next street over at 22 London Street where they raised seven children in a home that was filled with love, laughter, energy . . . action 24 hour a day . . . a strong commitment to the Catholic Church and to family.

It was a great neighborhood—and my father helped us spread our family's love all over it. And there isn't a better testament to that love—than our relationship with the Durkin family who had seven children of their own, just down the street. So many memories, so many stories.

Visiting the ice cream stand with Dad was unforgettable. He would load all of us into the car with as many of our friends as would fit. He would ask us what we wanted. "I'll have a banana split," I'd shout. My sisters would say, "I'll have a hot fudge Sunday." Our friends couldn't believe it—they would order a shake or double ice cream scoop with extra nuts, extra whipped cream!

He'd take everyone's order and then go up to the line. Don't worry, he'd say, "I'll carry it back".

Ten minutes later he'd return with 13 single cups of chocolate ice cream. "That's all they'd had," he'd shrug?

Dad was also a very successful little league coach. On Dad's White Sox team everyone played—at least three innings. I remember how embarrassed I was when Dad's White Sox lost every game—0-18. Some games we were winning after three innings, 8 to 4 or even 7 to 2. But in the fourth inning Dad put all of the subs in—no matter what. "Everyone plays!" he'd say. The other teams kept the best players in for the whole game. Naturally, they would win.

Today I am so proud of the way my Dad coached the kids on that 0 and 18 team.

Today, I am so proud of how my father lived his life.

As children, we shared so many happy times together each summer with family and friends at Seabrook Beach. Later as adults, with his grandchildren, he spent weekends at dad and Mom's beach house. After a few morning hours together on the beach, Mom and Dad would head back to the house to begin the daylong cooking ritual so that we could have a dinner together. Many times in the evenings, we would sing songs around a bonfire on the beach. We enjoyed lobster bakes and thankfully Mom and Dad got to enjoy an occasional sunrise together. And many times, after a long day, many of us would sit together and watch the sun go down and our father would say to us all, "It's a great life and it's a great country".

Dad worked at the Lowell Sun Publishing Company for 43 years. He started as a truck driver . . . became a linotype operator . . . Then became Assistant Foreman in the Composing Room. He loved the Sun and the newspaper business, and he knew it from soup to nuts. There were a lot of great reporters that came through the Sun over the years, but my father never hesitated to tell them when he felt they just didn't get it right—especially on a political story.

Frank Phillips, Chris Black, Brian Mooney and others all heard from Dad on more than one occasion. When he was finished he had earned their respect and they appreciated his wisdom and experience. And they all affectionately repeat those stories—even today.

Dad was an active lifetime member of the Typographical Union—serving in a leadership position. He always stressed the importance of workers being able to organize for fair wages and benefits. It's not surprising that my sisters Colleen and Kathy are members of the teachers union and Mark and Paul are active members of their respective unions as well.

But as strong a union person as he was—he loved the Lowell Sun and the company's ownership, the Costello Family. He followed the Costello kids' lives as if they were his own—always loyal to the company and the Costello family.

Supporting Mom and seven young children was not always easy. For seven years he got a second job working nights as a Corrections Officer. On Mondays, Tuesdays and Wednesdays he would get up at 5:30 to be at the Sun to punch in at 7 o'clock. His shift was over at 3:30. He'd put on his uniform at the Paper, punch in at the Jail at 4 o'clock and work until midnight. He got home by 12:30 in the morning, and went to bed for five hours so he could be back at the paper by 7 am.

I'm sure it wasn't easy—but he wanted the best for his children and he wanted my mother to be able to be home with us.

My father didn't care what we did for work—but he wanted us to get an education. And we all did. He was especially proud of the fact that my sisters Colleen, Kathy, and Mary all became school teachers. He thought it was the most important job of all. "Teaching is not a job"—Dad would say—"it's a vocation". He loved the idea that his daughters were helping to shape the minds of 25 kids in a classroom each day.

He was so proud of all his children, in a unique and special way. My brother Mark, a master electrician, "has the biggest and best heart of all my kids", he'd say. And Mark gave Dad his newest precious grandchild "Sarah" just two weeks ago. He was so proud that Paul followed him to the Sheriff's Department. Paul is a model for overcoming obstacles and winning. He recently went back to school for his degree, got married and was promoted to Captain as well.

When I ran for Congress in 1992 my sister Maureen answered the call and put her

work—and life—on hold to take the most important job in the campaign—raising the money to win. My Dad just loved the fact that I turned to my sister. And when we won he knew it was Maureen who was the rock behind us. "Politics is a tough business," he'd say—"you need people you can really trust—and that means family". That's why President Kennedy had Bobby. 'Course after the election, I remember Maureen was sick and I asked, "What's wrong with her now?"—Dad's split second response—"Working for you!"

Dad was so well read, a voracious reader . . . A lover of poetry and words, and boy did he love to sing!

So much love in his heart, and this extension of love was felt by his grandchildren and in-laws. The term "in-laws" didn't mean much to Dad—he welcomed them and loved them like they were his own. And they loved him back.

All fifteen of his grandchildren are loved as individuals and each of them realizes the power of love and family through their papa and munama. One of my young nieces asked during the last couple of days, "How did Papa have so much love to give to so many people?" Well, I really don't know the answer to that for sure. I just know he did. Every time our father gave us a hug—or as he would say a hug-a-deen—he would accompany it with an "I love you". "Aren't they wonderful", Dad would say. "Your mother and I will live in them in the next generation through these beautiful kids . . . and as I've told you", he'd say, "that's the sweet mystery of life".

So happy, so content, there was nothing more in life that he wanted—than that which he already had—His Family.

And he thanked God for our happiness every single day.

Joseph P. Kennedy, Sr., once said that the measure of a man's success in life was not the money he had made, but rather the family he had raised. That quote has been framed in my parents' home over 15 years. My father believed it and devoted himself to family every day of his life for 73 years. He was an immensely successful man.

We love you Dad and will miss you.

#### CONSERVATION RESERVE PROGRAM TAX FAIRNESS

Mr. BROWNBACK. Mr. President, I rise today to urge my colleagues to retain the important ag tax provisions contained in the Senate version of the upcoming tax package that will soon be before us. I have not seen the final tax bill as of yet, but word is that most if not all of the agricultural tax provisions are being stripped from the bill at the will of the House. I hope this is not true. I cannot imagine why we would choose to leave out farmers from important tax relief at a time when this Congress has clearly recognized the economic hardships in farm country today.

I plead with my colleagues to include these necessary provisions in any final tax package.

Specifically, I am talking about a provision that came from a bill Senator DASCHLE and I introduced—along with 31 co-sponsors—to clarify that Conservation Reserve Program (CRP) payments made to farmers for taking agricultural land out of production for environmental improvement—are not

subject to self employment social security taxes—a rate of up to 15 percent of the payment amount.

The CRP has been a great success for this nation. The program provides financial incentives for improving and preserving environmentally sensitive land—taking it out of production and enhancing its environmental benefit. The CRP program increases water quality, wildlife habitat and prevents soil erosion—all factors which have become even more important in light of recent concerns about nonpoint source pollution in our nation's waterways.

The Senate has strongly supported this measure—passing it by unanimous consent earlier this year on the death tax debate—and our Senate leadership has held firm in fighting for this needed provision, but for some reason, our fine colleagues in the House have decided to make an issue of this provision and are trying to strike it from the tax package.

It makes no sense to yield to the House on this matter. The provision, as currently contained in the Senate tax package—will only cost \$292 million over 5 years—but that money and the clarity it brings to our nation's farmers is worth far more than can be said in this time of farm economic stress. This provision allows farmers to plan and better use their resources next year because they will no longer have to wonder or worry about whether the IRS is going to come after them for a conservation tax they didn't know they owed.

Currently, there is confusion over whether CRP income should be taxed owing to a recent court case in the 6th Circuit Court of Appeals which overturned a 1998 Tax Court ruling that CRP income is not subject to social security taxes. The Tax Court found and I concur, that because it is a rental payment the government makes in exchange for farmers taking environmentally sensitive land out of production, CRP payments should be treated the same as other contractual agreements made by farmers for land use—and be exempt from self-employment taxes.

The new court ruling creates a discrepancy between active farmers who take part in CRP—which are now subject to the tax—and landowners who do not farm but take part in CRP and are exempt from the tax.

This tax correction is just common sense. Now more than ever we should appreciate the need for conservation and the co-benefits of wildlife, air and water quality it provides. We should not allow a tax to create confusion and a disincentive for farmers to trust and work with government for the good of the environment.

Numerous ag groups support this bill including the National Corn Growers, National Wheat Growers, American Soybean and Cattlemen's Beef Associations—along with the National Farmer's Union and the American Farm Bureau. This is our only opportunity to address this important issue.

In my state of Kansas alone, \$102.7 million in CRP payments were issued in 1999. Are we really going to tell farmers that this money—promised them for conservation purposes—will now be additionally taxed? This would amount to a disincentive for farmers to participate in environmental and conservation programs. Is that the message this Congress really wants to send?

Again, I urge my colleagues to include this important provision—and all the ag tax provisions that have been so carefully worked out and included in the Community Renewal and New Markets Act. We cannot afford to leave this important work undone.

#### ADDITIONAL STATEMENTS

##### DISABILITY MENTORING DAY

• Mr. HARKIN. Mr. President, Iowa Governor Tom Vilsack has proclaimed October 25 "Iowa Disability Mentoring Day." Today, Iowans around the state will work to raise awareness of the benefits for all of us of increasing employment opportunities for young people with disabilities. And young people with disabilities will learn about job opportunities through on-site work experiences, job shadowing, and other forms of job mentoring.

Many of the mentors will themselves be people with disabilities. All children need role models, and I'm thrilled that through mentoring, children with disabilities will see tangible evidence that their disability does not diminish their ability to participate in the cultural, economic, educational, political, and social mainstream.

It's no surprise that Iowa is celebrating disability mentoring, because we are a leader in the field. This week, Iowa received a Federal grant under the Work Incentives Improvement Act for the Working Together So All Can Work program. This grant will enable more people with disabilities to participate in the workforce.

And Iowa Creative Employment Options, along with the University of Iowa Hospital School, has started up the Healthy and Ready to Work Mentoring Project. The project is run by a mentoring group of young adults with disabilities who have achieved their career goals or are pursuing the education and training they need to reach their goals.

These young men and women are college students, computer programmers, teachers, television directors, social workers, and businesspeople. On top of their studies and jobs, they are working with high school guidance counselors, meeting with students with disabilities, and developing a resource book to help students with disabilities and other students prepare for their careers. And they're planning to do even more in the future.

Mr. President, ten years ago, we passed the Americans with Disabilities

Act. We said no to exclusion, dependence, and paternalism for people with disabilities, and we said yes to inclusion, independence, and empowerment. Iowa Disability Mentoring Day and projects like the Healthy and Ready to Work Mentoring Project and the Working Together So All Can Work Program bring the ADA to life every day by increasing the independence and self-sufficiency of people with disabilities. I thank everyone who is a part of these efforts.●

#### IN RECOGNITION OF BERKELEY COLLEGE

• Mr. TORRICELLI. Mr. President, I stand today to congratulate Berkeley College for being named the Woodbridge Metro Chamber of Commerce Corporate Citizen of the Year. Berkeley College has become a vital link in the Township of Woodbridge and throughout Middlesex County among students, business leaders, and government officials. Cooperation among all three elements has allowed them to form stronger relationships, institutions, and alliances throughout the community.

Berkeley College has fostered this collaborative spirit by hosting a number of informational forums such as the Education Foundation's Educator Institute, Tech Academy 2000, and other useful job training programs. Berkeley College has also sponsored a number of annual public service events like the Mayor's Fun Run, the Mayor's Holiday Stroll in the Park, and Making Strides in Breast Cancer. Most importantly, Berkeley offers a high quality business education to more than 600 students who receive valuable hands on knowledge of the current business culture through the College's association with various business and government leaders.

It is an honor to be able to recognize the achievements of Berkeley College.●

#### IN RECOGNITION OF BERNADETTE M. SOHLER

• Mr. TORRICELLI. Mr. President, I rise today to honor Bernadette M. Sohler as the 2000 recipient of the Woodbridge Metro Chamber of Commerce Member of the Year for her exemplary service to the Chamber and the community at large.

Bernadette has served as a strong advocate and avid supporter of the Woodbridge Chamber since 1994. She served as its President from 1998-1999 and has volunteered for numerous committees including the Annual Chamber Golf Classic, Tour of Woodbridge, Holiday Luncheon and Parade, Chairman's Award, and Staff Appreciation Day.

As the External Affairs Manager at the Middlesex Water Company, Bernadette is responsible for all community and media relations; employee, customer, financial communications; corporate contributions; and public education. Her numerous board positions

include Chair of the Public Information Committee of the American Water Works Association, the Central Jersey National Council of Community and Justice, the Charity Committee of the Diocese of Metuchen, Raritan Bay Healthcare Foundation, and the Perth Amboy Neighborhood Empowerment Council Economic Development Task Force. Bernadette's strong record in the business community at the Middlesex Water Company and her commitment to public service demonstrate her outstanding achievements in the public and private sectors.

It is an honor to recognize Bernadette M. Sohler's efforts and congratulate her on receiving the 2000 Chamber of Commerce Member of the Year Award from the Woodbridge Metro Chamber of Commerce.●

#### IN RECOGNITION OF ELIZABETH JONASKY

● Mr. TORRICELLI. Mr. President, I rise today to recognize Elizabeth Jonasky of Woodcliff Lake, New Jersey on the momentous occasion of her 105th birthday. Mrs. Jonasky will reach this wonderful milestone on November 5th of this year, and I feel it fitting that we acknowledge this special moment.

As I ponder all of the marvels and tragedies of our world that Elizabeth Jonasky has witnessed, I am reminded of the profound words of the Greek philosopher Plato, who once said, "It gives me great pleasure to converse with the aged. They have been over the road that all of us must travel, and know where it is rough and difficult and where it is level and easy."

It is a honor to wish Mrs. Jonasky the best of happiness on her birthday. It is my sincere hope that we will be able to continue to learn about life's rough and easy spots from her for sometime to come.●

#### IN RECOGNITION OF FATHER ROBERT COUNSELMAN

● Mr. TORRICELLI. Mr. President, it is with great pleasure that I rise today to honor Father Robert Counselman, who received the 2000 William E. Short Award from the Woodbridge Metro Chamber of Commerce. Through his exemplary service to the community, Father Counselman has shown his dedication and commitment to numerous civic institutions within and outside of the church.

Father Counselman serves as Chaplain to the Woodbridge Township Police Department and the Woodbridge Chamber of Commerce. He is an active participant in several civic and private institutions such as Habitat for Humanity, the Woodbridge Historical League, the Community Advisory Panel, and the Woodbridge Historic Preservation Commission. He was also instrumental in setting up a "Soup Kitchen" at Trinity Church, which provides free meals on Fridays. In addition,

he helped establish a community playground, and is always available to assist people in their times of need.

It is an honor to recognize Father Robert Counselman's work and congratulate him on receiving the William E. Short Award from the Woodbridge Metro Chamber of Commerce.●

#### IN RECOGNITION OF JOHN A. HOFFMAN ESQ.

● Mr. TORRICELLI. Mr. President, it is my pleasure to rise today to recognize John A. Hoffman Esq., a lifelong resident of central New Jersey, as the Woodbridge Metro Chamber of Commerce Citizen of the Year. John has participated in numerous business, legal, and community affairs for more than 35 years and has established a remarkable record of success.

Mr. Hoffman joined the firm of Wilentz, Goldman & Spitzer in 1963, and is currently a managing partner. He represents major corporate and government clients such as PSE&G, Verizon New Jersey, Inc., Elizabeth Town Water Company, the Middlesex County Utilities Authority, and the New Jersey Performing Arts Center. John also serves as a member on several boards such as the Middlesex County College Foundation, Robert Wood Johnson University Hospital Foundation, Sister Cities Program of New Brunswick, and the New Jersey Client Security Fund. John has devoted his life to the practice of law and has used his experience and vision to lead and advise several other institutions in New Jersey. It is his extensive service to these institutions and their continued success that our State of New Jersey owes a great debt of gratitude.

It is an honor to recognize Mr. Hoffman's work and extend my congratulations to him on receiving the 2000 Citizen of the Year Award from the Woodbridge Metro Chamber of Commerce.●

#### IN RECOGNITION OF LEE VETLAND

● Mr. TORRICELLI. Mr. President, it is with great pleasure that I rise today to recognize Lee Vetland, the Woodbridge Chamber of Commerce Small Business Person of the Year. As owner of Lee's Auto Body, Inc. in Avenel, New Jersey, Mr. Vetland has turned his business into a highly respected and successful enterprise.

Lee's Auto Body opened for business in 1975 with three employees. Since that time, through his own industry, hard work, and a strong work ethic, Lee has seen his business grow to 21 employees. His efforts and commitment extend to other areas besides his entrepreneurship. Lee is the Chairman of the Board for Auto Body Distributing Company, Vice President of the Auto Body Shop Association in New Jersey (A.A.S.P.N.J.), a member of the Advisory Board for the Amoco Dealer Panel, and the Governor's Task Force

on insurance fraud. While Lee has excelled in the auto body business, his expertise and knowledge have benefitted numerous organizations and associations throughout New Jersey as well.

It is an honor to recognize Mr. Vetland's achievements and extend my congratulations to him for receiving the 2000 Small Business Person of the Year Award from the Woodbridge Metro Chamber of Commerce.●

#### IN RECOGNITION OF THE MIDDLESEX COUNTY DIVISION OF THE AMERICAN CANCER SOCIETY

● Mr. TORRICELLI. Mr. President, I stand today to congratulate the Middlesex County Division of the American Cancer Society for being honored with the Community Service Award by the Woodbridge Metro Chamber of Commerce. The Middlesex Unit offers a wide array of programs and resources to help people learn about new treatments for cancer, arrange for home care, locate medical supplies and uplift patients with cancer and their families.

The Middlesex Unit is dedicated to eliminating cancer as a major health problem by taking pro-active measures to save lives and diminish the suffering of cancer patients through research, education, advocacy, and service. The Middlesex County Division's commitment to reducing the effects of cancer through medical means as well as its commitment to helping patients through financial assistance illustrates the Division's unique and humane approach to aiding patients with cancer. Their services have been of great benefit to countless individuals in Middlesex County.

It is an honor to recognize the work of the Middlesex County Division of the American Cancer Society and congratulate them on receiving the Woodbridge Metro Chamber of Commerce's 2000 Community Service Award.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees.

The messages also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

The message further announced that the House has passed the following bills, without amendment:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1161. An act to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes.

H.R. 1804. An act to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

H.R. 2413. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

H.R. 3312. An act to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions.

H.R. 3514. An act to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4656. An act to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

H.R. 4940. An act to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the "American Museum of Science and Energy," and for other purposes.

H.R. 5068. An act to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office."

H.R. 5143. An act to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, as the "Morgan Station."

H.R. 5144. An act to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the "Tim Lee Carter Post Office Building."

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Educational and Administrative Center."

H.R. 5478. An act to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 114. Concurrent resolution recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defend liberty and our country through service in World War I.

S. Con. Res. 130. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

S. Con. Res. 146. Concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such as investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 414. Concurrent resolution relating to the reestablishment of representative government in Afghanistan.

The message further announced that the House has agreed to the resolution

(H. Res. 645) returning to the Senate the bill (S. 1109) entitled the "Bear Protection Act of 1999" in which it conveys that in the opinion of the House, the bill contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of the House and that such bill be respectfully returned to the Senate with a message communicating the resolution.

The message also announced that the House has passed the bill (S. 1453) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, with amendment.

The message further announced that the House has passed the bill (S. 1452) 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, with amendments.

The message also announced that the House has passed the bill (S. 1694) to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, with amendments.

The message further announced that the House has passed the bill (S. 2749) to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States, with amendments.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, with an amendment.

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed 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. 4811) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2001, and for other purposes.

At 3:34 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 bill, in which it requests the concurrence of the Senate:

H.R. 782. An act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 426. Concurrent resolution concerning the violence in the Middle East.

The message further announced that the House has passed the following bill, without amendment:

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

At 5:08 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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

#### ENROLLED BILL SIGNED

At 7:24 p.m. a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-630. A resolution adopted by the Board of County Commissioners, Cuyahoga County, Ohio relative to the Ryan White CARE Act programs; to the Committee on Appropriations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001" (Rept. No. 106-508).

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH for the Committee on Finance.

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3232. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 3233. A bill to amend title XVIII of the Social Security Act to provide for medicare beneficiary copayments for outpatient mental health services that are the same as beneficiary copayments for other part B services, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself and Mrs. HUTCHISON):

S. 3234. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 3235. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. BOND:

S. 3236. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. MCCAIN:

S. 3237. A bill to provide for an international scientific commission to assess changes in global climate patterns, to conduct scientific studies and analyses on behalf of nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 3238. A bill to amend the Public Health Service Act to provide protections for individuals who need mental health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for Mr. HELMS (for himself and Mr. KENNEDY)):

S. 3239. A bill to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees; considered and passed.

By Mr. DOMENICI:

S. 3240. A bill to avoid a pay-go sequestration for fiscal year 2001; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. KERREY, Mr. HAGEL, Mr. ROBB, and Mr. CLELAND):

S. 3241. A bill to carry out an international fellowship program between the United States and Vietnam to enable Vietnamese

nationals to pursue advanced studies in science, mathematics, medicine, and technology; to enable United States citizens to teach in those fields in Vietnam; and to promote reconciliation between the two countries; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. JEFFORDS, and Mr. JOHNSON):

S. 3242. A bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. BOXER:

S. 3232. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Energy and Natural Resources.

#### CALIFORNIA RECLAIMED WATER ACT FOR THE 21ST CENTURY

Mrs. BOXER. Mr. President, today I am proud to introduce the California Reclaimed Water Act for the 21st century. As California takes its first steps into the 21st century, it is undeniable that the quality of water, the quantity of water, and the availability of water are among the most formidable challenges to our 34 million citizens and the many diverse regions of our fast growing state. Our farmers, urban dwellers, sport and commercial fishing interests, tribes, mountain communities and environmentalists all seek a more reliable and a more certain water future. Recycled water plays an important part in meeting California's water needs today and will play an even more important role in the next several decades.

California is making significant progress in its effort to put its water house in order. Between March and June of this year, two major water policy initiatives occurred in California. On March 7, 2000, California voters overwhelmingly approved a \$2 billion water bond. Further, on August 28, 2000, Governor Gray Davis and Interior Secretary Bruce Babbitt signed the landmark CALFED water agreement which broadly sets a course for California's water future. Water recycling and reuse is a major element of both these new actions and policies.

The existing federal program to support water recycling is found in title XVI, Public Law 102-575 and was enacted in 1992. The law authorized recycling projects and studies throughout California, including in Los Angeles, San Diego, San Jose, and San Francisco. The law also authorized projects in Colorado and Arizona. The 1992 law also called for a special Southern California Comprehensive Water Reclamation and Reuse study to investigate



how the use of recycled water could relieve water supply pressure in California. That study is being prepared by the U.S. Bureau of Reclamation, State of California's Department of Water Resources, Metropolitan Water District of Southern California, Central Basin and West Basin Municipal Water Districts, City of Los Angeles, City of San Diego, San Diego Water Authority, Santa Ana Watershed Project Authority and the South Orange County Reclamation Authority. It should soon be completed.

Expressing continued support for the title XVI program, in 1996 Congress authorized a second group of water recycling projects in California, from Watsonville to Ventura County, and from Pasadena to Orange County, plus individual projects in Utah, New Mexico, Texas and Nevada. The legislation I introduce today builds upon these congressional efforts, voter ballot initiatives and agency studies. The bill authorizes a series of title XVI water recycling projects and directs the Secretary of the Interior to work with various water districts throughout the State including: Castaic Lake Water Agency Reclaimed Water Project Lake County, Clear Lake Basin Water Reuse Project East Bay Municipal Utility District and the San Ramon Serves District Recycled Water Project Inland Empire Utilities Agency, Inland Empire Regional Water Recycling Project in San Bernardino County San Pablo Baylands Water Reuse Project in Sonoma, Napa, Marin and Solano Counties State of California Water Recycling Program Regional Brine Lines (salt removal) in Southern California, the San Francisco Bay and the Santa Clara Valley areas Chino Basin Watermaster, Inland Empire Utilities Agency, Western Municipal Water District and the Santa Ana Watershed Project Authority for the Lower Chino Dairy Area Desalination Demonstration and Reclamation Project.

Additional research, in cooperation with the WaterReuse Foundation, is mandated and two previously authorized projects, one in Los Angeles and the other in the San Gabriel Basin, are modified. Finally, my bill mandates that the proposed projects be coordinated with the CALFED Program. Taken together, these projects will have the capacity to produce hundreds of thousands of acre feet of water. The Inland Empire Regional Water Recycling Project, for example, is designed to yield up to 66,000 acre feet of recycled water annually. Each acre foot of recycled water reduces the demand for imported water from the Bay-Delta and the Colorado River. Inland proposed to "drought proof" its region with these and related investments.

Beneficiaries of these projects and these investments include the immediate service areas, downstream neighbors, and towns and communities throughout California. Water recycling projects in California also reduce the demand for imported water, be it from the San Francisco Bay-Delta or the Colorado River. Recycling and reuse in-

vestments in Southern California have the effect of helping the Bay-Delta by reducing demand for additional imported Bay-Delta water. These same investments benefit California's neighboring states up and down the Colorado River. As more water is developed locally, pressure is reduced for imports.

Presently, negotiations are underway between California and the other six states of the Colorado River Basin. California is being asked to reduce the amount of water it takes from the Colorado River. In fact, as a result of these talks, California faces a reduction of some 800,000 acre feet. The water recycling projects proposed in this legislation can help California meet this challenge. As a result, Utah, Colorado, Nevada and Arizona also benefit from these programs. Unlike traditional Bureau of Reclamation water projects, these water recycling projects require a majority of funds to be locally provided. Consistent with title XVI limitations on recycling projects as authorized in 1992 and 1996, the projects proposed in my bill require 75 percent local funding. Federal cost sharing is limited to 25 percent. Moreover, this bill specifies that none of the funds can be used for annual operation and maintenance costs. Those annual expenses are the responsibility of the local water districts or management agency.

The water recycling projects authorized by my bill are part of a long-term solution to some of California's most difficult challenges. Water recycling is not the only solution. But, water recycling and water reuse can play a significant part as these projects can be designed, built, and placed on line within a short time. This bill helps communities throughout California. This bill helps communities in Southern California, reducing pressure on the Bay-Delta water supplies. And, this bill respects our neighboring states up and down the Colorado River. I ask unanimous consent that this legislation be printed in the RECORD.

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

S. 3232

*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 "California Reclaimed Water Act for the 21st Century".

#### SEC. 2. COORDINATION OF PROJECTS AND PROGRAMS.

Section 1602 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h) is amended by adding at the end the following:

"(e) COORDINATION WITH CALFED BAY-DELTA PROGRAM.—

"(1) IN GENERAL.—The Secretary shall coordinate projects under this title with projects and programs under the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748).

"(2) FEDERAL EXPENDITURES.—The Secretary shall take into account Federal expenditures under this title in making determinations under the CALFED Bay-Delta

Program relating to the equitable implementation of ecosystem restoration and water management.

"(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each project under this title shall be carried out in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."

#### SEC. 3. AUTHORIZATIONS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by inserting after section 1601 the following:

##### "Subtitle A—Specific Projects";

(2) by redesignating sections 1631, 1632, 1633, and 1634 (43 U.S.C. 390h-13, 390h-14, 390h-15, 390h-16) as sections 1640, 1671, 1672, and 1631, respectively;

(3) by moving section 1631 (as redesignated by paragraph (2)) to follow section 1630;

(4) by inserting before section 1671 (as redesignated by paragraph (2)) the following:

##### "Subtitle B—Studies and Research";

(5) by inserting after section 1631 (as redesignated by paragraph (2)) the following:

#### "SEC. 1632. CASTAIC LAKE WATER AGENCY RECLAIMED WATER PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Castaic Lake Water Agency, California, may participate in the design, planning, and construction of the Castaic Lake Water Agency reclaimed water project, California, to reclaim and reuse wastewater within and outside the service area of the Castaic Lake Water Agency for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

#### "SEC. 1633. CLEAR LAKE BASIN WATER REUSE PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with Lake County, California, may participate in the design, planning, and construction of the Clear Lake Basin water reuse project to obtain, store, and use reclaimed wastewater in Lake County for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$9,000,000.

#### "SEC. 1634. SAN RAMON VALLEY RECYCLED WATER PROJECT.

"(a) IN GENERAL.—The Secretary may provide design and construction assistance for the East Bay Municipal Utility District/Dublin San Ramon Services District advanced wastewater reuse treatment project, California, for use for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.



“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**“SEC. 1635. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.**

“(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional project described in the report submitted under section 1606 to recycle water for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**“SEC. 1636. SAN PABLO BAYLANDS WATER REUSE PROJECTS.**

“(a) IN GENERAL.—The Secretary, in cooperation with Sonoma, Napa, Marin, and Solano Counties, California, may participate in the design, planning, and construction of water reuse projects, to be known collectively as the ‘San Pablo Baylands water reuse projects’, to obtain, store, and use reclaimed wastewater for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(b) COST SHARING.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**“SEC. 1637. CALIFORNIA WATER RECYCLING PROGRAM.**

“(a) IN GENERAL.—The Secretary may provide assistance to the State of California in carrying out projects that receive funding under chapter 7, article 4, of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of the State of California to recycle water for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(b) AGREEMENTS.—The Secretary may enter into such agreements as are necessary to carry out this section.

“(c) COST SHARING.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—Upon approval of the Act referred to in subsection (a), there is authorized to be appropriated to carry out this section \$50,000,000.

**“SEC. 1638. REGIONAL BRINE LINES.**

“(a) IN GENERAL.—

“(1) SOUTHERN CALIFORNIA.—The Secretary, in cooperation with units of local government, may carry out a program under the Federal reclamation laws to assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

“(A) the Salinity Management Study prepared by the Bureau of Reclamation; and

“(B) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

“(2) SAN FRANCISCO BAY AND SANTA CLARA VALLEY.—The Secretary may carry out a study of, and a program under the Federal reclamation laws to assist water agencies in, projects to construct regional brine lines in the San Francisco Bay area and the Santa Clara Valley area, California.

“(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

“(c) COST SHARING.—

“(1) PROJECTS.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

“(A) 25 percent of the total cost of the project; or

“(B) \$50,000,000.

“(2) STUDY.—The Federal share of the cost of the study described in subsection (a)(2) shall be 50 percent.

“(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**“SEC. 1639. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

“(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, the Western Municipal Water District, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$50,000,000.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”; and

(6) by inserting after section 1672 (as redesignated by paragraph (2)) the following:

**“SEC. 1673. RESEARCH CONCERNING WATER REUSE.**

“(a) IN GENERAL.—The Secretary, in cooperation with the WaterReuse Foundation, shall develop and carry out a program to conduct research concerning water reuse in relation to—

“(1) public health;

“(2) water quality;

“(3) new technology and techniques;

“(4) salt management;

“(5) economics;

“(6) ecosystem restoration; and

“(7) other important matters.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 2001 through 2005, to remain available until expended.”.

**SEC. 4. WEST BASIN COMPREHENSIVE DESALINATION DEMONSTRATION PROGRAM.**

Section 1605 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-3) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) WEST BASIN COMPREHENSIVE DESALINATION DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary, in cooperation with the West Basin Municipal Water District, shall participate in the planning, design, and construction of the components of the West Basin Comprehensive Desalination Demonstration Program in Los Angeles County, California.

“(2) FEDERAL SHARE.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

“(3) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the components described in paragraph (1).”.

**SEC. 5. PROJECT MODIFICATIONS.**

(a) LOS ANGELES AREA.—Section 1613 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-11) is amended by striking subsection (b) and inserting the following:

“(b) WATER RECYCLING PROJECT.—

“(1) IN GENERAL.—The Secretary may participate in the design, planning, and construction of a water recycling project, to be known as the ‘City of Los Angeles Water Recycling Program’, to reclaim and reuse wastewater within the city of Los Angeles and surrounding area for ecosystem restoration, irrigation, recreational, industrial, and other public purposes.

“(2) COMPONENTS.—The water recycling project shall consist of—

“(A) the central city project, a multiphase project that may provide up to 4,000 acre-feet per year of recycled water for ecosystem restoration and for industrial, commercial, and irrigation customers near downtown Los Angeles; and

“(B) the harbor water recycling project, a multiphase project that may provide up to 25,000 acre-feet per year of recycled water to the Los Angeles Harbor area.

“(c) COST SHARING.—

“(1) IN GENERAL.—The Federal share of the cost of the projects described in subsections (a) and (b) shall not exceed 25 percent of the total cost of the projects.

“(2) MAXIMUM FEDERAL SHARE.—The Federal share with respect to the water recycling project described in subsection (b) shall not exceed \$12,000,000.

“(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a) or (b).”.

(b) SAN GABRIEL BASIN.—Section 1640(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13(d)) (as redesignated by section 3(a)(2)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) in paragraph (2), by inserting “(other than section 1614)” after “this title”; and

(3) by adding at the end the following:

“(3) SAN GABRIEL BASIN.—In the case of the project authorized by section 1614, the Federal share of the cost of the project shall not exceed \$50,500,000.”.

**SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) The Reclamation Wastewater and Groundwater Study and Facilities Act is amended—

(1) in section 1640 (43 U.S.C. 390h-13) (as redesignated by section 3(a)(2))—

(A) in subsection (a), by striking “1630” and inserting “1632”; and

(B) in subsection (d)(1), by inserting “(other than sections 1634, 1636, 1637, 1638, and 1639)” after “authorized by this title”;

(2) in section 1671(c) (43 U.S.C. 390h-14(c)) (as redesignated by section 3(a)(2)), by striking "section 1633" and inserting "section 1672"; and

(3) in section 1672 (43 U.S.C. 390h-15) (as redesignated by section 3(a)(2))—

(A) in the section heading, by inserting **"FOR GROUNDWATER STUDY"** before the period; and

(B) by striking "section 1632" and inserting "section 1671".

(b) The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371; Public Law 102-575) is amended—

(1) by inserting after the item relating to section 1601 the following:

"Subtitle A—Specific Projects";

and

(2) by striking the items relating to sections 1631 through 1634 and inserting the following:

"Sec. 1631. Willow Lake Natural Treatment System Project.

"Sec. 1632. Castaic Lake Water Agency reclaimed water project.

"Sec. 1633. Clear Lake Basin water reuse project.

"Sec. 1634. San Ramon Valley recycled water project.

"Sec. 1635. Inland Empire regional water recycling project.

"Sec. 1636. San Pablo Baylands water reuse projects.

"Sec. 1637. California water recycling program.

"Sec. 1638. Regional brine lines.

"Sec. 1639. Lower Chino Dairy Area desalination demonstration and reclamation project.

"Sec. 1640. Authorization of appropriations.

"Subtitle B—Studies and Research

"Sec. 1671. Groundwater study.

"Sec. 1672. Authorization of appropriations for groundwater study.

"Sec. 1673. Research concerning water reuse.".

Mr. WELLSTONE.

S. 3233. A bill to amend title XVIII of the Social Security Act to provide for Medicare beneficiary copayments for outpatient mental health services that are the same as beneficiary copayments for other part B services, and for other purposes; to the Committee on Finance.

MEDICARE MENTAL HEALTH MODERNIZATION ACT  
OF 2000

Mr. WELLSTONE. Mr. President, I rise today to introduce the Medicare Mental Health Modernization Act, a bill to improve the delivery of mental health services through the Medicare health care system. This improvement and modernization of mental health services in the Medicare system is long overdue, as it has remained virtually unchanged since it was enacted by Congress in 1965. In the 35 years since then, the scientific breakthroughs in our understanding of mental illnesses and the enormous improvements in medications and other effective treatments have dramatically changed our understanding and treatment of mental illness. Yet, the health care systems, both public and private, lag behind in its treatment of this potentially life-threatening disease, one that affects the young and the old. As we work to improve health care for all Americans,

in all health care systems, the ever-growing population of older Americans make it all the more urgent that we bring the Medicare system into the 21st century, and bring mental health care to those in need.

Though they are so often not recognized, mental health problems among the elderly are widespread and life-threatening. Americans aged 65 years and older have the highest rate of suicide of any population in the United States, and suicide rates increase with age. While this age group accounts for only 13 percent of the U.S. population, Americans 65 and older account for 20 percent of all suicide deaths. All too often, depression among the elderly is untreated or inappropriately treated, and this disease and other illnesses such as Alzheimer's disease, anxiety, late-life schizophrenia, can lead to severe impairment or death.

Major depression is strikingly prevalent among older people, with between 8 and 20 percent of older people in community studies showing symptoms of depression. Studies of patients in primary care settings show that up to 37 percent are experiencing such symptoms, although they often go untreated. Depression is not a normal part of aging, but a serious debilitating disease. Almost 20 percent of the population of individuals age 55 and older experience a serious mental disorder. What is most alarming is that most elderly suicide victims—70 percent—have visited their primary care doctor in the month prior to their completed suicide. It is critical that the mental health expertise that is needed be provided within the Medicare system, and that screening, diagnosis, and treatment be provided in a timely manner.

Medicare coverage for mental health services is markedly different from other outpatient services. In order to receive mental health care, seniors must pay, out of their own pockets, half the cost of a visit to their mental health specialist, an extremely unfair burden to place on the elderly, who are so often facing other health or life difficulties as well.

We know too that substance abuse, particularly of alcohol and prescription drugs, among adults 65 and older is one of the fastest growing health problems in the United States, with 17 percent of this age group suffering from addiction or substance abuse. While addiction often goes undetected and untreated among older adults, aging and disability only makes the body more vulnerable to the effects of these drugs, further exacerbating underlying health problems, and creating a serious need for treatment that recognizes these vulnerabilities.

Medicare also provides health care coverage for non-elderly individuals who are disabled, through Social Security Disability Insurance, SSDI. According to the Health Care Financing Agency, HCFA, Medicare is the primary health care coverage for the 5 million non-elderly, disabled people on

SSDI. Up to 40 percent of these individuals have a diagnosis of mental illness and/or addiction, and also face severe discrimination in their mental health coverage.

What will my bill do? The Medicare Mental Health Modernization Act has several important components. First, the bill reduces this discriminatory 50 percent copayment for mental health care to 20 percent, which is equal to the level that applies to every other outpatient service in Medicare. This is straightforward, fair, and the right thing to do. By doing so, this provision will increase access to mental health care overall, especially for those who currently forego seeking treatment, and instead, find themselves suffering from worsening mental health conditions. Secondly, the bill adds intensive residential services to the Medicare mental health benefit package. This provision will give people suffering from mental illnesses such as Alzheimer's disease or late-life schizophrenia an alternative to going to nursing homes. Instead, they will be able to be cared for in their homes or in more appropriate residential settings. I also ask the Secretary for Health and Human Services to conduct a study of the current Medicare coverage criteria to determine the extent to which people with these forms of illnesses are receiving the appropriate care that is needed.

Finally, my bill expands the number of mental health professionals eligible to provide services through Medicare to include clinical social workers and licensed professional mental health counselors. Provision of adequate mental health services provided through Medicare requires more trained and experienced providers for the aging and growing population and should include those who are appropriately licensed and qualified to deliver such care.

These changes are needed now. The mental health groups most concerned with medicare improvement are strongly supportive of this bill, including, among others, the American Counseling Association, the National Alliance for the Mentally Ill, the National Mental Health Association, the American Psychological Association, the Bazelon Center for Mental Health Law, and the National Association of State Mental Health Program Directors. The U.S. Surgeon General David Satcher recognized the urgency in his recent reports on mental health: "Mental Health: A Report of the Surgeon General" and "The Surgeon General's Call to Action to Prevent Suicide". Dr. Satcher stated, "Disability due to mental illness in individuals over 65 years old will become a major public health problem in the near future because of demographic changes. In particular, dementia, depression, and schizophrenia, among other conditions, will all present special problems for this age group."

For too long we have continued to neglect those with mental illness in

our society, and the Medicare system is no exception. I urge your cosponsorship of this bill as we begin our work in this new century. It is time to treat the elderly in our society, particularly those with serious, debilitating diseases, with the care, respect, and fairness they deserve.

By Mr. BREAUX (for himself, and Mrs. HUTCHISON):

S. 3234. A bill to protect the public's ability to fish for sport, and for other purposes, to the Committee on Commerce, Science, and Transportation.

#### THE FREEDOM TO FISH ACT

Mr. BREAUX. Mr. President, I rise today to send to the desk a bill that is called the Freedom to Fish Act. The legislation cosponsored by Senator HUTCHISON addresses an unsettling situation arising over access to our nation's public coastal resources. I understand that it is very late in the session to be introducing new legislation, but I believe this matter is significantly important to require immediate recognition. There is a growing movement to limit the use and enjoyment of America's coastal and ocean waters. This restriction of public access is occurring under the guise of the establishment of marine protected areas. Many in the environmental community are lauding the creation of these undersea national parks as the silver bullet solution to our over-exploited fisheries and degraded habitat. The bill I am introducing today aims to correct a system that would unfairly penalize our nation's approximately ten million marine recreational anglers. For while I support the goal of healthy marine fisheries, I disagree strongly with any method that unnecessarily limits our citizens' access to public waters.

I believe that my record clearly indicates my dedication to protecting and improving the health of our oceans and coasts. However, I believe that restricting public access to those waters is not the appropriate vehicle for accomplishing that goal in most cases. The notion of a marine park is certainly not new, having its origins in successful land management practices. The establishment of wildlife refuges, national parks and forests has shown clear benefits to the natural species living on those lands and fresh waters. However, in the transfer from the land to the marine waters one very important aspect of the protected area has been neglected. While sport fishing is nearly universally accepted throughout this nation's terrestrial parks, and wilderness areas, those advocating the use of marine parks take pains to specifically restrict the access of recreational anglers. This seems ironic to me, as an increasing number of recreational anglers practice catch and release fishing and all contribute money to their state's fish and game departments through the payment of license fees and taxes. I believe these anglers to be among this nation's first conservationists and their contributions to the resource need to be recognized.

In response to criticism and attacks against our Nation's sportsmen and women, I introduce the Freedom to Fish Act. The act establishes guidelines and safeguards by which the public's right to use and enjoy these resources is preserved in all but the most serious cases. It provides assurances that the angling public will have a place at the table when decisions are made regarding their use of the resource. Second, the Freedom to Fish Act will ensure that recreational anglers will be prohibited from an area only when they have been shown to be causing significant adverse effects on that fishery resource. Further, should prohibitions be justified, this bill prevents areas larger than scientifically necessary from being closed. In those cases, criteria will be established so that once certain goals have been reached, the area will reopen to the public immediately. Restricting public admission to our coastal waters should not be our first course of action, but rather our last resort. Open access to fishing is the single most important element of recreational fishing. We must defend public access against those that would try to restrict it under the cloak of marine resource protection. With that, I submit the Freedom to Fish Act for your review and discussion.

Mr. MCCAIN (for himself and Mr. BURNS):

S. 3235. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

#### TELECOMMUNICATIONS OWNERSHIP DIVERSITY ACT OF 2000

Mr. MCCAIN. Mr. President, I rise today to introduce revised legislation that will make sure that new entrants and small businesses will have the chance to enter and grow in today's megacorporation-dominated telecommunications marketplace. Together with my good friend and colleague, Communications Subcommittee Chairman CONRAD BURNS, I am pleased to bring forward for the Senate's consideration The Telecommunications Ownership Diversity Act of 2000.

Mr. President, no one needs to be told that any small business faces significant barriers in trying to enter the telecommunications industry. These barriers are even more formidable when the entrepreneur happens to be a woman or a member of a minority group, due to their historically more difficult job of obtaining needed financing. Therefore, in this current telecom industry mixer, small businesses, especially those owned by minorities or women, are often left without partners, watching as bigger, more established companies, get to dance.

That's not right, but there is an answer. The answer isn't to forbid mergers out-of-hand, or to retain hopelessly outdated FCC ownership restrictions, or to pursue constitutionally or economically doomed set-aside programs. The answer is to give established industry players economic incentives to deal with new entrants and small businesses that counterbalance the incentives they have to deal with larger companies.

And that's what this bill does. The Telecommunications Ownership Diversity Act of 2000 will promote entry into the telecommunications industry during this period of unprecedented restructuring by providing carefully-limited changes to the tax law. These changes to the tax law are an indispensable component of the solution. Under current law, smaller companies typically must purchase properties for cash, and cash transactions are fully taxable to the seller. So naturally sellers of telecommunications businesses prefer to sell for stock, which is tax-deferred, and which large companies have to offer.

The Act will level the playing field for new entrants and small businesses by giving telecommunications business sellers a tax deferral when the property is bought for cash by a small business telecommunications company. The Act will also encourage the entry of new players and the growth of existing small businesses by enabling the seller of a telecommunications business to claim the tax deferral on capital gains if it invests the proceeds of any sale of its business in purchasing an interest in an eligible small business.

In recognition of the convergence of telecommunications services and the growing importance of wireless and other services as an essential component of the telecommunications market, the telecommunications businesses eligible for this capital gains tax deferral are broadly defined to include not only broadcast and cable TV-type businesses, but also wireline and wireless telephone service providers and resellers. To eliminate the potential for abuse, the Act would require the eligible purchaser to hold any property acquired for three years, during which time it could only be sold to an unrelated eligible purchaser. The General Accounting Office is required to thoroughly audit and report on the administration and effect of the Act every two years.

Mr. President, this legislation represents a significant step toward helping to ensure that small companies share a portion of the investment benefits our tax laws give to major telecommunications companies. Over the next several months, we look forward to working with interested organizations to further refine this legislation. Specifically, we would welcome comments on how to further refine the concepts of qualified telecommunications business and eligible purchaser so as to ensure that this legislation meets its

goals in the most fair and effective manner. Moreover, we note that this legislation contains a "control" test that is intended to ensure that this legislation is not subject to abuse—and actually benefits those that it is intended to help. We recognize, however, that this control test may also need to be refined as we go forward.

Mr. President, hallmark developments in the telecommunications industry have been made by gifted individuals with small companies and unlimited vision. In this sense the telecommunications industry is a true microcosm of the American free-market system, in which the benefits produced by its entrepreneurs generate benefits that extend to all of us. It is therefore critically important that new entrants and small businesses have a chance to participate across the broad spectrum of industries that will make up the telecommunications industry in the Information Age. The Act will help them do that, and Senator BURNS and I are proud to sponsor it and to work for its enactment.

By Mr. MCCAIN:

S. 3237. A bill to provide for an international scientific commission to assess changes in global climate patterns, to conduct scientific studies and analyses on behalf of nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL CLIMATE CHANGE SCIENCE  
COMMISSION ACT

Mr. MCCAIN. Mr. President, this bill provides for the creation of an international scientific commission to assess changes in global climate patterns and to conduct scientific studies and analysis on behalf of the nations of the world.

The Commerce Committee held three hearings on the subject of climate change this year. We heard from several witnesses on the science of global warming, the impacts of climate change on the United States, and solutions to climate change.

One of the most salient points of the three hearings was the importance of good science to the policymaking process. Most importantly, any action the United States takes in response to claims of global warming must be based on the best science available and not on rhetoric or political expedience. We must continue to invest in our research capabilities to fully understand the scientific interactions between humans, the land, the ocean, and the atmosphere.

Based upon testimonies received by the Commerce Committee, the knowledge base in some countries is far greater than in others. To solve this global problem of climate change, we must rely upon all the resources and knowledge available to us. We must ensure that the United States research program is providing the maximum returns on our investment dollars. It was both surprising and disappointing to

see that for a recent assessment of the United States, we had to rely upon two foreign computer models. We must do better.

Mr. President, I feel it is of vital importance that we allow scientists the opportunity to pursue knowledge as opposed to being constrained by politics. In introducing this bill entitled, International Climate Change Science Commission Act, it is my hope and intention that the membership of the Commission will be filled by those who are scientists and fully appreciate the pursuit of truth and knowledge. I hope this commission will provide them with an opportunity to freely research, discuss, and document their scientific findings.

Mr. President, I realize this bill will not pass this session. However, it is my hope that by introducing this bill a discussion will begin in the scientific community of how to better structure this piece of legislation and to ensure that the best available science is used for policy decisions. After discussions with the scientific community, I intend to re-introduce this bill or a new version of the measure next session and hopefully then move towards its enactment.

I also plan to offer other pieces of legislation next year in this area. There are several types of actions that may be taken to address this situation as indicated in the Commerce Committee's hearing, "Solutions to Climate Change," held on September 21, 2000.

Mr. DURBIN:

S. 3238. A bill to amend the Public Health Service Act to provide protections for individuals who need mental health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE MENTAL HEALTH ACCESS ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing legislation on behalf of the more than 50 million Americans each year who suffer from mental illness. This bill, the Mental Health Access Act, removes one of the many barriers to health care faced by those who have been treated for a mental condition.

The Mental Health Access Act limits the ability of health plans to redline individuals with a preexisting mental health conditions. I undertook this initiative when I learned that some of my constituents were being turned away from health plans in the private non-group market due solely to a past history of treatment for mental conditions. Unfortunately, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult to obtain private health insurance, especially if they must purchase it on their own and do not have an employer-sponsored group plan available to them. In part this is because while the Health Insurance Portability and Accountability Act (HIPAA) protects

millions of Americans in the group health insurance market, it affords few protections for individuals who apply for private non-group insurance.

The Mental Health Access Act closes this loophole by limiting any pre-existing condition exclusion relating to a mental health condition to not more than 12 months and reducing this exclusion period by the total amount of previous creditable coverage. It prohibits any health insurer that offers health coverage in the individual insurance market from imposing a pre-existing condition exclusion relating to a mental health condition unless a diagnosis, medical advice or treatment was recommended or received within the 6 months period to the enrollment date. And it prohibits health plans in the individual market from charging higher premiums to individuals based solely on the determination that the such individual has had a preexisting mental health condition. These provisions apply to all health plans in the individual market, regardless of whether a state has enacted an alternative mechanism (such as a risk pool) to cover individuals with preexisting health conditions.

The Mental Health Access Act complements ongoing efforts to enhance parity between mental health services and other health benefits. This is because parity alone will not help individuals who do not have access to any affordable health insurance due to pre-existing mental illness discrimination. The Access Act does not mandate that insurers provide mental health services if they are not already offering such coverage. It simply prohibits plans in the private non-group market from redlining individuals who apply for general health insurance based solely on a past history of treatment for a mental condition.

Recognizing that we are nearing the close of this year's legislative session. I plan to reintroduced this bill when Congress returns and it is my hope that many of my colleagues will join me. In the meantime, I have asked the General Accounting Office (GAO) to examine the extent to which private health insurers medically underwrite for mental health conditions by either denying coverage or raising premiums, often to a level that is unaffordable for many individuals. Specifically, I have asked the GAO to examine: the types of mental health conditions for which individual health insurers typically underwrite; the degree to which there is an actuarial basis for these carrier practices; the prevalence of medical underwriting for mental health conditions that result in denying coverage or raising premiums; and the extent of state laws that prevent or constrain insurers from denying coverage or raising premiums due to a history of mental health conditions, including consumer protections such as appeals procedures and access to information.

It simply does not make sense that just because a person seeks treatment

for mental illness he or she is rendered uninsurable. I invite my colleagues to enlist in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. JEFFORDS, and Mr. JOHNSON):

S. 3242. A bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL RURAL COOPERATIVE AND BUSINESS EQUITY FUND ACT

Mr. HARKIN. Mr. President, today, Senator CRAIG and I are introducing the National Rural Cooperative and Business Equity Fund Act to create a new public/private partnership designed to attract equity investment in cooperatives and other businesses in rural America. Senators DASCHLE, JEFFORDS, and JOHNSON are cosponsoring this bipartisan measure.

The Iowa 2010 Strategic Planning Council was commissioned by Governor Vilsack to identify barriers to Iowa's economic development progress over the next ten years. The council found that two very significant hurdles were lack of venture funding and access to capital.

The situation is no different in many other rural areas. Many new rural businesses, particularly cooperatives and farmer-owned businesses, have tremendous difficulty acquiring equity capital—especially those involving value-added agricultural processing.

In Iowa alone, I have seen many cases where equity capital would have made a big difference in the future of a rural business. And every time we lose an opportunity to help a business, it means fewer jobs, fewer well-paying jobs, and less income for rural and small town America.

In fact, just recently, in eastern Iowa, a group of turkey producers joined together to purchase the soon-to-be-closed West Liberty packing plant from Louis Rich. Ultimately—with the assistance of a USDA loan guarantee and state and private support—the co-op successfully purchased the plant. However, they almost went under because of limited equity. Only by the skin of our teeth are those jobs still in Iowa and those farmers still enjoying the benefits of cooperative ownership of that plant. In too many other cases, good ideas have been shattered because of a lack of equity.

My state has made some progress through the Iowa Department of Economic Development's "Community Economic Betterment Account" or CEBA, which recently set aside some funding for venture capital. But far more resources are needed in Iowa and across Rural America.

That's why this legislation is so important. If we pass the National Rural

Cooperative and Business Equity Fund Act, we will help quality rural cooperatives and businesses succeed and expand, and we will create jobs and raise the incomes of employees and farmers.

We're opening this bill up to discussion today with the hope of passing it in the next Congress. I believe this legislation has a strong start in the support of Senators CRAIG, DASCHLE, JEFFORDS, and JOHNSON. We also have the support of a number of national organizations that are key players in rural economic development including: Agribank, the American Bankers Association, CoBank, the Farm Credit Council, the Independent Community Bankers Association, the National Cooperative Bank, National Farmers Union, the National Rural Electric Cooperative Association, and the National Rural Utilities Cooperative Finance Cooperation.

The equity fund created by this legislation will have a 12-person Board of Directors that would decide which proposals to fund. This board would include the Secretary of Agriculture and two of his or her appointees, and the remainder of the Board would be made up of private investors in the fund. The first \$150 million in private sector investments will be matched dollar for dollar by the U.S. Department of Agriculture over a three year period. As a compensation for the lower rate of return in the equity fund relative to other investments, the Department of Agriculture will guarantee up to 50 percent of an investment. Debentures, which would be guaranteed, could also be issued.

Businesses applying for equity from the fund must be sponsored by a local entity, such as a bank, a regional or local development council, or a cooperative or economic development group. The businesses must be based in rural areas, and they cannot be primarily retail businesses. Cooperatives and other businesses receiving an equity investment from the fund will be required to invest a substantial amount of their own capital.

The Fund is intended to support projects that will provide off-farm income, additional markets for agricultural products, and new business opportunities in rural communities. A diverse range of viable projects, representing a variety of business structures, operating in rural communities of various sizes would be encouraged.

Mr. President, I urge my colleagues and those concerned about rural economic development to examine this measure between Congresses and at the beginning of the coming Congress. I am hopeful that we will be able to make the National Rural Cooperative and Business Equity Fund a reality.

ADDITIONAL COSPONSORS

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1760

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1760, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3045

At the request of Mr. SESSIONS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3152

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3156

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3156, a bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment

of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts.

S. 3157

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486.

S. 3169

At the request of Mr. SESSIONS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3216

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3216, a bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement.

S. 3222

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3222, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

#### AMENDMENTS SUBMITTED

#### DAIRY MARKET ENHANCEMENT ACT OF 2000

#### CRAIG AMENDMENT NO. 4340

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

#### SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

#### "Subtitle C—Dairy Product Mandatory Reporting

#### "SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for dairy products.

#### "SEC. 272. DEFINITIONS.

"In this subtitle:

"(1) DAIRY PRODUCTS.—The term 'dairy products' means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(2) MANUFACTURER.—The term 'manufacturer' means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

#### "SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the dairy product manufacturing industry.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—In establishing the program, the Secretary shall only—

"(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

"(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

"(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

"(2) CONDITIONS.—The conditions referred to in paragraph (1)(A)(i) are that—

"(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed

the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

"(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

"(B) RELATION TO OTHER REQUIREMENTS.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

"(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(4) ENFORCEMENT.—

"(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

"(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

"(C) APPEAL.—

"(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

"(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

"(D) NONCOMPLIANCE WITH ORDER.—

"(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

"(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

"(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

"(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

"(A) the submission or reporting of information;

"(B) the receipt or availability of, or access to, published reports or information; or

"(C) any other activity required under this subtitle.

“(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

## NATIONAL RECORDING PRESERVATION ACT OF 2000

### DASCHLE (AND OTHERS) AMENDMENT NO. 4341

Mr. STEVENS (for Mr. DASCHLE (for himself, Mr. LEAHY, and Mr. WYDEN)) proposed an amendment to the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes; as follows:

In section 101, insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), strike “10 years” and insert “25 years”.

In section 102(a)(3), insert “and collections of sound recordings” after “recordings”.

In section 102(b), insert “or collection of sound recordings” after “recording”.

In section 103(a), insert “or collection of sound recordings” after “recording” each place it appears.

In section 103(b)(1), insert “or collection of sound recordings” after “sound recording”.

In section 103(b)(4), insert “or collection of sound recordings” after “sound recording” the first place it appears.

In section 103(c), insert “or collection of sound recordings” after “sound recording”.

In section 103(c), strike “recording,” and insert “recording or collection.”.

In section 104(a), insert “(including electronic access)” after “reasonable access”.

In the heading for section 122(d)(2), insert “OR ORGANIZATION” after “ORGANIZATION”.

In section 124(a)(1), insert “and collections of sound recordings” after “recordings” the first place it appears.

Add at the end of section 124 the following new subsection:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation’s recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Insert after section 125 the following new section:

### SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations de-

scribed in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Redesignate section 133 as section 134 and insert after section 132 the following new section:

### SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

### DASCHLE AMENDMENT NO. 4342

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill (H.R. 4846) supra; as follows:

Amend the title to read as follows: “A Bill to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.”.

### HONORING SCULPTOR KORCZAK ZIOLKOWSKI

On October 24, 2000, the Senate amended and passed S. Res. 371, as follows:

#### S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski’s marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World’s Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: “My fellow chiefs and I would like the white man to know that the red man has great heroes, too.”;

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak’s wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

*Resolved*, That

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

### AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2440).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2440) entitled “An Act to amend title 49, United States Code, to improve airport security”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Airport Security Improvement Act of 2000”.*

#### SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) APPLICATION OF EXPANDED PROGRAM.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator’s efforts to utilize the program described in subsection (a).

(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines



that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) **CHANGES IN EXISTING REQUIREMENTS.**—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “, as the Administrator decides is necessary to ensure air transportation security.”;

(2) in subparagraph (D) by striking “as a screener” and inserting “in the position for which the individual applied”; and

(3) by adding at the end the following:

“(E) **CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.**—

“(i) **IN GENERAL.**—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

“(ii) **SPECIAL TRANSITION RULE.**—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

“(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

“(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

“(iii) **EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.**—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

“(iv) **EFFECTIVE DATE.**—This subparagraph shall take effect—

“(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

“(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

“(F) **EXEMPTION.**—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph.”.

(d) **LIST OF OFFENSES BARRING EMPLOYMENT.**—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting “(or found not guilty by reason of insanity)” after “convicted”;

(2) in clause (xi) by inserting “or felony unarmed” after “armed”;

(3) by striking “or” at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

“(xiii) a felony involving a threat;

“(xiv) a felony involving—

“(I) willful destruction of property;

“(II) importation or manufacture of a controlled substance;

“(III) burglary;

“(IV) theft;

“(V) dishonesty, fraud, or misrepresentation;

“(VI) possession or distribution of stolen property;

“(VII) aggravated assault;

“(VIII) bribery; and

“(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or”;

(5) in clause (xv) (as so redesignated) by striking “clauses (i)–(xii) of this paragraph” and inserting “clauses (i) through (xiv)”.

### SEC. 3. IMPROVED TRAINING.

(a) **TRAINING STANDARDS FOR SCREENERS.**—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

“(e) **TRAINING STANDARDS FOR SCREENERS.**—

“(1) **ISSUANCE OF FINAL RULE.**—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator shall issue a final rule on the certification of screening companies.

“(2) **CLASSROOM INSTRUCTION.**—

“(A) **IN GENERAL.**—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

“(B) **CLASSROOM EQUIVALENCY.**—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

“(3) **ON-THE-JOB TRAINING.**—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

“(A) complete 40 hours of on-the-job training as a security screener; and

“(B) successfully complete an on-the-job training examination prescribed by the Administrator.”.

(b) **COMPUTER-BASED TRAINING FACILITIES.**—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

“(f) **ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.**—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.”.

### SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(g) **IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.**—

“(1) **ENFORCEMENT.**—

“(A) **ADMINISTRATOR TO PUBLISH SANCTIONS.**—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

“(B) **USE OF SANCTIONS.**—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a

process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

“(2) **IMPROVEMENTS.**—The Administrator shall—

“(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

“(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

“(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

“(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

“(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

“(F) improve the execution of the Administrator's quality control program by January 31, 2001; and

“(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.”.

### SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

(a) **IN GENERAL.**—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) **REPORTS.**—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

### SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

“(C) **MANUAL PROCESS.**—

“(i) **IN GENERAL.**—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

“(ii) **LIMITATION ON STATUTORY CONSTRUCTION.**—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

"(iii) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment."

#### SEC. 7. AIRPORT NOISE STUDY.

(a) IN GENERAL.—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

(1) in the section heading by striking "**GENERAL ACCOUNTING OFFICE**";

(2) in subsection (a) by striking "Comptroller General of the United States shall" and inserting "Secretary shall enter into an agreement with the National Academy of Sciences to";

(3) in subsection (b)—

(A) by striking "Comptroller General" and inserting "National Academy of Sciences";

(B) by striking paragraph (1);

(C) by adding "and" at the end of paragraph (4);

(D) by striking "; and" at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

"(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section."

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is amended by striking item relating to section 745 and inserting the following:

"Sec. 745. Airport noise study."

#### SEC. 8. TECHNICAL AMENDMENTS.

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking "15" and inserting "18".

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking "40126" each place it appears and inserting "40128";

(2) in section 804(b) by striking "40126(e)(4)" and inserting "40128(f)"; and

(3) in section 806 by striking "40126" and inserting "40128".

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

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

"(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation)"; and

(2) by adding at the end the following:

"(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States."

#### SEC. 9. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall

take effect 30 days after the date of enactment of this Act.

Mrs. HUTCHISON. I ask unanimous consent the Senate agree to the amendment of the House.

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

Mrs. HUTCHISON. Mr. President, we have just passed the Aviation Security Improvement Act of 2000. I am very pleased that we have been able, in a very bipartisan way, to pass this bill. I would like to just talk a little bit about how we came to pass the Aviation Security Act of 2000.

Thanks to Senator SLADE GORTON, the chairman of the Aviation Subcommittee, I was able to chair a hearing in which we heard from the FAA, particularly Admiral Flynn, about the state of our airport security. "What is the state of our airport security?" we asked. We wanted to know if we were doing everything we could to give our traveling public the most security possible.

Admiral Flynn did a report and shared that with the Members of the Senate who came to the hearing. Every single Senator who attended the hearing became a cosponsor of the bill that we have just passed because there were some areas that we could clearly see needed to be made more strict, more stringent, just to make sure that we take every single measure we can to make our airports totally secure. Not that they are not, but there were some areas in which we could do better.

So after the hearing and because of the outstanding testimony of Admiral Flynn of the FAA, we did put together a bill that was quite bipartisan. Chairman JOHN MCCAIN of the Commerce Committee came together with Chairman SLADE GORTON of the Aviation Subcommittee. Senators HOLLINGS, INOUE, BRYAN, and ROCKEFELLER all became immediate cosponsors of the bill. With that bipartisan group, we were able to make the changes that have been passed by the House and now will go to the President.

Six hundred million travelers will pass through U.S. airports. Their safety depends on the soundness of the inspection points and the checkpoints, and we all have been through those monitors and we know how important it is that we have the best equipment and the best trained technicians to make sure we do not have any kind of firearms or explosives of any kind going into our airplanes.

So we were able to pass this bill. I just want to make a couple of the points that are important in the bill.

First, today, a person who has a lapse in employment history—whether it would be a year, 18 months, 2 years—would have a criminal background check done before they could be hired to be an airport baggage screener.

Under the bill that we are passing today, there will be a criminal history record check on every person who becomes a baggage screener.

Secondly, we looked at the airport training requirements for airport bag-

gage screeners. We found that in the most industrialized countries there is a minimum of 40 hours of required training before a person can become a baggage screener, but in America the standard is 8 hours.

The committee and the Congress believe we need to have more hours of required training and a test for baggage screeners. That will happen because of the bill we have just passed.

Third, the security procedures in sensitive areas, such as the air traffic control towers, will be beefed up. And there will be prescribed security protocols and sanctions for people who violate those protocols.

And fourth, the new generation of explosive detection systems will be utilized at a higher rate because of the bill we have passed today.

I think we have done a very good job. I am very pleased that we had such a bipartisan effort on this piece of legislation. It could not have happened without the House and the Senate working together and so many people who did come into the negotiations on this bill. The leadership of our chairman, JOHN MCCAIN, and our subcommittee chairman, SLADE GORTON, were essential, along with Senators HOLLINGS, INOUE, BRYAN, and ROCKEFELLER.

I also thank the staff who worked so hard. As you know, many times Senators have 10 things that are being asked of them at any one time. Without very good staff work, this would not have passed. So I especially thank my Commerce Committee staff legislative aid, Joe Mondello, who did yeoman service in making sure the bill got through committee and worked out all the little things that came up that could have unraveled the bill and did not. On Senator MCCAIN's staff, Mike Reynolds, and Rob Chamberlin, who also did terrific work in making sure we got this expeditiously through the committee in the last hours of the session, because we did not want to wait 60 days before we could bring this back next year. It is too important.

The air traveling public deserve to have the very best airport security. That is what this bill will allow. I believe the President will sign the bill. I urge him to do so.

Thank you, Mr. President.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 106-173, announces the following appointments to the Abraham Lincoln Bicentennial Commission: The Senator from Kentucky (Mr. BUNNING), and Dr. Gabor S. Boritt, of Pennsylvania.

#### JAMES MADISON COMMEMORATION COMMISSION ACT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 3137.

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

The assistant legislative clerk read as follows:

A bill (S. 3137) to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 3137, the James Madison Commemoration Commission Act. I was an original cosponsor of this legislation, which will establish a bipartisan commission to recognize the life and accomplishments of James Madison on the 250th anniversary of his birth, March 16, 2001.

Among his many accomplishments, James Madison was the primary author of the U.S. Constitution, a document so brilliantly constructed that it has been amended only 27 times in our Nation's history. The first 10 amendments were ratified as our Bill of Rights in 1791, over two centuries ago. There have been just 17 additional amendments.

Our tribute to the Father of the Constitution comes in the same year that the Senate defeated no less than three ill-conceived proposals to amend his handiwork. I am proud that we were good stewards of the Constitution, and that the anniversary of Madison's birth will truly be a cause for celebration.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the bill be read a second and 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. 3137) was read the third time and passed, as follows:

S. 3137

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "James Madison Commemoration Commission Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Establishment.
- Sec. 4. Duties.
- Sec. 5. Membership.
- Sec. 6. Powers.
- Sec. 7. Staffing and support.
- Sec. 8. Contributions.
- Sec. 9. Reports.
- Sec. 10. Audit of financial transactions.
- Sec. 11. Termination.
- Sec. 12. Authorization of appropriations.

#### SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) March 16, 2001, marks the 250th anniversary of the birth of James Madison;

(2) as a delegate to the Continental Congress, and to the Annapolis Convention of 1786, James Madison foresaw the need for a more effective national government and was a persuasive advocate for such a government at the Philadelphia Constitutional Convention of 1787;

(3) James Madison worked tirelessly and successfully at the Constitutional Conven-

tion to mold a national charter, the United States Constitution, that combined both energy and restraint, empowering the legislature, the executive, and the judiciary, within a framework of limited government, separated powers, and a system of federalism;

(4) James Madison was an eloquent proponent of the first 10 amendments to the Constitution, the Bill of Rights;

(5) James Madison faithfully served his country as a Representative in Congress from 1789 to 1797, as Secretary of State from 1801 to 1809, and as President of the United States from 1809 to 1817;

(6) as President, James Madison showed courage and resolute will in leading the United States to victory over Great Britain in the War of 1812;

(7) James Madison's political writings, as exemplified by his Notes on the Federal Convention and his contributions to The Federalist Papers, are among the most distinguished of American state papers;

(8) by his learning, his devotion to ordered liberty, and by the force of his intellect, James Madison made an indispensable contribution to the American tradition of democratic constitutional republicanism embodied in the Constitution of the United States, and is justifiably acclaimed as father of the Constitution;

(9) it is appropriate to remember, honor, and renew the legacy of James Madison for the American people and, indeed for all mankind; and

(10) as the Nation approaches March 16, 2001, marking the anniversary of the birth of James Madison, it is appropriate to establish a commission for the commemoration of that anniversary.

#### SEC. 3. ESTABLISHMENT.

A commission to be known as the James Madison Commemoration Commission (in this Act referred to as the "Commission") and a committee to be known as the James Madison Commemoration Advisory Committee (in this Act referred to as the "Advisory Committee") are established.

#### SEC. 4. DUTIES.

(a) COMMISSION.—The Commission shall—

(1) in cooperation with the Advisory Committee and the Library of Congress, direct the Government Printing Office to compile and publish a substantial number of copies of a book (as directed by the Commission) containing a selection of the most important writings of James Madison and tributes to him by members of the Commission and other persons that the Commission deems appropriate;

(2) in cooperation with the Advisory Committee and the Library of Congress, plan and coordinate 1 or more symposia, at least 1 of which will be held on March 16, 2001, and all of which will be devoted to providing a better understanding of James Madison's contribution to American political culture;

(3) in cooperation with the Advisory Committee recognize such other events celebrating James Madison's birth and life as official events of the Commission;

(4) develop and coordinate any other activities relating to the anniversary of the birth of James Madison as may be appropriate;

(5) accept essay papers (via the Internet or otherwise) from students attending public and private institutions of elementary and secondary education in any State regarding James Madison's life and contributions to America and award certificates to students who author exceptional papers on this subject; and

(6) bestow honorary memberships to the Commission or to the Advisory Committee upon such persons as it deems appropriate.

(b) ADVISORY COMMITTEE.—The Advisory Committee shall—

(1) submit a suggested selection of James Madison's most important writings to the Commission for the Commission to consider for inclusion in the book printed as provided in subsection (a)(1);

(2) submit a list and description of events concerning the birth and life of James Madison to the Commission for the Commission's consideration in recognizing such events as official "Commission Events"; and

(3) make such other recommendations to the Commission as a majority of its members deem appropriate.

#### SEC. 5. MEMBERSHIP.

(a) MEMBERSHIP OF THE COMMISSION.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 19 members, as follows:

(A) The Chief Justice of the United States or such individual's delegate who is an Associate Justice of the Supreme Court of the United States.

(B) The Majority Leader and the Minority Leader of the Senate or each such individual's delegate who is a Member of the Senate.

(C) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives or each such individual's delegate who is a Member of the House of Representatives.

(D) The Chairman and the Ranking Member of the Committee on the Judiciary of the Senate or each such individual's delegate who is a member of such committee.

(E) The Chairman and the Ranking Member of the Committee on the Judiciary of the House of Representatives or each such individual's delegate who is a member of such committee.

(F) Two Members of the Senate selected by the Majority Leader of the Senate and 2 Members of the Senate selected by the Minority Leader of the Senate.

(G) Two members of the House of Representatives selected by the Speaker of the House of Representatives and 2 Members of the House of Representatives selected by the Minority Leader of the House of Representatives.

(H) Two members of the executive branch selected by the President of the United States.

(2) CHAIRMAN AND VICE CHAIRMAN.—The Chief Justice of the United States shall serve as Chairman of the Commission and the members of the Commission shall select a vice chairman from its members, unless the Chief Justice appoints a delegate to serve in his stead, in which circumstance, the members of the Commission shall select a chairman and vice chairman from its members.

(b) MEMBERSHIP OF THE ADVISORY COMMITTEE.—

(1) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of 14 members, as follows:

(A) The Archivist of the United States or such individual's delegate.

(B) The Secretary of the Smithsonian Institution or such individual's delegate.

(C) The Executive Director of Montpelier, the home of James Madison, and the 2001 Planning Committee of Montpelier or such individual's delegate.

(D) The President of James Madison University in Harrisonburg, Virginia or such individual's delegate.

(E) The Director of the James Madison Center, James Madison University in Harrisonburg, Virginia or such individual's delegate.

(F) The President of the James Madison Memorial Fellowship Foundation or such individual's delegate.

(G) Two members, who are not Members of Congress but have expertise on the legal and

historical significance of James Madison, selected by the Majority Leader of the Senate, and 2 members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the Senate.

(H) Two members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Speaker of the House of Representatives, and 2 members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the House of Representatives.

(2) CHAIRMAN AND VICE CHAIRMAN.—The members of the Advisory Committee shall select a chairman and vice chairman from its members.

(c) TERMS.—Each member of the Commission shall be selected and each member of the Advisory Committee shall be selected not later than 90 days after the date of enactment of this Act and shall serve for the life of the Commission and the Advisory Committee, respectively.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made in subsection (a). A vacancy in the Advisory Committee shall be filled by the person holding the office named in subsection (b) or his designate.

(e) COMPENSATION.—

(1) RATES OF PAY.—Members of the Commission and the Advisory Committee shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission and the Advisory Committee may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) MEETINGS.—The Commission shall meet at the call of its chairman or a majority of its members. The Advisory Committee shall meet at the call of the chairman or a majority of its members.

(g) APPROVAL OF ACTIONS.—All official actions of the Commission under this Act shall be approved by the affirmative vote of not less than a majority of the members. All official actions of the Advisory Committee under this Act shall be approved by the affirmative vote of not less than a majority of the members.

#### SEC. 6. POWERS.

(a) DELEGATION OF AUTHORITY.—Any member or staff person of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Commission may procure services and property, and make or enter into contracts, leases, or other legal agreements, in order to carry out this Act.

(2) RESTRICTION.—The contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) TERMINATION.—All supplies and property acquired by the Commission under this Act that remain in the possession of the Commission on the date of termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(c) INFORMATION.—

(1) IN GENERAL.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the chairperson of the Commission, the head of the Federal agency shall furnish the information to the Commission.

(2) EXCEPTION.—Paragraph (1) shall not apply to any information that the Commis-

sion is prohibited to secure or request by another law.

(d) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this Act. The Commission may also adopt such rules for the Advisory Committee.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies, and the Committee on the Judiciary of the Senate may mail items on behalf of the Commission.

(f) NECESSARY AND PROPER POWERS.—The Commission may exercise such other powers as are necessary and proper in carrying out and effecting the purposes of this Act.

#### SEC. 7. STAFFING AND SUPPORT.

The Chairman of the Committee on the Judiciary of the Senate, the Chairman of the Committee on the Judiciary of the House of Representatives, and the Librarian of Congress shall provide the Commission and the Advisory Committee with such assistance, including staff support, facilities, and supplies at no charge, as may be necessary to carry out its duties.

#### SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—The Commission may accept donations of money, personal services, and property, both real and personal, including books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials related to James Madison.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any funds donated to the Commission may be used by the Commission to carry out this Act. The source and amount of such funds shall be listed in the interim and final reports required under section 9.

(2) PROCUREMENT REQUIREMENTS.—

(A) IN GENERAL.—In addition to any procurement requirement otherwise applicable to the Commission, the Commission shall conduct procurements of property or services involving donated funds pursuant to the small purchase procedures required by section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)). Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall not apply to such procurements.

(B) DEFINITION.—In this paragraph, the term "donated funds" means any funds of which 50 percent or more derive from funds donated to the Commission.

(c) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(d) REMAINING FUNDS.—Funds remaining upon the date of termination of the Commission shall be used to ensure the proper disposition of property donated to the Commission as specified in the final report required by section 9.

#### SEC. 9. REPORTS.

(a) INTERIM REPORT.—Not later than February 15, 2001, the Commission shall prepare and submit to the President and Congress an interim report detailing the activities of the Commission, including an accounting of funds received and expended by the Commission, during the period beginning on the date of enactment of this Act and ending on December 31, 2000.

(b) FINAL REPORT.—Not later than February 15, 2002, the Commission shall submit to the President and to Congress a final report containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) the findings, conclusions, and recommendations of the Commission;

(4) specific recommendations concerning the final disposition of historically significant items donated to the Commission under section 8(a), if any; and

(5) any additional views of any member of the Commission concerning the Commission's recommendations that such member requests to be included in the final report.

#### SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Inspector General of the General Services Administration shall audit financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(b) AUDIT REPORTS.—Not later than March 15, 2001, the Inspector General of the General Services Administration shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted before January 1, 2001. Not later than March 15, 2002, such Inspector General shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted during the period beginning on January 1, 2001, and ending on December 31, 2001.

#### SEC. 11. TERMINATION.

The Commission and the Advisory Committee shall terminate not later than 60 days following submission of the final report required by section 9.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$250,000 for fiscal year 2001.

### INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS ACT OF 1999

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 859, S. 1898.

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

The assistant legislative clerk read as follows:

A bill (S. 1898) to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Interstate Transportation of Dangerous Criminals Act of 2000" or "Jeanna's Act".*

#### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **CRIME OF VIOLENCE.**—The term “crime of violence” has the same meaning as in section 924(c)(3) of title 18, United States Code.

(2) **PRIVATE PRISONER TRANSPORT COMPANY.**—The term “private prisoner transport company” means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) **VIOLENT PRISONER.**—The term “violent prisoner” means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

### SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) **STANDARDS AND REQUIREMENTS.**—The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a

requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) **FEDERAL STANDARDS.**—Except for the requirements of subsection (b)(6), the regulations promulgated under this Act shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

### SEC. 5. ENFORCEMENT.

(a) **PENALTY.**—Any person who is found in violation of the regulations established by this Act shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 4(a).

Mr. LEAHY. Mr. President, I rise today to express my strong support for S. 1898, the Interstate Transportation of Dangerous Criminals Act, also known as “Jeanna’s bill.” I worked with Senator DORGAN in developing this legislation, which passed the Judiciary Committee in September with unanimous bipartisan support. I praise Senator DORGAN’s leadership, and am proud to be an original cosponsor.

Kyle Bell was sentenced to life in prison for the brutal murder of 11-year old Jeanna North. On October 13, 1999, Bell escaped, while being transferred interstate by a private prisoner transport company. He picked the locks on his handcuffs and leg irons, and slipped off the bus while it was stopped for gas in New Mexico. He was wearing his own street clothes and shoes. The guards did not notice that Bell was missing until nine hours later, and then delayed in notifying New Mexico authorities.

Kyle Bell’s escape is not an isolated case. In recent years, there have been several escapes by violent criminals

when vans operated by private prisoner transport companies broke down or guards fell asleep on duty. There have also been an alarming number of traffic accidents in which prisoners were seriously injured or killed because drivers were tired, inattentive or poorly trained.

Privatization of prisons and prisoner transportation services may be cost efficient, but public safety must come first. Jeanna’s bill, S. 1898, requires the Attorney General to establish some basic, common-sense guidelines for private companies that transport violent criminals across State lines, including:

minimum standards for pre-employment background checks;

minimum standards for training employees;

minimum standards for the identification, restraint, and safety of violent prisoners; and

a requirement that private prisoner transport companies notify local law enforcement in advance of any stops in their jurisdiction.

A violation is punishable by a \$10,000 fine, plus restitution for the cost of recapturing any violent prisoner who escapes as the result of such violation. This should create a healthy incentive for companies to abide by the regulations and operate responsibly.

As Senator DORGAN has pointed out, a company hauling hazardous waste, cattle, or even circus animals has to meet certain minimum standards. Yet there are no requirements for hauling violent criminals around the country.

Jeanna’s bill has been endorsed by a wide range of law enforcement and victims’ rights groups, including the National Sheriff’s Association, the National Association of Police Organizations, the Fraternal Order of Police, the California Correctional Peace Officers Association, the New York Correctional Officers and Police Benevolent Association, the National Organization of Parents of Murdered Children, the KlassKids Foundation, and many others. It will go a long way toward preventing more violent criminals from escaping. I am pleased that the Senate is finally passing this important legislation, and urge the House of Representatives to do the same.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the committee substitute be agreed to, 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 1898), as amended, was read the third time and passed.

### AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 3239, introduced earlier

today by Senators HELMS and KENNEDY.

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

The assistant legislative clerk read as follows:

A bill (S. 3239) to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. 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. 3239) was read the third time and passed, as follows:

S. 3239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN UNITED STATES INTERNATIONAL BROADCASTING EMPLOYEES.**

(a) SPECIAL IMMIGRANT CATEGORY.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking “or” at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L); and

(3) by adding at the end the following new subparagraph:

“(M) subject to the numerical limitations of section 203(b)(4), an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant’s accompanying spouse and children.”.

(b) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) is amended by inserting before the period at the end the following: “, and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to visas made available in any fiscal year beginning on or after October 1, 2000.

**SOCIAL SECURITY NUMBER CONFIDENTIALITY ACT OF 2000**

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3218, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3218) to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. 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 (H.R. 3218) was read the third time and passed.

**PARLIAMENTARY ELECTIONS IN BELARUS**

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 153 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 153) expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Con. Res. 153) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 153

Whereas on October 15, 2000, Aleksandr Lukashenko and his authoritarian regime conducted an illegitimate and undemocratic parliamentary election in an effort to further strengthen the power and control his authoritarian regime exercises over the people of the Republic of Belarus;

Whereas during the time preceding this election the regime of Aleksandr Lukashenko attempted to intimidate the democratic opposition by beating, harassing, arresting, and sentencing its members for supporting a boycott of the October 15 election even though Belarus does not contain a legal ban on efforts to boycott elections;

Whereas the democratic opposition in Belarus was denied fair and equal access to state-controlled television and radio and was instead slandered by the state-controlled media;

Whereas on September 13, 2000, Belarusian police seized 100,000 copies of a special edition of the Belarusian Free Trade Union newspaper, *Rabochy*, dedicated to the democratic opposition’s efforts to promote a boycott of the October 15 election;

Whereas Aleksandr Lukashenko and his regime denied the democratic opposition in Belarus seats on the Central Election Commission, thereby violating his own pledge to provide the democratic opposition a role in this Commission;

Whereas Aleksandr Lukashenko and his regime denied the vast majority of inde-

pendent candidates opposed to his regime the right to register as candidates in this election;

Whereas Aleksandr Lukashenko and his regime dismissed recommendations presented by the Organization for Security and Cooperation in Europe (OSCE) for making the election law in Belarus consistent with OSCE standards;

Whereas in Grodno, police loyal to Aleksandr Lukashenko summoned voters to participate in this illegitimate election for parliament;

Whereas the last genuinely free and fair parliamentary election in Belarus took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been undercut by the authoritarian regime of Aleksandr Lukashenko; and

Whereas on October 11, the Lukashenko regime froze the bank accounts and seized the equipment of the independent publishing company, *Magic*, where most of the independent newspapers in Minsk are published: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. SENSE OF CONGRESS ON BELARUS PARLIAMENTARY ELECTIONS.**

Congress hereby—

(1) declares that—

(A) the period preceding the elections held in Belarus held on October 15, 2000, was plagued by continued human rights abuses and a climate of fear for which the regime of Aleksandr Lukashenko is responsible;

(B) these elections were conducted in the absence of a democratic electoral law;

(C) the Lukashenko regime purposely denied the democratic opposition access to state-controlled media; and

(D) these elections were for seats in a parliament that lacks real constitutional power and democratic legitimacy;

(2) declares its support for the Belarus’ democratic opposition, commends the efforts of the opposition to boycott these illegitimate parliamentary elections, and expresses the hopes of Congress that the citizens of Belarus will soon benefit from true freedom and democracy;

(3) reaffirms its recognition of the 13th Supreme Soviet as the sole and democratically and constitutionally legitimate legislative body of Belarus; and

(4) notes that, as the legitimate parliament of Belarus, the 13th Supreme Soviet should continue to represent Belarus in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

**SEC. 2. SENSE OF CONGRESS ON DISAPPEARANCES OF INDIVIDUALS AND POLITICAL DETENTIONS IN BELARUS.**

It is the sense of Congress that the President should call upon Aleksandr Lukashenko and his regime to—

(1) provide a full accounting of the disappearances of individuals in that country, including the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky; and

(2) release Vladimir Kudinov, Andrei Klimov, and all others imprisoned in Belarus for their political views.

**SEC. 3. TRANSMITTAL OF RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to the President.

**JAMES GUELFF BODY ARMOR ACT OF 2000**

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 733, S. 783, by Senator DIANNE FEINSTEIN.



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

The assistant legislative clerk read as follows:

A bill (S. 783) to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "James Guelff Body Armor Act of 2000".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **BODY ARMOR.**—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

#### SEC. 4. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) **SENTENCING ENHANCEMENT.**—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) **APPLICABILITY.**—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

#### SEC. 5. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) **DEFINITION OF BODY ARMOR.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment."

(b) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

#### "§931. Prohibition on purchase, ownership, or possession of body armor by violent felons

"(a) **IN GENERAL.**—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) **AFFIRMATIVE DEFENSE.**—

"(1) **IN GENERAL.**—It shall be an affirmative defense under this section that—

"(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

"(B) the use and possession by the defendant were limited to the course of such performance.

"(2) **EMPLOYER.**—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business."

(2) **CLERICAL AMENDMENT.**—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons."

(c) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both."

#### SEC. 6. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) **DEFINITIONS.**—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) **DONATION OF BODY ARMOR.**—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate

body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) **NOTICE TO ADMINISTRATOR.**—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) **DONATION BY CERTAIN OFFICERS.**—

(1) **DEPARTMENT OF JUSTICE.**—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) **DEPARTMENT OF THE TREASURY.**—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

(e) **NO LIABILITY.**—Notwithstanding any other provision of law, the United States shall not be liable for any harm occurring in connection with the use or misuse of any body armor donated under this section.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be considered read the 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 783), as amended, was read the third time and passed.

#### CELEBRATING THE BIRTH OF JAMES MADISON AND HIS CONTRIBUTIONS TO THE NATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 396.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 396) celebrating the birth of James Madison and his contributions to the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.



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

The resolution (H. Con. Res. 396) was agreed to.

The preamble was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO RETIRING COLLEAGUES

Mr. DODD. Mr. President, I will take a few minutes this evening to talk about a person who is a colleague in the sense that I have worked with him for 25 years in my office in Connecticut. He has recently retired. I will also discuss three colleagues here in the U.S. Senate who have announced their retirement. As we, hopefully, arrive at the closing of this session, I want to take a couple of moments to share my thoughts about these three colleagues. I will speak about two other colleagues tomorrow or the next day, if I can, so as not to consume too much time this evening because colleagues may want to be heard on other matters.

#### TRIBUTE TO STANLEY ISRAELITE

Mr. DODD. First, I want to pay tribute to a man that has literally been like a father, brother, and uncle to me, and a close confidant for a quarter of a century. I affectionately call him "the coach." Stanley Israelite has been with me in my office from the very first day in January of 1975 when I was sworn into the House of Representatives, until just months ago when, at age 75, he retired from the service of the U.S. Senate and service to me as a Member of the House and the Senate.

There are many words to describe Stanley Israelite and the many roles in my life and the lives of countless others in Connecticut and the country that he has served as a friend, counselor, trusted advisor, and faithful public servant. While these words can describe what he has been, there are really no words to describe what he has meant, particularly to me and to literally hundreds of others who have been blessed to know him and have been affected by the work he has performed on their behalf. It is equally the case that there are no words to express my true feelings of deep gratitude for Stanley's service and my personal sadness that he is retiring from the U.S. Senate.

Mr. President, in a recent edition of the New London Day, a local paper in Connecticut, the headline read "Israelite Enjoys Retirement for Day, Then Joins NCDC"—the Norwich Com-

munity Development Corporation. That one headline fairly well sums up Stanley's remarkable life of service. For almost 75 years, he has led a life of tireless devotion to the things that endure in this life: faith, family, compassion for the less fortunate, integrity, and great humility.

While many think of him as a quintessential public servant, Stanley Israelite's roots actually lie in the world of small business. His first occupation, after serving in the U.S. military, was helping to run his father's jewelry store in Norwich, Connecticut. He would later serve as an officer of the Norwich Chamber of Commerce and then became director of it. In fact, he was director when he joined me as a freshman member of the House. Subsequently, he was elected as a member of the City Council in his beloved hometown of Norwich, Connecticut, and was chosen to serve as commissioner to the Norwich Department of Public Utilities.

In his "spare time," he was corporator of the William W. Backus Hospital in Norwich, the former Norwich Savings Society, and the Norwich Free Academy, one of the oldest, if not the oldest, public high schools in America.

In the 1970s, he served as head of the Norwich Community Development Corporation. In that role, he oversaw the establishment of the Norwich Industrial Park. I know a lot of industrial parks built today are rather commonplace, but this was one of the first and one of the most unique in the State of Connecticut and across the country. This facility embodies Stanley's vision of a thriving economic community in southeastern Connecticut, and he created it while maintaining the wonderful topography and environmental integrity of that part of the city of Norwich.

It represents, in many ways—in stone, metal, glass, and the environment that surrounds it—the deep commitment of this remarkable man to make life better for those around him. As one former State Senator recently said of Stanley's work on the Norwich Industrial Park, "It's high time we name the park after him." I second that thought.

For the past 25 years, I have had the great privilege of knowing Stanley as a member of my staff. He served as my State director and senior advisor for a quarter century. But what truly distinguished Stanley was not the title that he held in my office, but his rock-solid sense of purpose. Stanley was with me on the very first day that I was sworn in as a new Member of Congress. Every single day, 7 days a week, I had at least one conversation with Stanley Israelite. I never made an important decision—very few decisions at all—without discussing them with Stanley and getting his solid advice as to how we ought to proceed. Early in my very first term, I remember being out with Stanley for dinner one night. In talking about the job and how the job

ought to be done, he listened to me patiently, as he oftentimes did, go on at some length about the work and the projects we wanted to be involved in, the major issues affecting Electric Boat and all these important institutions in my congressional district. After I went on for some time, I turned to Stanley and asked him what he thought. I can almost hear him exactly. He said, "I am going to tell you one thing about this job." He paused and he just said, "Never forget the people."

With those words, Stanley Israelite embarked on a 25-year career with me, on a path and a journey that has been a joy every single day. I am constantly reminded by Stanley and by his words and deeds that our job is to never forget the people. For 25 years, he has been a champion of those who too often are ignored, the underdogs, the ill, the elderly, the frail—those who didn't have anybody to speak for them. For Stanley, every person does count. No matter is too small for his attention. For him, a constituent's problem became his problem. Words like "I can't help you," "try another office," "later," or "no," simply were not in Stanley's vocabulary.

In November of 1995, U.S. News and World Report published what they call their "Portraits of 12 Indispensable Americans." I am proud to tell you today that one of those 12 indispensable Americans was the man I speak about this evening, Stanley Israelite.

I ask unanimous consent that that profile of Stanley Israelite contained in the publication of U.S. News and World Report be printed in the RECORD.

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

#### THE SENATOR'S AIDE—HOUNDING THE BUREAUCRATS

(By James Popkin)

Lots of people's problems with their government aren't ideological, they're logistical. That's why many rely on the congressional aides like Stanley Israelite to help them fight their battles with government agencies.

At 70, Stanley Israelite is fighting a crusade to prove the cynics wrong. Since 1975, when the gravely voiced former Brooklynite first went to work for then Rep. Christopher Dodd (now a senator), Israelite has helped thousands of Connecticut citizens replace lost passports, track down late tax refunds, ship dearly departed to grieving families overseas and even bail the occasional misbehaving Connecticut teenager out of Mexican jails.

All successful members of Congress have staffers like Israelite who can goose reluctant bureaucrats into action. Although Dodd happens to be a Democrat, effective constituent service is a congressional specialty that cuts across political lines. It's first and foremost a matter of good politics: Good service results in happy voters. But what distinguishes Israelite is his gusto for the job. And his not-so-artful technique. "When I call an agency because somebody is waiting for her Social Security check or a guy is waiting for an FHA loan and the agency gives me some song and dance, I try to let them know I'm not gonna take any of their crap," he

says. "At times, I tell them I've discussed this problem with the senator. Sometimes, it isn't true."

A former jewelry store owner and Chamber of Commerce honcho from Norwich, Conn., Israelite is Dodd's pipeline to many of the state's small-business owners. Harry Jackson, a life-long Republican who is the City Council president in Norwich, recalls how difficult it was to get a meeting with officials from the Environmental Protection Agency when the city wanted to build a new firehouse on federal land. "Stan got us in there after just one phone call," says Jackson, who ultimately built the firehouse.

"Things happened." Don Daren says Israelite was a life-saver in 1981, when a state-based paper distributor was trying to secure a \$900,000 umbrella loan from the Connecticut Development Authority. Daren, who owns the Arrow Paper Supply & Food Co., says it was going to take forever for the CDA to process his loan papers so he could buy a new warehouse. "Stanley told them [CDA officials] my problem, and things happened right away," says Daren, whose business has grown from 36 workers then to nearly 200 today. "He has his own constituency. People like Stanley."

Ideally, says veteran Hartford Courant political columnist Don Noel, senators like Dodd would use their clout on Capitol Hill to fix bureaucracies and make them more consumer friendly—eliminating the need for taxpayer-financed ombudsmen like Israelite. But since that goal seems unattainable, Noel figures that Israelite plays a vital role. "If you have something you need the senator to do for you, if anyone can do it, Stanley can," he says.

Israelite admits that he is motivated by a desire to help re-elect Dodd. But he adds: "Part of what drives me is knowing that there's someplace where somebody can go when they are not getting anywhere."

One of the great honors of my life has been to have Stanley by my side during very important moments—almost every important moment in the past 25 years. Many times when I received the applause as the elected official, the Congressman or the Senator, I knew the person who truly deserved the applause was Stan Israelite.

No tribute to Stanley would be complete without mentioning his wonderful family: his beloved and recently departed wife Pauline, who was as great and close a friend as Stanley; his son Michael and daughter-in-law Donna; his son John; his daughter Abby and son-in-law Bill Dolliver; his daughter Mindy and son-in-law Bill Wilkie; his siblings; and, not least, six wonderful grandchildren. To them I extend my heartfelt gratitude for sharing this remarkable man with me and so many others for a quarter century.

There are few words to describe Stanley that would adequately describe what he has done. No words will describe what he meant to countless individuals. For me, there is sadness that he has retired from my office in the Senate, but there is great comfort in knowing he will continue to work on behalf of the people of our State and his community, and will continue to be a close friend and incredibly important part of my life. So today, there is no need for goodbyes but only these words: Thank you, Coach.

When he departed, he said, "I am leaving the Senate, but not CHRIS

DODD." I can say this to Stanley: You may have left my office, but you will never be very far away when I need you for that sound counsel and good advice you gave me for a quarter century. I thank this wonderful man for his service to me, to our State, and to the country.

#### TRIBUTE TO RETIRING SENATORS

Mr. DODD. Mr. President, I want to talk about three colleagues that are retiring. There are five, actually, but I will get to them later. I don't want to do it all at once tonight. I will speak about three of them: Senators RICHARD BRYAN, BOB KERREY, and FRANK LAUTENBERG. Later I will talk about CONNIE MACK and Senator PAT MOYNIHAN, who have also made decisions to retire from the Senate. They will be casting their last votes as Members of the Senate in the next three days. I want to take a few minutes in these remaining hours to pay tribute to these three individuals who will be leaving the Congress at the end of this session.

All three of these individuals have served with great distinction in this body. All have made a mark on our Nation for which this country will be grateful for generations to come. All will be missed by those of us who will remain in this body, not to mention by the people of their respective States and people across this country.

Let me first speak, if I may, about my good friend DICK BRYAN of Nevada. Few, if any, of our colleagues have come to this institution having already achieved as much distinction in public service as DICK BRYAN.

Long before he set foot on the floor of this U.S. Senate, he had accomplished a great deal for the people of his beloved State of Nevada. He is the first person in the history of that State to have served as Attorney General, Governor, and then U.S. Senator.

Senator BRYAN did not come to the Senate to sit on passed laurels and achievements. He did what he has done in every position of public trust he has ever held, even going back to his term as the president of his eighth great class at Park Elementary School; he went to work on behalf of the people he was elected to represent.

He went to work for consumers. As the former chairman of the Consumer Affairs Subcommittee of the Commerce Committee, Senator BRYAN successfully fought to have airbags installed in all automobiles sold in the United States. Some viewed this as a highly risky cause to champion as a politician—promoting airbags. It is thought that a Senator should avoid at all costs having his or her name associated with something like airbags.

But Senator BRYAN was not deterred. And today, thanks to him, hundreds of lives are saved every year by a feature that is now standard issue in American automobiles. Every day, when tens of millions of Americans drive to work, school, or the store, they can thank

DICK BRYAN for making sure that their trip will be a safer one than it otherwise would have been.

Senator BRYAN also worked with a large coalition of children's advocates to enact new protections for Internet privacy. He led the fight to strengthen the laws governing the credit reporting industry, which is so crucial to the ability of virtually every American to obtain a home, a car, and a loan for any other modern necessity. And he took the lead in crafting legislation to reduce telemarketing fraud, which preys on so many elderly and other vulnerable citizens.

Aside from his record as a consumer advocate, DICK BRYAN is perhaps best known for his work on behalf of his state and its residents. We are all familiar with the tenacity with which he and his colleague Senator REID have worked to prevent the Nevada Test Site at Yucca Mountain from being designated as an interim storage facility for the nation's nuclear waste. I have myself known the unique pleasure of being visited by Senator BRYAN and Senator REID about this matter.

I have also admired Senator BRYAN's efforts to protect Nevada's lands, particularly in the southern part of the state. Because of his efforts, all proceeds from the sale of lands in that part of the state must be spent within the state. That's a plan that no other state enjoys, and it is a tribute to DICK BRYAN's legislative skills.

I would be remiss if I failed to mention the important work that Senator BRYAN has performed as a member of the Senate Ethics Committee and the Senate Select Committee on Intelligence.

These are important and sensitive committees on which to serve. It is a reflection of the high esteem in which he is held by his colleagues that he served on these committees—and did so, I might add, with discretion and with distinction.

In sum, Mr. President, RICHARD BRYAN has spent his two terms in the Senate working hard and working effectively—for consumers, for his constituents, for a stronger intelligence-gathering function by the United States, and for a stronger United States Senate. He has been an outstanding leader and a good friend. We wish him, his wife Bonnie, their children and grandchildren well as they begin the next phase of their life together.

#### TRIBUTE TO SENATOR KERREY

Mr. DODD. Mr. President, in a few short days, Senator KERREY will also be among our five colleagues bringing to an end their tenure in here in the Senate. I think all of us understand his decision and respect it, but I think we regret it.

Like Senator BRYAN, Senator KERREY is a former governor of his state. Like him, he has served in the Senate for two terms. And like Senator

BRYAN, Senator KERREY has left a lasting mark on this institution, on his state, and on our country.

The outlines of this remarkable man's resume are known to many of us. BOB KERREY served with distinction in the Navy, and today is the only Member of Congress to have earned a Medal of Honor for his heroism in combat duty during the Vietnam war. He became a successful businessman in Omaha.

He was elected Governor of Nebraska in 1982. It was a time when few Democrats were running for—much less winning—state-wide offices, particularly in his part of the country. And it was a time when our entire country was mired in a recession, particularly in Nebraska and other farm states, which were suffering through the worst economic conditions since the Great Depression.

As Governor, BOB KERREY met the challenge of eliminating a serious budget deficit. In fact, he balanced his state's budget every year, helping to turn that deficit into a surplus. He also initiated innovative reforms in welfare, education, job training, and environmental protection.

In the opinion of his constituents and many others, BOB KERREY was proving himself to be an outstanding public servant. He established himself as someone willing to make tough decisions.

He showed that he has an ability to see "around the corner" and think "outside the box" by initiating thoughtful, creative, and effective policies for the benefit of the people of his beloved state of Nebraska.

But it can be said that public service has always needed BOB KERREY more than BOB KERREY has needed public service. He has never been one to assume that his gifts of leadership and his curiosity about life's meaning and purpose can only be satisfied by holding elected office. Despite his impressive record as Governor, and despite his strong public approval ratings, he declined to run for re-election and took leave of public life. He headed to southern California, where he taught a course on the Vietnam war to college students—readily admitting that one of the chief reasons for accepting that position was to wait out the worst months of the Nebraska winter on a warm beach.

Two years later, the people of Nebraska sent him to the United States Senate—to the good fortune not only of his constituents, but of his new colleagues and the American people. As a member of the Finance Committee, Agriculture Committee, Appropriations Committee, and Select Committee on Intelligence, he worked diligently to strengthen family farmers, small businesses, and our nation's vital intelligence-gathering agencies.

He also dedicated himself to perhaps the most important and intractable domestic policy question facing our nation: entitlement reform. He chaired

the Bipartisan Commission on Entitlement and Tax Reform—which has produced what many regard as the definitive analysis of the entitlement system. He served on the National Commission on the Future of Medicare, proposing thoughtful ideas for health care reform. He also co-chaired the National Commission on Restructuring the Internal Revenue Service, where he developed some of the most sweeping reforms of IRS operations ever instituted.

Not all of Senator KERREY's ideas on entitlement reform have been adopted or even embraced. But each and every one of them has merited the careful consideration of our colleagues and of the country as a whole.

That in itself is the great tribute to the work of this fine Senator.

Like a sentry on the watch, his words of caution and warning will reverberate through the Halls of Congress long after his departure. He has persistently shone a light on the looming and inescapable demographic fact that retirees are growing in numbers that will soon overwhelm our present ability to sustain them under the umbrella of Social Security and Medicare.

He has done so not with the shrill self-righteousness that some bring to a cause about which they feel great passion. He has done so with conviction, humor, and humility. For his words of warning, and for the way in which he has uttered them, this body and our nation owe him a debt of gratitude.

Now he prepares to move on to academia, where he will become president of New School University in New York City. I come from a family of educators, and when BOB told me of his decision, my first reaction was: are you sure that you want to do this? If you think sitting through a markup or a hearing can be tedious, just wait until that first faculty meeting. And wait until you get a visit from an orange-haired undergraduate seeking special credit for his graffiti art. That will put your patience and problem-solving skills to the test.

But BOB will not be deterred. And I suspect that, as he has done throughout his career, he will shape his office and place more than it will shape him. He will bring his rare gifts of leadership to the higher education students and faculty with whom he will come in touch. I know I am joined by all of my colleagues in wishing him well, and I look forward to many more years of his friendship and his leadership. I don't believe America is through with BOB KERREY yet.

#### TRIBUTE TO SENATOR LAUTENBERG

Mr. DODD. Mr. President, I rise to pay tribute to another of our retiring colleagues, Senator LAUTENBERG.

FRANK LAUTENBERG is a remarkable man in a great many respects. He has lived the American dream, and devoted his life in public service to making the

American dream alive and available to each and every American—regardless of race, creed, or station in life. He has made a lasting and indelible mark on the laws of our nation—and in the process made our nation a better place for all.

The son of immigrants, FRANK was born in Paterson, New Jersey. His family moved some twelve times during his boyhood in search of work. His father spent most of his time laboring in the silk mills of Paterson.

FRANK served in World War Two in the European theater. He attended Columbia University on the G.I. bill. After graduating from Columbia, he and two boyhood friends began a business. As chairman and CEO, it grew to become one of the largest computer services companies in the world.

FRANK became a very successful man financially. The time came when he decided to give something back to the country that had given him and his family so very much. For the past 18 years in the Senate, that is exactly what FRANK LAUTENBERG has done.

FRANK is one of those rare people who rises to a high place in life and never forgets where he came from. He did not pull up the ladder of opportunity once he had climbed it. He fought to keep it in place and make it stronger for those who came after him. He has always, I think, seen a bit of himself in the faces of the children and working people whom he has served.

It so happens that one of America's finest poets, William Carlos Williams also called Paterson, NJ his home. Williams was a doctor. He made house calls, carrying his black medical bag up and down the stairs of Paterson's tenements. He wrote poems at night, or scratched them out during brief intervals of his busy days tending to the sick and scared. He wrote once that there are "No ideas but in things". FRANK LAUTENBERG must intuitively grasp the meaning of Williams poetry. For him, the noble ideas that have motivated his public service have taken shape in the things he had done—in the resources he has brought home to the people of his state, and in the laws he has written on behalf of all Americans.

In his eighteen years as a United States Senator, FRANK LAUTENBERG has amassed a remarkable record of public achievement. There are few areas of environmental, transportation, budget, and anti-crime policy that have not benefited from his careful mind and strong hand.

On the environment, FRANK helped write landmark legislation to cleanse our air, provide safer drinking water, and clean up more toxic waste sites. He authored measure to make America's beaches cleaner, and to ban the ocean dumping of sewage.

He has shaped our nation's transportation policy. FRANK understands as few others do that our nation can only grow and prosper to the degree that it is able to move people, goods, and services safely and efficiently. Along with

Senator MOYNIHAN and others, his leadership has been instrumental in ensuring some modicum of balance in our funding for mass transit as opposed to roads and highways. He has been a leader in the ongoing effort to support Amtrak and the important cause of commuter and intercity passenger rail service, which can do so much to reduce traffic congestion and keep our air clean.

And no one has done more to promote transportation safety, on the road as well as in the air. FRANK LAUTENBERG authored the law to establish 21 as the legal drinking age, and to ban smoking on airplanes. And he is responsible more than anyone else for the landmark provision in this year's transportation appropriations bill lowering the legal standard for intoxication to .08 percent blood alcohol content. The drinking age law alone has saved an estimated 12,000 lives since its enactment in 1984. It's estimated that his ".08" measure will save an additional 600 lives each year in this country.

FRANK LAUTENBERG also understood that we must do more to protect law-abiding citizens from the scourge of gun violence. He authored the bill to close the gun-show loophole. He has fought for child-proof handguns. And his support for measures like the Brady bill was instrumental in bringing about a nationwide reduction in gun violence over the past 7 years.

Lastly, as ranking member of the Budget Committee, FRANK has played a valuable role in bringing about an end to budget deficits and putting our nation on the path to paying off our national debt. He has also worked to strengthen the solvency of Medicare and Social Security.

I said a while ago that FRANK LAUTENBERG proved to be a very successful businessman. He accumulated great financial wealth. No one would have faulted him if he just retired, having made that achievement and contribution for the private sector.

I think all of us, regardless of party and political persuasion, admire people who want to give something back and who are willing to jump into this arena of public life, running the risks that we all do when we place our name on ballots all cross this country. The fact that FRANK LAUTENBERG decided at the end of his private life to become a public citizen and make a significant contribution to his country stands as a wonderful model for others who have done well to follow and when they want to give something back.

Not everyone runs for public office, nor should they, but there are ways in which people can make contributions every day to improve the quality of life for people. FRANK LAUTENBERG is a living embodiment of that concept and that principle.

The colleagues I have talked about, the wonderful colleagues who have served so admirably and so well, DICK BRYAN, BOB KERREY, FRANK LAUTEN-

BERG, and my friend, Stan Israelite, are examples of public servants who I will miss terribly every day. These are good Americans who have made a difference in the lives of all of us as citizens in this country.

I will find time to talk about my good friends, CONNIE MACK and PAT MOYNIHAN, but I see my colleagues on the floor. I thank them for their indulgence. I talked a little longer than I anticipated. I thank the Senators for their patience.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Oklahoma.

#### CONSULTING ON U.S.S. "COLE" ACTION

Mr. INHOFE. Mr. President, many on the Senate Armed Services Committee have been quite distressed over some of the uncertainties, some of the things that happened in conjunction with the tragedy of the U.S.S. *Cole*. Even though it is a delicate thing to talk about, there are people still around who believe that the President took some actions, such as sending the cruise missiles into Afghanistan and the cruise missiles into Sudan, without consultation with the Joint Chiefs of Staff, without consultation with the Intelligence Committee, the Senate Armed Services Committee, the House Armed Services Committee, something that was done and nobody knew it was going to happen. There are a lot of people who believe that might have been politically motivated.

I think it is very appropriate tonight to urge the President that if something should happen that we would have to take some kind of action in the next few days, in that there are only 13 days until a national election, make sure there are no suspicions out there. I want to get on record urging the President to work closely on any proposed action that could take place as a result of the U.S.S. *Cole* tragedy, to work closely on the matter, in full consultation with all members of the Joint Chiefs of Staff, with the top service commanders in chief, as well as the members of both the Senate Armed Services Committee, the House Armed Services Committee, and the Intelligence Committees. By doing this, we could preclude any types of suspicions, allowing us to participate in what would have to be a major decision.

The PRESIDING OFFICER. The Senator from Ohio.

#### FISCAL DISCIPLINE

Mr. VOINOVICH. Mr. President, one of the main reasons I ran for the Senate was to bring fiscal discipline to Washington. As the 106th Congress winds down this week, I look back with mixed feelings at the actions that have been taken over the last 2 years toward bringing our financial house in order. While for the first time we are not

spending the Social Security surplus or the Medicare Part A surplus, I believe we could have done a much better job in reining in Federal spending.

Indeed, one fact that does not seem to draw too much attention is the fact that Washington increased overall non-defense domestic discretionary spending in fiscal year 2000 to \$328 billion. That is a 9.3-percent boost over the previous fiscal year, and the largest single-year increase in nondefense discretionary spending since 1980. And I fear we will have another big increase in fiscal year 2001.

However, there is actually some good news to celebrate since the beginning of this Congress. As my colleagues may recall, President Clinton said in his State of the Union Address in 1999 that he wanted to save 62 percent of the surplus and spend the other 38 percent. Well, at the time, the entire surplus was the Social Security surplus.

It was Members on this side of the aisle in both the House and the Senate who exposed the President's plan as just another spending gimmick. We were also the ones who got busy advocating and fighting for a lockbox for Social Security and Medicare. For all intents and purposes, we were successful in fiscal year 2000 in doing so, and we will do the same in fiscal year 2001.

Now the Vice President is out there on the campaign trail bending the truth and taking credit for lockboxing Social Security and Medicare. Everyone should be aware that it was the Clinton-Gore administration that sent a veto threat to the Senate regarding the Social Security lockbox amendment that the Senate considered in April of 1999.

Let me recite the direct quote from the veto threat:

If the Abraham-Domenici amendment or similar legislation is passed by the Congress, the President's senior advisors will recommend to the President that he will veto this bill.

I suspect that senior advisors would include the Vice President.

Although Congress has agreed by consensus not to use the Social Security and Medicare surplus for more spending, Congress still has not been able to pass lockbox legislation. I am fearful, if things get tight in the future and we have a blip in the economy, Congress will revert to its old ways. So I am hoping next year that on a bipartisan basis we can pass lockbox legislation for the Social Security and Medicare surplus.

Probably the best news from fiscal year 2000 is that despite all the supplemental spending we did this past summer, we still achieved an \$87 billion on-budget surplus in fiscal year 2000. That is a lot more than the \$1 billion on-budget surplus we had at the end of fiscal year 1999. Without question, though, the American people are responsible for this surplus, and their success continues to generate better than expected revenues. However, Congress would have spent considerably

more money, had it not been for a handful of us in the House and Senate who were willing to take the heat for condemning massive spending increases and budget gimmickry. Because this \$87 billion on-budget surplus had not been spent, and not used for tax cuts, it is going to go to reduce the national debt.

In my view and in the view of many experts, using our on-budget surplus to pay down the national debt is the best way to ensure fiscal discipline and continue our economic prosperity. We need to continue that economic prosperity if we are going to deal with the problems of Social Security and Medicare in the future. We cannot be lulled by the booming economy and the fact that we have been able to utilize the \$87 billion fiscal year 2000 on-budget surplus for debt reduction.

In addition, the way things are going right now in Washington, we may not even see a fiscal year 2001 on-budget surplus. That is because the projected \$102 billion surplus is evaporating very quickly. With all the years of experience that I have had in public service, I have to say that I have never seen anything more fiscally irresponsible than the spending spree I have seen occur in Washington this year—but, in particular, these past weeks. The lack of willingness on the part of Congress to make the hard choices and restrain the urge to bring home the bacon is blowing a hole in the fiscal year 2001 surplus and a gigantic hole in the projected 10-year budget surplus.

I think back to 1997 when Congress passed the Balanced Budget Act, helping to put an end to the era of annual deficits. The Balanced Budget Act set spending targets for each fiscal year and was meant to teach Congress to prioritize its spending choices. Under the Balanced Budget Act, if Congress wanted to spend money, it had to find an offset to cover the additional spending. Fair enough, and it worked. It helped to balance the budget.

Today, with the surplus we have achieved and the surplus that everyone thinks we are going to have in the future, the discipline is gone. It is just an out-of-control feeding frenzy. Add the fact that the normal legislative process has gone out the window, and we are in a free fall. Right now, only a handful of individuals—the President and my colleagues who are on the Appropriations Committee—are making the decisions that will impact how much the Federal Government spends for the coming fiscal year. Once the decisions are made, they are packaged together, sent to the floor of the Senate and the House, and voted on: No debate, no amendments. In some circumstances, Members have not even seen the bills they are voting on.

Basically, it is a take-it-or-leave-it attitude. Since these bills contain the bacon, most Members go along and simply vote for them. For those Members who do, they will run home, bragging about how they got this or that

for their districts or for their State, failing to understand that their constituents know there is no such thing as a free lunch. Make no mistake, the American people will fast appreciate the spending spectacle that is going on here in Congress. If you think they were mad in 1998 when Congress went on a similar spree—and I remember that because I was campaigning for the Senate in 1998 and I caught all kinds of flak from people because of what Congress had done—wait until they get wind of what is happening right now. And they will. We will definitely feel their wrath. But more important, we will experience their disappointment in letting them down.

This Senator is not going along with the “pork-a-thon.” I have voted against most of the appropriations bills that have come before the Senate, not because I am opposed to the Federal Government spending money on what is necessary, but because Congress has been unwilling to prioritize spending and unwilling to make the hard choices within the framework of the 2001 budget resolution.

In case my colleagues are not aware, let me explain briefly how big the increases are in the various appropriations bills.

The fiscal year 2001 Interior appropriations bill spends \$18.8 billion, a 26-percent increase over fiscal year 2000; the Transportation appropriations bill, spends \$16.8 billion in discretionary spending, a 23-percent increase over fiscal year 2000; the VA-HUD appropriations bill spends \$82.5 billion, a 14-percent increase; the Treasury-Postal appropriations bill spends \$15.6 billion, a 13-percent increase; the Energy and Water appropriations bill spends \$24 billion, a 12-percent increase; the Agriculture appropriations bill spends \$15 billion in discretionary spending, an 8-percent increase, and that is not including agriculture emergency spending.

For fiscal year 1999 to fiscal year 2001, nearly \$23.25 billion in agriculture emergency spending has been provided by the Government—\$23.25 billion in emergency spending. That is more than double the approximately \$10.75 billion in emergency spending for the entire 10 year period before. In other words, in 3 years, we have doubled the emergency spending for agriculture over what we spent in the 10 previous fiscal years.

In April, the Senate spent over 50 hours debating and amending a budget resolution for fiscal year 2001. An agreement was reached on an overall spending amount of \$600.3 billion in budget authority. I worked with Senators like PHIL GRAMM to add new points of order to bring more discipline to the process. But in light of recent events, I wonder what was the 50 hours of effort over? I find myself asking, Why should we have a budget resolution if we are just going to ignore it? Why even have a budget process if we are just going to operate as if the rules did not exist? Congress and the White

House are spending money like drunken sailors, and we need to get on the wagon before it is too late and we spend it all.

CBO's projections over the next 10 years estimate that Federal spending will grow with the rate of inflation, but this does not reflect reality. In fiscal year 2000 alone, we increased discretionary spending by 8.3 percent, a rate much higher than the actual inflation rate. When you compare that with the spending increases of 14 percent, 23 percent, and 26 percent in just fiscal year 2001 alone, then you can see the kind of trouble we are getting ourselves into.

Add up all the numbers, include the appropriations bills that have passed and those that are anticipated to pass; include as much as \$265 billion worth of tax reductions for the next 10 years; and, of course, we cannot forget there are going to be additional interest costs that will be generated by Congress simultaneously increasing spending and lowering taxes. Just add it all up. When you do, you will find that Congress and the Clinton-Gore administration will have reduced the 10-year projected budget surplus by more than \$600 billion. In a worst case scenario, the Concord Coalition estimates that Congress' accelerated pace of spending could wipe out up to \$1.46 trillion of the non-Social Security surplus projected for the next 10 years—over a trillion dollars is what they project. What a terrible thing we are doing to the next administration and to the citizens of this Nation.

After the 106th Congress' drunken spending spree is over, the American people and the future President will be waking up to a tremendous hangover.

#### FISHERMEN'S PROTECTIVE ACT OF 1967 AMENDMENTS

Mr. VOINOVICH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (H.R. 1651).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1651) entitled “An Act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes”, with the following amendment:

Page 1, line 4, strike “**SEC. 401. USE OF AIRCRAFT PROHIBITED.**” and all that follows through “**SEC. 402.**” and insert “**SEC. 401.**”.

Mr. VOINOVICH. I ask unanimous consent the Senate agree to the amendment of the House.

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

ORDERS FOR THURSDAY, OCTOBER 26, 2000

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, October 26. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and it will be the intention of the leader to begin consideration of the Older Americans Act, hopefully under an agreement. I further ask consent that at 11 o'clock there be a period of morning business until 12 noon, with the time equally divided between Senators BRYAN and DOMENICI, and that Senator BRYAN be in control of the first half of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### PROGRAM

Mr. VOINOVICH. For the information of all Senators, the Senate will hopefully begin debate on the Older Americans Act at 9:30 a.m. At 11 a.m., the Senate will be in a period of morning business for 1 hour and then resume consideration of the Older Americans Act. The House is expected to consider the conference report to accompany the District of Columbia appropriations bill, which also contains the Commerce-Justice-State appropriations language, the Labor-HHS appropriations conference report, and the tax bill during tomorrow morning's session. It is hoped that the Senate can begin consideration of those bills as they are received from the House. Therefore, votes are expected in the afternoon on these bills, as well as a vote on a continuing resolution.

#### ORDER FOR RECESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator REID from Nevada, who has been very patient. I thank Senator REID and the Chair very much for their patience this evening.

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

Mr. REID. Mr. President, it is my understanding we are to begin at 9:30 tomorrow. I ask unanimous consent that following the prayer and the Pledge of Allegiance, the Senator from Nevada be recognized for a half-hour tomorrow morning as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. VOINOVICH. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I withdraw the request, Mr. President.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Ohio has completed his work for the night.

The Senator from Ohio has finished for tonight?

Mr. VOINOVICH. Yes.

#### ISSUES BEFORE THE AMERICAN PEOPLE AND GOVERNOR BUSH

Mr. REID. Mr. President, we have an interesting number of issues before this body. We have talked on various occasions, not the least of which has been today, about what we have not done: A real Patients' Bill of Rights; a prescription drug coverage through Medicare; a minimum wage increase; tax-deductibility for college-level education, including lifelong learning; education funds to modernize our schools, to have afterschool programs, to have more teachers; commonsense gun safety legislation; long-term tax credits for families caring for elderly parents; and affordable housing. These issues—any one of them—could have been completed with the intercession of the Governor of Texas who is running for President.

The campaign, that will be completed in 12 or 13 days, is a campaign of ideas. What I would like to do tonight is spread across the RECORD of this Senate some of the ideas of George W. Bush, the Governor of the State of Texas. I say this because I think we should understand there are a number of policies that are being advocated by the Vice President and by the Governor of Texas.

So what I want to do today is quote verbatim, statements that have been made by George W. Bush. I will not be able to complete all of his statements tonight, but I am going to spend some time reading direct quotes of George W. Bush. Maybe I will return tomorrow or the day after to complete the statements of the Governor of the State of Texas.

The first quote comes from October 23, 2000. That was last Monday. Here is the direct quote:

I don't want nations feeling like that they can bully ourselves and our allies. I want to have a ballistic defense system so that we can make the world more peaceful, and at the same time I want to reduce our own nuclear capacities to the level commiserate with keeping the peace.

October 18, 2000, another direct quote:

Families is where our nation finds hope, where wings take dream.

He also said, on that same occasion, in LaCrosse, WI:

If I'm the president, we're going to have emergency-room care, we're going to have gag orders.

He also said, and I quote:

Drug therapies are replacing a lot of medicines as we used to know it.

Another direct quote:

It's one thing about insurance, that's a Washington term.

Direct quote:

I think we ought to raise the age at which juveniles can have a gun.

This is the Governor of the State of Texas, the man running for President of the United States, who has said these things.

The next direct quote:

Mr. Vice President, in all due respect, it is—I'm not sure 80 percent of the people get the death tax. I know this: 100 percent will get it if I'm the president.

Next direct quote:

Quotas are bad for America. It's not the way America is all about.

Direct quote.

October 18, in St. Louis, the same day that he said, "Families is where our nation finds hopes, where wings take dream," he said:

If affirmative action means what I just described, what I'm for, then I'm for it.

In Greensboro, NC, on October 10 of this year, he said:

Our priorities is our faith.

October 11 of the year 2000:

I mean, there needs to be a wholesale effort against racial profiling, which is illiterate children.

The direct quote from Gov. George W. Bush: "I mean, there needs to be a wholesale effort against racial profiling, which is illiterate children."

Greensboro, NC, the day before—that is, October 10—when he was commenting on the Vice President's tax plan:

It's going to require numerous IRA agents.

The Governor of the State of Texas said, on October 4, in Reynoldsburg, OH:

I think if you know what you believe, it makes it a lot easier to answer questions. I can't answer your question.

This was in response to a question about whether he wished he could take back any of his answers in the first debate. The direct quote is: "I think if you know what you believe, it makes it a lot easier to answer questions. I can't answer your question."

I do not think that takes any discussion to figure out what he just said, because I do not think he knows what he just said.

In Boston, on October 3 of the year 2000, he said:

I would have my secretary of treasury be in touch with the financial centers, not only here but at home.

Saginaw, MI, September 29, 2000:

I know the human being and fish can coexist peacefully.

Quote: "I know the human being and fish can coexist peacefully."

Redwood, CA, September 27, 2000:

I will have a foreign-handed foreign policy.

Again, these are direct quotes from the Governor of the State of Texas, the man who has been nominated to be President of the United States.

Los Angeles, September 27:

One of the common denominators I have found is that expectations rise above that which is expected.

Beaverton, OR, September 25, this year:

It is clear our nation is reliant upon big foreign oil. More and more of our imports come from overseas.

Direct quote, MSNBC, September 20, 2000:

Well, that's going to be up to the pundits and the people to make up their mind. I'll tell you what is a president for him, for example, talking about my record in the state of Texas. I mean, he's willing to say anything in order to convince people that I haven't had a good record in Texas.

September 9, on the Oprah show:

I am a person who recognizes the fallacy of humans.

Interview with Paula Zahn, September 18, 2000:

A tax cut is really one of the anecdotes to coming out of an economic illness.

I have read these over several times. I still am stunned by what has been said by the man running for President of the United States.

Orange, CA, September 15, 2000:

The woman who knew that I had dyslexia—I never interviewed her.

Westminster, CA, September 13:

The best way to relieve families from time is to let them keep some of their own money.

The same interview:

They have miscalculated me as a leader.

Orlando, FL, September 12, 2000:

I don't think we need to be subliminal about the differences between our views on prescription drugs.

This is a campaign of ideas, Mr. President, a discussion of policies, a discussion of having a vision of what this country needs, someone who can discuss them in a logical manner.

Pittsburgh, PA, September 8:

This is what I'm good at. I like meeting people, my fellow citizens, I like interfacing with them.

Westland, MI, September 8:

That's Washington. That's the place where you find people getting ready to jump out of the foxholes before the first shot is fired.

Detroit, September 7, 2000:

Listen, Al Gore is a very tough opponent. He is the incumbent. He represents the incumbency. And a challenger is somebody who generally comes from the pack and wins, if you're going to win. And that's where I'm coming from.

Houston, TX, September 6:

We'll let our friends be the peacemakers and the great country called America will be the pacemakers.

Scranton, PA, September 6:

We don't believe in planners and deciders making decisions on behalf of Americans.

Allentown, PA, September 5:

I regret that a private comment I made to the vice presidential candidate made it through the public airways.

New York Times, September 2:

The point is, this is a way to help inoculate me about what has come and is coming.

CNN online chat:

As governor of Texas, I have set high standards for our public schools, and I have met these standards.

Same interview:

Well, I think if you say you're going to do something and don't do it, that is trustworthiness.

Des Moines, IA, August 21:

I don't know whether I'm going to win or not. I think I am. I do know I am ready for the job. And, if not, that's just the way it goes.

Same, Des Moines, IA:

This campaign not only hears the voices of entrepreneurs and the farmers and the entrepreneurs, we hear the voices of those struggling to get ahead.

Des Moines, IA, August 21:

We cannot let terrorists and rogue nations hold this nation hostile or hold our allies hostile.

I have a different vision of leadership. A leadership is something who brings people together.

That is from Bartlett, TN, August 18.

August 11, Associated Press:

I think he needs to stand up and say if he thought the president were wrong on policy and issues, he ought to say where.

Salinas, CA, August 10:

I want you to know that farmers are not going to be secondary thoughts to a Bush administration. They will be in the forefront of our thinking.

Today Show interview, August 1:

And if he continues that, I'm going to tell the nation what I think about him as a human being and as a person.

Washington Post, July 15. This was a comment to New Jersey's Secretary of State, the Honorable DeForest Soaries, Jr.:

You might want to comment on that, Honorable.

Seattle Post-Intelligencer, June 23, 2000:

This case has had full analyzation and has been looked at a lot. I understand the emotionality of death penalty cases.

Cleveland, OH, June 29:

States should have the right to enact reasonable laws and restrictions particularly to end the inhuman practice of ending a life that otherwise could live.

This is another Cleveland quote from a different time, July 1:

Unfairly but truthfully, our party has been tagged as being against things. Anti-immigrant, for example. And we're not a party of anti-immigrants. Quite the opposite. We're a party that welcomes people.

Wayne, MI, June 28:

The fundamental question is, Will I be a successful president when it comes to foreign policy? I will be, but until I'm the president, it's going to be hard for me to verify that I think I'll be more effective.

NPR radio, June 16:

The only things that I can tell you is that every case I have reviewed I have been comfortable with the innocence or guilt of the person that I've looked at. I do not believe we've put a guilty . . . I mean innocent person to death in the State of Texas.

Hardball, MSNBC, discussion on abortion, May 31 of this year:

I'm gonna talk about the ideal world, Chris. I've read—I understand reality. If you're asking me as the president, would I understand reality, I do.

June 9, 2000, Wilton, CT:

There's not going to be enough people in the system to take advantage of people like me.

April 3, U.S. News and World Report:

I think anybody who doesn't think I'm smart enough to handle the job is underestimating.

This is interesting. This is also on Hardball. Governor Bush:

First of all, Cinco de Mayo is not the independence day. That's dieciseis de Septiembre, and . . .

Chris Matthews says:

What's that in English?

Governor Bush:

Fifteenth of September.

Mr. President, I took 2 years of high school Spanish, and I know that is not September 15.

From Albuquerque, NM, on May 31:

Actually, I—this may sound a little West Texan to you, but I like it. What I'm talking about—when I'm talking about myself, and when he's talking about myself, all of us are talking about me.

Again, he said:

Actually I—this may sound a little West Texan to you, but I like it. What I'm talking about—when I'm talking about myself, and when he's talking about myself, all of us are talking about me.

Here is another direct quote from the Albuquerque on May 31:

This is a world that is much more uncertain than the past. In the past, we were certain, we were certain it was us versus the Russians in the past. We were certain, and therefore we had huge nuclear arsenals aimed at each other to keep the peace. That's what we were certain of. You see, even though it's an uncertain world, we're certain of some things. We're certain that even though the "evil empire" may have passed, evil still remains. We're certain there are people that can't stand what America stands for. We're certain there are madmen in this world, and there's terror and there's missiles, and I'm certain of this, too: I'm certain to maintain the peace, we better have a military of high morale, and I'm certain that under this administration, morale in the military is dangerously low.

He was talking with Paula Zahn on May 18 about Rudy Giuliani, the mayor of New York City:

He has certainly earned a reputation as a fantastic mayor, because the results speak for themselves. I mean, New York is a safer place for him to be.

This was in the New York Times on March 4, 2000:

The fact that he relies on facts—says things that are not factual—are going to undermine his campaign.

On his meeting with JOHN MCCAIN, in the Dallas Morning News on May 10, 2000, he said:

I think we agree, the past is over.

This is from Reuters, May 5, 2000:

It's clearly a budget. It's got a lot of numbers in it.

Here is an interview Governor Bush did with Jim Lehrer on The NewsHour, on April 27, 2000:

Governor BUSH: Because the picture on the newspaper. It just seems so un-American to me, the picture of the guy storming the house with a scared little boy there. I talked to my little brother, Jeb—I haven't told this to many people. But he's the Governor of—I shouldn't call him my little brother—my brother, Jeb, the great Governor of Texas.

JIM LEHRER: Florida.

Governor BUSH: Florida. The State of Florida.



On April 26, 2000, he said:

I hope we get to the bottom of the answer. It's what I'm interested to know.

On Meet The Press on April 15, he said:

Laura and I really don't realize how bright our children is sometimes until we get an objective analysis.

On April 6, 2000, the Associated Press reports this quote:

You subscribe politics to it. I subscribe freedom to it.

That was a question about whether he and AL GORE were making the Elian Gonzalez case a political issue.

This appeared in The Los Angeles Times on April 8, 2000:

I was raised in the West. The west of Texas. It's pretty close to California. In more ways than Washington, DC, is close to California.

On March 28, 2000 in Reston, Virginia, he said:

Reading is the basics for all learning.

This was at Fritsche Middle School in Milwaukee on March 30, 2000:

We want our teachers to be trained so they can meet the obligations, their obligations as teachers. We want them to know how to teach the science of reading. In order to make sure there's not this kind of Federal—Federal cufflink.

Mr. President, I will make my final quote for tonight. We have several pages more we will do at a subsequent time.

In the Washington Post of March 24, 2000, this is his quote:

Other Republican candidates may retort to personal attacks and negative ads.

Mr. President, I read these direct quotes. It would have been very easy to editorialize on every one of them. I chose not to do that. I chose, though, to spread across the record of this Senate statements made by Governor George W. Bush which should lead some to believe that if this man is going to be heavily involved in policy not only of this Nation, but this world, that they should be aware of some of the statements he has made. We want this to be a Government where people are clear on the issues, understand the issues. We have difficult, very complex problems not only domestically, but internationally. I think these quotes speak for themselves.

Mr. President, it is my understanding the Senator from Iowa is here and wishes to speak.

Mr. HARKIN. I ask the Senator to yield to me for a second.

Mr. REID. How much time do I have left?

The PRESIDING OFFICER. The Senator was given as much time as he may consume.

Mr. REID. I will yield the Senator some time.

Mr. HARKIN. I thank the Senator for mentioning some of those quotes. I didn't hear them all because I was on my way to the floor from my office.

Mr. REID. I was only able to get to a few of them. I only spent about 40 minutes talking on the direct quotes from

the Governor of Texas. There will be more.

The PRESIDING OFFICER. The Senator from Nevada can only yield for a question at this point in time.

Mr. REID. It is my understanding he was asking me a question.

Mr. HARKIN. Yes. I appreciate the Senator's comments and reading those quotes. I wonder, did the Senator listen to the third and final debate?

Mr. REID. I didn't miss a single word of that debate.

Mr. HARKIN. I want to ask the Senator, did he hear the quote by about Governor Bush—there was a question asked about agriculture. Vice President GORE answered the question and it came to Governor Bush. He started talking about using food as a weapon. He made this quote—he said:

We have got to stop using food. It hurts the farmers.

Does the Senator remember that quote?

Mr. REID. I listened with amazement. In responding to my friend from Iowa, following the second debate, the Vice President, during that debate, said that there was a young lady in Florida that wasn't able to get a desk. The Republican spin doctors came back the next day and said that wasn't true, she was only out of a desk for a day. In fact, she missed 7 days because of not having room in that classroom, for whatever reason. I was so amazed that the press picked up on what the Vice President said, which to me indicated that was just one of the minor problems that we have in education.

I heard a day or two after the debate from Governor Bush. He said this. I heard it. He said: Well, I did fine in the debate because the expectations were so low of me that all I had to do was show up and say my name is George W. Bush and win the debate.

I say to my friend from Iowa, that is about how the American press has treated it. All he had to do was show up and tell his name, because if they looked into some of his statements—for one, the statement that the Senator from Iowa asked me about regarding food—it seems to me for our farmers who are suffering so much in our country today that is something the press might want to pick up on.

Does the Senator have another question?

Mr. HARKIN. No.

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

The PRESIDING OFFICER. The Senator does not have the right to do that. Under the previous order, the Senate will recess until tomorrow morning at 9:30.

Mr. REID. I did not hear the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada was allowed time to speak, and after he spoke, the Senate is to be in recess until tomorrow at 9:30 a.m.

Mr. REID. I want to complete my statement. I will finish that in a hurry. This is a parliamentary inquiry to the

Chair: We are going to come in at 9:30 tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. And we are to pick up the older Americans legislation.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield for a question.

Mr. HARKIN. Mr. President, I asked for 15 minutes at the end of the time. For some reason it got mixed up and I was not included on the list. It is my intention to ask unanimous consent that I be recognized to speak for 15 minutes before the Senate goes out on recess.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. I thank the Chair.

#### SHORTAGE OF AIRLINE PASSENGER SPACE

Mr. HARKIN. Mr. President, one of the most serious issues facing our national air transport system is the shortage of space—both in the air and on the ground at key airports. We've seen this most clearly this past summer in the backups at Chicago O'Hare and in much of the airspace in the Northeast.

Americans have developed a tremendous appetite for air travel for both leisure and business needs. In the last few years, with our economy so strong, the result has been an increasing number of packed planes all year round, especially during the peak summer travel season.

But for many Americans trying to enjoy some vacation time, this summer was a season of discontent filled with bad weather, aging air traffic control systems and airline-employee difficulties. Countless Americans spent hours sitting on the tarmac at O'Hare waiting to take off, or sitting in the airport lounge, waiting for their planes to arrive. Thousands of Americans found themselves delayed, stranded and disappointed. A once-reliable system has become increasingly unreliable.

Some of these events are unavoidable. Clearly, there are times when bad weather requires us to delay or cancel flights. But when an airport is near capacity, even the tiniest alteration in landing and takeoff timing can quickly turn into considerable delays.

We've been seeing the warning signs for years. The National Civil Aviation Review Commission, chaired by the current Secretary of Commerce, Norm Mineta, warned us three years ago about our looming air travel crisis.

In fact, the very first sentence of the Commission's report reads as follows:

Without prompt action, the United States' aviation system is headed toward gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy, and hurt our position in the global marketplace.

Mr. President, the future is now. As we have turned the corner into the 21st Century, the predicted air traffic control crisis is clearly upon us.

I believe FAA Administrator Jane Garvey has done a terrific job. However, there are a number of steps that the FAA and the airlines must take—in both the short and long run—to modernize the air traffic control system and reduce congestion, particularly as it affects the heavily traveled northeast air corridors between New York, Boston, and Washington, DC, and Chicago and other key Midwestern airports.

In the short term, the FAA needs to make better use of existing capacity. This means better communication between the FAA and airlines when bad weather ties up key airports and decisions must be made about reducing or rerouting air traffic. Right now, airlines have no coordinated plans on bad weather days, and they're left to guess whether their competitors will cancel or slow their flights or not.

Now I recognize that airlines can't simply pick up the phone and talk to each other about capacity decisions. Such discussions would run afoul of our nation's antitrust laws. But Congress and FAA should consider whether they should grant some form of very limited immunity so that airlines can discuss with the FAA the most efficient way to cope with bad weather.

Another short term solution involves alternative routings. I understand that the airlines, working cooperatively with FAA, have begun flying many routes at lower altitudes. This practice is costly since flying at lower altitude burns more fuel—but it should help increase airspace capacity. FAA also needs to explore the possibility of accessing airspace previously reserved for military use. Much of this military airspace can be made available to commercial operations on a short-term basis during severe weather.

The FAA must also add additional air traffic controllers. And FAA must make sure that these controllers have the most modern, up-to-date tools available to do their jobs.

The FAA needs to take full advantage of GPS technology to allow more direct routings between airports. FAA also needs to develop technology to allow pilots and air traffic controllers to communicate more effectively with each other. One such technology is advanced data links which could reduce controllers' workload and improve their ability to create and communicate alternative routines in severe weather. It would be far more accurate and efficient for many air traffic control commands to be given to pilots in written form. The airlines and the FAA are currently undergoing tests along those lines, but I believe they must move forward more quickly.

Finally, we in Congress must continue to increase FAA research and operating budgets. We need to expand programs that examine the problems of

aging aircraft. And we need to invest more in technologies that will give both pilots and air traffic controllers the very best equipment for making safe decisions. We've got to fully fund NASA aviation programs like the one designed to better detect wake-vortex trailing behind aircraft. Such technology can allow the FAA to narrow the decades old 7-mile separation standard and free up more airspace.

But these actions alone will not be sufficient. Our current system can barely handle the roughly 600 million passengers that currently travel each year. Yet, it is projected that the system will need to handle an expected 1 billion annual passengers within the next decade. Indeed, our demand for air travel seems ready to overrun our overburdened system. In some cases, we do need to add additional runway capacity.

Let's look specifically at Chicago's O'Hare International Airport. O'Hare is a place that I—and hundreds of thousands of fellow Iowans who land or connect through there every year—know well. On a blue-sky day, it's one of the best, most efficient airports in America. However, when the rain clouds or thunderstorms roll in, O'Hare can become one gigantic travel obstruction.

When O'Hare backs up, the result is a monumental ripple effect on the entire air traffic control system from Los Angeles to Boston. Because of its central location and population base, Chicago O'Hare has developed into the first or second largest hub airport in this country. It is the only hub that has two major airlines which maintain competing hub operations. This is good for the citizens of Chicago and Illinois, and it is also good for the people of Iowa and surrounding states that use O'Hare to connect to distant destinations.

We in Iowa can connect to our final destinations through such hubs as Minneapolis-St. Paul, Cincinnati, St. Louis or Denver. However, the largest share of Iowans choose to go through O'Hare because it is the largest and most convenient hub for our citizens. O'Hare also provides far more international connections than those other airports. In fact, well over 50 airlines operate there. In the past 12 months, more than 360,000 of my fellow Iowans have flown through O'Hare.

So the problems at O'Hare are not just a Chicago issue, they are a Midwestern issue, and they are a national issue.

This situation calls for immediate action. I strongly believe that the most important step we can take to begin to alleviate our national airline crisis is to provide additional facilities for planes to land and take off at Chicago's O'Hare airport. I believe O'Hare should logically have additional parallel runways to provide expanded capacity.

As we move into this new century, we need to ensure that the critical pathways of our air transport system are not encumbered by local disagreements, which constrain the needs of

interstate commerce. In addition, if we want to foster increased competition between airlines and see continued service to O'Hare from the smaller commercial airports like Burlington and Waterloo in Iowa, and if we want to expand services to cities like Sioux City, then we must provide additional take off and landing space for new airlines.

Some have suggested building a new airport south of Chicago to relieve the problems at O'Hare. I feel that this is a poor policy choice. This proposed new airport has yet to attract any airline tenants who would pay for it. Furthermore, this proposed airport would drain customers away from Chicago's Midway Airport, which is the 9th busiest airport in America and provides point to point flights to over 50 cities. In addition, in order to build this new airport, we would have to take 24,000 acres of farmland out of production. Building another airport in Chicago does not solve our current problems at O'Hare.

The solution is new runways at O'Hare. O'Hare certainly has the space for them. We know that building new runways is far more cost-effective than spending billions of dollars on a new airport. And new runways would mean an immediate reduction in delays at O'Hare. These new runways would allow simultaneous landings during all weather periods—something the current configuration does not allow.

Normally, in order for a runway to be built, approval must be granted by the operator of the airport—the City of Chicago in the case of O'Hare—and the FAA. However, under Illinois law, the Governor of Illinois, through his Department of Transportation, must also approve such a plan. Speaking as a friendly neighbor from Iowa, I am sending a letter to both Mayor Richard M. Daley and Governor George H. Ryan asking that they approve new runways in the interest of improving our entire national air transport system.

While I am not privy to all of the local concerns surrounding O'Hare, I know that all airports confront noise mitigation problems. I also know that Chicago O'Hare has the best-funded and most extensive sound mitigation program of any airport in the country. I applaud the Mayor for that far-sighted undertaking. As a member of the Appropriations Committee, I offer my assistance to the Mayor and my distinguished colleagues from Illinois to ensure that appropriate Federal dollars are channeled into that effort.

I would say to Governor Ryan, who, I understand, favors a new airport, that I do not see much in the way of Federal assistance for new airport construction in the foreseeable future. Airports today are built and/or rehabilitated by airport tenants and their passengers. I believe that the most efficient way to minimize our tax dollars is to maximize our current facilities and continue to upgrade our air traffic control system.

Earlier this year, the Senate passed overwhelmingly and the President signed, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, commonly known as Air21. As many of my colleagues know, I worked closely with Senators GRASSLEY, MCCAIN, HOLLINGS, ROCKEFELLER and DURBIN to draft the provision in the Air21 legislation that phases out the artificial slot-constraints at O'Hare by July 1, 2002. The intent of our effort was to increase small and mid-sized communities' access to the national air transportation system via O'Hare and to provide for increased competition at that premier connecting hub. This increased access is critical for business wishing to settle and grow in small and mid-sized communities.

While we succeeded in eliminating the barrier posed by slots, it is clear to me that O'Hare's runway, gate, and terminal space constraints continued to keep small and mid-sized communities from fully realizing the benefits of the Air21 legislation. I was extremely pleased to hear about the substantial progress in Chicago's World Gateway program. This program calls for \$3.2 billion in infrastructure investments over the next several years at O'Hare—including 20 new gates and 2 new terminals. My understanding is that the two major carriers at O'Hare—United Airlines and American Airlines—have reached agreement with the City on this. I congratulate Mayor Daley on his work in bringing that agreement to closure. I also applaud American and United for their far-sighted investment in O'Hare. I only request that every effort be made to accelerate that program and to assure that space is allocated to smaller aircraft that serve smaller cities so that small town America gets a fair shake.

Without new runways, we will still be constrained by weather and air traffic control problems. It is time to remove this barrier to small and mid-sized community access to O'Hare. And it is time to expand our current national air traffic system in an effective, cost-efficient, cost-efficient way. We have neither the time nor the money nor the political will to build a new airport. Instead, we need to maximize the resources we already have. In the end, we may have to find a federal solution to this national problem.

New runways would make O'Hare and our entire national air transport system run more smoothly. I am certain that the hundreds of thousands of Iowans and others across the country who travel through O'Hare each year would appreciate this improvement. As would all those whose travel plans to other hubs and destinations are upset because aircraft are tied up at O'Hare.

There is no more efficient, effective solution to aircraft delays in the Midwest and much of the Northeast than providing additional runway capacity at O'Hare.

#### RETIREMENT OF SENATOR LAUTENBERG

Mr. HARKIN. Mr. President, I wish to make a few brief remarks about one of our colleagues and a good friend of mine who is retiring this year.

Senator LAUTENBERG is a perfect example of the American dream come true. He grew up the son of immigrants, joined the Army Signal Corps in Europe during World War II, and then attended Columbia University on the G.I. bill. After graduation, Senator LAUTENBERG helped found a payroll services company called Automatic Data Processing. He soon became the firm's CEO, and, with 33,000 employees, his company is now one of the largest computing services companies in the world.

But Senator LAUTENBERG knew that the American dream isn't just about making it to the top. It's about giving back once you get there. That's why he ran for the United States Senate, and that's why, during his eighteen years in this Chamber, he's fought hard to make our country better for all Americans. He has fought hard to leave the ladder of opportunity down for others to climb. He's fought to improve transportation. His legislation and leadership has built and modernized highways and bridges and Amtrak rails across this country, and he's worked hard to make sure our planes and trains and cars are safe.

FRANK LAUTENBERG has fought to clean up our environment. Over the course of his career, he's worked on legislation to improve the Superfund program, redevelop Brownfields, force industry to cut down on pollution, clean up our beaches and protect our air and water. And he's fought to balance our budget. Senator LAUTENBERG focuses his sharp, business mind on the work of the Budget Committee, where he is ranking member and he helped move us from record deficits to record surpluses.

And Senator LAUTENBERG has taken on special interests like few others. He took on the gun lobby when he authored the domestic violence gun ban and other laws to fight gun violence. And he's one of the strongest supporters of the Brady bill in this Congress. He took on the liquor lobby when he became the lead sponsor of the bill that raised the drinking age to twenty-one. And he sponsored the recent provision in the transportation appropriations bill to lower the blood

alcohol content standard to .08—a provision that's going to save hundreds of lives each year. And he's taken on big tobacco. When you fly on a commercial flight now, and you can actually take a breath without choking on smoke from other passengers, you can thank Senator FRANK LAUTENBERG, because he wrote the law that bans smoking on airplanes.

You know, after he got that bill passed, I was flying out to Iowa, and several flight attendants came up to me and said, "Senator, can you please thank Senator LAUTENBERG for us. We can finally work now without all that smoke." I hear that to this very day, the distinguished Senator from New Jersey always gets first class service even when he sits in coach. I still can't quite believe that Senator LAUTENBERG is leaving us. But I hope that wherever he goes, he'll find a new way to use his energy, intelligence, and talent to serve the American people. Our country can't afford to lose someone of his caliber.

My wife Ruth and I have been privileged to be friends of FRANK since we first came to the Senate in 1985. We have been privileged to travel on many trips, on many congressional delegations with Senator LAUTENBERG, as he confronted our enemies abroad and spoke with our friends abroad, to strengthen our U.S. position both in our economic endeavors with other countries and in our military position overseas.

We will miss him from this body, but I of course will not miss him as a friend. I sincerely hope that whatever FRANK LAUTENBERG does in the future, he will make himself available for further public service. Someone of his caliber and of his talent, of his compassion, and of his interest in making sure we leave the ladder of opportunity down for all Americans to climb, someone such as that we can't afford to lose from public life.

So, FRANK, we wish you Godspeed, the best in all your endeavors, the best of health and happiness in your future life. But please, if duty calls for public service, I know you will answer.

I thank the Presiding Officer for affording me the opportunity to make these comments this evening.

RECESS UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Thursday, October 26, 2000.

Thereupon, the Senate, at 8:23 p.m., recessed until Thursday, October 26, 2000, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE  
OCTOBER 25, 2000:

DEPARTMENT OF COMMERCE

JAMES A. DORSKIND, OF CALIFORNIA, TO BE GENERAL  
COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE AN-  
DREW J. PINCUS, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION  
BOARD

LOIS N. EPSTEIN, OF NEW YORK, TO BE A MEMBER OF  
THE CHEMICAL SAFETY AND HAZARD INVESTIGATION  
BOARD FOR A TERM OF FIVE YEARS, VICE DEVRA LEE

DAVIS, RESIGNED.

DEPARTMENT OF THE INTERIOR

KENNETH LEE SMITH, OF ARKANSAS, TO BE ASSIST-  
ANT SECRETARY FOR FISH AND WILDLIFE, DEPART-  
MENT OF THE INTERIOR, VICE DONALD J. BARRY, RE-  
SIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

GEORGE DARDEN, OF GEORGIA, TO BE A MEMBER OF  
THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE  
INVESTMENT CORPORATION FOR A TERM EXPIRING DE-  
CEMBER 17, 2003. (REAPPOINTMENT)

GEORGE DARDEN, OF GEORGIA, TO BE A MEMBER OF  
THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE

INVESTMENT CORPORATION FOR THE REMAINDER OF  
THE TERM EXPIRING DECEMBER 17, 2000, VICE ZELL MIL-  
LER.

UNITED STATES INSTITUTE OF PEACE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE  
A MEMBER OF THE BOARD OF DIRECTORS OF THE  
UNITED STATES INSTITUTE OF PEACE FOR A TERM EX-  
PIRING JANUARY 19, 2003, VICE THEODORE M. HESBURGH,  
TERM EXPIRED.