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## Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Gracious Father, in this quiet moment, we seek the ultimate joy of life. We come to abide simply in Your presence. We would not interrupt what You have to say to us with our chatter. We need You more than anything that You can provide for us. Make us as ready to listen as we are to talk. You have created us for communion with You. We thank You for speaking to us in our souls. Now we hear what You have to say to us: We are loved, forgiven, and cherished by You. You have plans for us: A personal will for each of us and a will for our Nation. Bless the Senators now as they wait on You. Inspire us to follow their leadership as far as they follow You. We open our minds and hearts to receive You, our Lord, our Saviour, Peace, and Power. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, 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. L. CHAFEE). The Senator from Delaware.

### SCHEDULE

Mr. ROTH. Mr. President, today the Senate will immediately begin the final 15 minutes of debate on H.R. 5, the Social Security earnings bill. By previous consent, the Senate will pro-

ceed to a vote on final passage of the bill at approximately 10 a.m. Following the vote, the Senate will begin a period of morning business of 2 hours with the time controlled by Senators BYRD, MURKOWSKI, and DURBIN. For the remainder of the time, the Senate is expected to begin debate on the crop insurance legislation. However, negotiations regarding amendments and debate time are ongoing, and if no agreement can be made, the Senate may turn to any Legislative or Executive Calendar items available for action.

I thank my colleagues for their attention.

### MEASURES PLACED ON CALENDAR—S. 2262 AND S. 2263

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

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

The bill clerk read as follows:

A bill (S. 2262) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

A bill (S. 2263) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

Mr. ROTH. Mr. President, on behalf of the majority leader, I object to further proceedings on these bills at this time.

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

### RESERVATION OF LEADER TIME

Mr. ROTH. Mr. President, what is the order of business?

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

### SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now

resume consideration of H.R. 5, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test on individuals who have attained retirement age.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided for closing remarks.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, it has been agreed that I will begin these brief remarks in order that our chairman might conclude the debate and proceed to the vote which I think has every prospect of being prodigious in its majority.

We have heard the compelling arguments to eliminate the so-called earnings penalty for persons 65 years and older. There is a short-term cost that is followed by a long-term payback, if you like, such that in a 20- to 30-year period the Social Security trust funds will not in any way be affected. The present practice is to decrease benefits to persons who continue working after their technical retirement age is reached, and then to compensate them after they reach age 70 or stop working. It is a complicated calculation. It is a cause of much distress, if you like, within the Social Security Administration—about \$100 million a year just in sorting out the claims. It is not understood. There is the elemental fact that, although at 65 if you continue to work you know you will get back your benefits, that is in actuarial terms. For the cohort of several million persons, it will all be evened out. You may not be. So why not get rid of this archaic complexity? It is a remnant of Depression legislation of the 1930s.

In that regard, however, we do have the question attending the long-term deficit of the Social Security system. Yesterday our friend from Arizona, Senator MCCAIN, spoke eloquently

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



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about that matter, having raised it during his primary campaign on his side of the aisle. Senator KERREY spoke with equal eloquence. Senator MCCAIN was kind enough to note legislation that Senator KERREY and I have introduced in this matter.

In very short order, I would simply like to recapitulate the four simple steps which put Social Security on an actuarially sound basis for the next 75 years. They are:

No. 1, provide for an accurate cost-of-living adjustment. In 1996, the Boskin Commission originally estimated that the CPI overstates changes in the cost-of-living by 1.1 percentage points; now they say it is 0.8 of a percentage point.

No. 2, normal taxation of benefits.

No. 3, extend coverage to all newly hired State and local workers.

I might interject, if ever there was a holdover from the 1930s, it was this. It was not clear at that time whether the Federal Government could tax a State entity, so they were left untaxed. A great many workers in civil service positions pay no taxes on their principal jobs, but qualify for benefits from "side" jobs, and it is just not fair. We are not taking away anything, but just covering newly hired workers like everyone else.

No. 4, increase the length of the computation period from 35 to 38 years.

We now have a 75-year, long-term actuarial deficit of 2.07 percent. This would bring that down by 2.05 percent, leaving an inconsequential .02 percent over the 75-year period.

These are data based on actuarial calculations and they are clearly within our capacity. Let us hope one day we do it before it becomes too late. That time will come sooner than you may think.

Mr. President, I ask unanimous consent the table be printed in the RECORD at the conclusion of my remarks.

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

ELIMINATING SOCIAL SECURITY'S LONG-TERM DEFICIT

[Numbers expressed as a percent of payroll]<sup>1</sup>

Long-term (75 year) actuarial deficit 2.07

Reduction in deficit due to:

0.8 percentage point cost of living correction .....	-1.16
Normal taxation of benefits .....	<sup>2</sup> -0.43
Extend coverage to all newly hired State and local workers .....	<sup>3</sup> -0.21
Increase length of computation period from 35 to 38 years .....	-0.25
Total reduction in deficit .....	-2.05

<sup>1</sup> Estimates are based on the intermediate assumptions of the 1999 Trustees Report and ignore interactions among the provisions.

<sup>2</sup> Social Security benefits would be treated like income from a private pension so that benefits that are attributed to employer contributions and interest earnings would be subject taxed, while benefits attributed to employee contributions would not be taxed. Currently, benefits are taxed only if income exceeds certain thresholds and, depending on some complex formula, only up to 50 or up to 85 percent of the benefit is subject to taxation.

<sup>3</sup> This is the rule that applied to newly hired Federal workers in 1984 and thereafter.

Mr. MOYNIHAN. Mr. President, I look forward to the statement of our

revered chairman, who is going to have a historic triumph this morning.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, first let me thank and congratulate my distinguished colleague, the senior Senator from New York, for his leadership throughout the years on this most important domestic program, Social Security. There is no program of greater importance and interest to the American people than Social Security. The distinguished Senator, Mr. MOYNIHAN, as I said, throughout his career has played a critical role in the development, the preserving, and the strengthening of this important program. I thank him and congratulate him.

As Senator MOYNIHAN pointed out, the Senate is now turning to the vote to repeal the Social Security earnings limit, an important step in preparing Social Security for the 21st century. This repeal is good for seniors, it is good for America, and it is good government. As we have heard, the Social Security earnings limit was enacted 65 years ago to encourage older persons to retire during the Great Depression. But today, with Americans living longer, and the tightest labor market in 30 years, this rule is not only outdated, but it harms both our senior citizens and the economy.

Repealing the earnings limit will help improve the retirement security of seniors by giving them the choice to work longer and to save more. Abolishing the earnings limit will allow us to protect the Nation's economic gains of the past 17 years by encouraging our Nation's most experienced workers to continue working, not only for today but into the future.

Finally, repealing the earnings limit is just plain good government. It will save the Social Security Administration money and reduce very common, frustrating mistakes in calculating benefits. So let me say, I urge each Senator to support this bill.

I am happy to yield the remaining time to the distinguished assistant leader of the majority.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. NICKLES. Mr. President, I compliment my colleagues, Senator ROTH and Senator MOYNIHAN because they work so well together.

Today, we are going to pass something that will have a positive impact on millions of Americans. I say millions—some people say there are only 800,000 people who are currently paying the Social Security earnings penalty. There are millions of people who want to work, maybe have to work, but basically their taxes are so punitive that they cannot work; it does not make sense to work. Their taxes are so high they have to work more for government than they work for themselves.

These are senior citizens, not particularly wealthy people. You can be a senior citizen and have, as an individual, an earned income of \$30,000. You are in the 28-percent tax bracket. Because of the earnings penalty on Social Security, that is an additional 33-percent tax bracket. Add those two together and you are at 61 percent. You have to pay Social Security tax. If you are self-employed, you add 15 percent to that. That is 76 percent, and you have not even paid taxes to the State. For most States, that is 6 or 7 percent.

You can have a marginal tax rate of 80 percent; you work four times more for the Government than you do for yourself. That is way too high. This 33-percent penalty for seniors between the ages of 65 and 70 who want to have earned income—maybe need to have earned income—is long past overdue for repeal.

I am delighted that today we are going to fulfill what the House has done. I compliment Chairman ARCHER in the House. I compliment Chairman ROTH and Senator MOYNIHAN. I remember Senator MCCAIN speaking on this issue for years. I remember Senator ASHCROFT making tireless speeches, saying we need to repeal the earnings penalty.

Over the years, we have raised the amount people can save before the penalty takes effect, but the penalty still takes effect for any income above \$17,000. The real solution is to repeal it. That is what we are going to do today. We are going to open up economic opportunity for millions of Americans who are at age 65 and maybe do not want to retire. They might be a STROM THURMOND; they who may have another 50 years of very energetic hard work ahead of them and they don't want to say they want to retire. We should not force them to retire.

The earnings penalty forces many of these people to retire—some of our most productive citizens in America. I think it is wrong. This tax penalty is wrong. We are going to repeal it today. We are repealing it with bipartisan support. It is going to become the law of the land.

Again, I compliment our leader for proving we can get some good things done that will have a positive impact on millions—frankly, on all of us, because a lot of us want to work beyond the age of 65. Now we are telling seniors they can do so.

Again, my congratulations to the leaders for making this happen. I think this will make Social Security policy better and, frankly, it will make economic policy better for all Americans.

Mr. President, I yield the floor and urge my colleagues to vote yes on this bill.

Mr. LUGAR. Mr. President, I rise today in support of H.R. 5, the Senior Citizens' Freedom to Work Act. The passage of this legislation is long overdue. The Social Security earnings test is bad for our economy and bad for individual senior Americans who wish to

continue in the workforce. I am extremely pleased that the Senate is moving to eliminate the earnings test.

I am hopeful, however, that passage of this bill will not mark the end of thoughtful policy regarding the role of seniors in the American workforce. Senior workers are an invaluable resource for our nation. As the number of Americans of retirement age increases, the economy's need for senior workers will inevitably increase as well. We should encourage those seniors who wish to continue working by making certain that they are treated fairly by tax and retirement laws.

Too often, government policy toward retirees has assumed that all seniors have the same needs, goals, and desires. Mr. President, each individual is different. Many seniors look forward to a leisurely retirement that allows them to pursue activities for which they did not have time when they were working. American seniors have earned this option, and trends over the last several decades that demonstrate the average senior is enjoying a healthier and more prosperous retirement are extremely encouraging.

But other senior Americans wish to delay retirement for as long as possible. Many seniors who have communicated with me about this subject simply enjoy the stimulation that a workplace provides on a daily basis. Others are not ready to leave businesses or farms that they have spent their entire lives building. Still others wish to continue to contribute to the income of their families, children, or grandchildren. Regardless of their reasons for wanting to stay in the workplace, no senior should find that government policy is a disincentive or barrier to work.

In addition to ensuring basic fairness to individuals, providing further incentives to senior workers makes good sense for our economy. Seniors who stay in the workforce continue to pay taxes on their earnings and continue to provide much-needed experience to the American economy. As our economy grows and the baby-boom generation approaches retirement age, we may experience more frequent labor shortages. Ultimately, a declining number of qualified workers could be detrimental to the economy. Adding incentives that reward older Americans for staying in the workforce could help alleviate such shortages while continuing to improve our economy and standard of living.

Last month, with the support of Senators BREAU and GREGG, I introduced two pieces of legislation that would encourage American seniors to stay in the workforce. These bills, entitled the Retired Americans Right of Employment Acts (RARE I and RARE II), are based on the premise that many seniors want to work and their labor is invaluable to our economy and society. Both bills would repeal the earnings test, as we are seeking to do today. But they would go further by implementing

specific tax and benefit changes that would reward seniors who choose to work.

Among other provisions, both bills would phase in a formula allowing income earned after the retirement age to be counted in the calculation of an individual's Social Security benefits. Currently, Social Security benefits for most people are based on the average of the top 35 earning years prior to age 62. Allowing income earned after age 62 to be included in benefit calculations would increase the benefits of those seniors who choose to continue working.

The two bills offer alternative methods to reduce the taxes of working seniors. RARE I would cut the FICA tax of seniors by 10 percent when they reach full retirement age. As a result, retirees would see their FICA tax reduced from 7.65 percent of their paycheck to 6.885 percent. Because taxes are levied on the first dollar of wages earned, this tax reduction would benefit all income levels of retirees, including those who choose to work part-time.

RARE II would provide individuals who have reached the full retirement age with a tax credit equal to 10 percent of the lesser of the amount of income tax owed or the earned income of the individual. This provision would effectively reward older Americans who continue to earn and to pay taxes after reaching retirement age.

Mr. President, in closing, I want to reiterate my strong support for the underlying bill being discussed today. The elimination of the Social Security earnings test would be a huge step toward ending the disincentives for seniors to work if they choose. But I hope this is only a first step in adjusting policy governing seniors in the workplace. Other changes contained in the RARE bills, which I have described, as well as the repeal of the Clinton Administration's 1993 tax on Social Security benefits, would reaffirm the importance of seniors in our society. The health of our economy and even our national strength will increasingly depend on retaining the services of productive seniors. We should begin constructing these policies now.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, the time is right to repeal the Social Security earnings test. I ask my colleagues to join with me today in support of the passage of H.R. 5, the Senior Citizens' Freedom to Work Act of 1999.

We all know that reaching retirement age does not necessarily mean a person is ready to retire. It is good news that Americans are now living longer and healthier lives, and I believe that the Social Security system should not penalize those who want to work longer. I understand that many older workers choose to remain in the workforce because they need additional income or have no desire to stop working. I fully support this choice, and I believe that no one should face financial penalties for that personal decision.

In South Dakota this year, 2000 people have seen their Social Security benefits reduced because they chose to continue working when they reached the age of 65. All told, Social Security withheld about \$8 million in Social Security payments last year from those South Dakotans. That works out to a loss of about \$4000 in Social Security benefits for each of those 2000 South Dakotans. That is not right. Let's not penalize them for staying in the workforce to achieve a better standard of living. I know many Americans over 65 in my state who could use that money to pay for health insurance, prescription drugs, and electric bills.

H.R. 5 will not only help these 2000 workers who are not receiving their Social Security benefits, but also encourage those who want to work, but are not doing so now because they fear the earnings limit would consume most or all of their earned benefits. As baby boomers begin to retire, it is especially important that these older Americans who want to work be encouraged to do so. Our nation is celebrating record low unemployment. Let us seize this opportunity to recognize the skills, knowledge, and experience that people over 65 have to offer. I am pleased that Congress is on the verge of removing the earnings limit to encourage citizens in my state and across the country to continue making an important contribution to the American economy.

Mr. President, I urge my colleagues to build on the momentum created by this bipartisan bill to work toward Social Security reform. We can pass legislation this year that will extend the solvency of Social Security for 50 years by using the interest savings earned by paying down the debt. We should take that simple step this year on a bipartisan basis, just as we are passing this bill today.

Mr. GRAMS. Mr. President, I rise to strongly support HR 5, the Senior Citizens' Freedom to Work Act. This very important legislation would help millions of American seniors who choose to, or must work after retirement.

Under current law, the Social Security benefits of those seniors ages 65 through 69 who continue to work will be reduced by \$1 for each \$3 of earnings over \$17,000. In other words, they will be taxed at 33.3 percent of their earnings above the threshold.

However, the onerous tax burden on our seniors does not stop there. These seniors are also subject to a 15.3 percent payroll tax, and a 15 percent income tax. Combined with the earnings test, these seniors are paying taxes of over 60 percent on their earnings from working. If their earnings bump up their income, their Social Security benefits are then taxed. The tax bite could take 68 to 91 percent of their additional earnings.

Mr. President, this is absurd. We must correct this unfair tax burden on our seniors.

When Social Security was set up 65 years ago during the Great Depression,

jobs were scarce, workers were younger and many could not find work to support their families. One of the intentions of the Social Security program was to encourage older workers to retire, so that younger workers could find a job.

Today, our situation is dramatically different. The economic and demographic conditions in the U.S. are not what they were when Social Security was established. Our strong economy has created a tight labor market. After filling over 20 million new jobs during this economic expansion, we still have a job shortage, particularly skilled workers. It is projected that this shortage will continue for the next 5 to 10 years.

Lower birth rates and a longer life expectancy mean that the number and relative size of the older population is growing rapidly. The number of Americans over age 65 has grown from 8 percent in 1950 to 14 percent in 1990 and is projected to reach 22 percent in 2030.

This demographic change has triggered a serious Social Security crisis. In 1940 there were 100 workers to support 1 retiree. Today that ratio has dropped to 3 workers supporting 1 retiree. In less than 20 years, that ratio will decrease to 2 to 1. As a result, we have a \$20 trillion unfunded Social Security liability.

The earnings test penalty has worsened this situation. It discourages seniors from working, even though their skills are much needed in the labor market. If allowed to work without penalty, they will continue to pay payroll taxes into the Social Security system which will help us work toward solvency of the system.

Another important reason we must get rid of the earnings test is that Social Security is a very poor investment for Americans. Americans pay a significant amount of payroll taxes through their working life but face low and declining returns from Social Security, and some receive less in benefits than they have paid in payroll taxes. Their Social Security benefits cannot even begin to meet their pre-retirement standard of living. Many seniors have no choice but to continue to work—and others want to work for the joy of it.

Over the past 15 years, goods purchased mainly by seniors increased 6 percentage points more than goods purchased by the general public. Their medical costs skyrocketed 156 percent.

As inflation on medical and pharmaceutical goods continues to rise, older Americans' hard-earned Social Security benefits are worth less and less. Their purchasing power will continue to diminish.

I believe the earnings test on Social Security benefits is wrong and unfair because Social Security benefits are earned benefits for many senior citizens. The Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by con-

tributing to the system throughout their working years before retiring. These are benefits they should not be losing just because they are trying to survive by supplementing their Social Security income. Reducing Social Security benefits upon additional earnings is just double taxation.

As health care and other costs continue to grow, the incomes of more and more senior citizens are falling along with their standard of living. This earnings test hurts seniors who choose, or must work after retirement to maintain their standard of living or to pay for costly health insurance premiums, medical care, prescriptions and many other expenses which increase in retirement years. This is particularly true for seniors with lower-incomes who must work and depend on their earned income for survival.

Mr. President, we cannot let this practice continue.

Eliminating the earnings test on Social Security benefits would reverse this trend, and help responsible senior citizens. The federal government has entered into a sacred covenant with the American people to provide retirement benefits once contribution commitments are made. It is the government's contractual duty to honor that commitment. The government cannot and should not take money from seniors that is rightfully theirs.

Mr. President, I'd like to briefly discuss the health of our Social Security system. Social Security benefits will exceed payroll taxes by 2014 or soon.

President Clinton claims he is saving Social Security by using the interest savings that will result from paying down the government debt held by the public. However, his proposal does not push back the date that Social Security will run a deficit by a single year, and the transfer from the general fund to Social Security does not cover a fraction of the shortfall.

Mr. President, without reform, the unfunded liability of Social Security will crowd out all of our discretionary spending. It will create financial hardship for millions of baby boomers and impose a heavy burden on future generations. We must address this vitally important issue as quickly as we can.

I believe the best way to fix Social Security is to move it from the current pay-as-you-go system to a fully funded one, and the immediate step we should take is to lock in every penny of the Social Security surplus safe from government spending, and put it toward Americans' retirement. My lockbox would sequester spending if re-estimates result in spending any of our Social Security surplus.

In addition, we need to tell Americans the whole truth about Social Security since payroll taxes are the largest tax that many families will ever pay, accounting for up to one-eighth of the total lifetime income they will make.

That's why I also support the Gregg amendment which would require the

government to provide information on the financial status of the program. This amendment is along the same line of my legislation, S. 1104, the Social Security Information Act. Reliable information on Social Security is crucial to enable Americans to better understand the value of their Social Security investment and to help them determine exactly how much they should supplement their expected Social Security benefits with other savings in order to have a certain level of retirement security.

Mr. President, let me close by saying it is critical that we repeal the earnings test penalty. We owe our seniors nothing less than to remove this senseless provision and give them the opportunity to sustain and hopefully improve their standard of living by allowing them to work without additional tax penalties. It is equally important that, by continuing to pay into the Social Security system, our seniors will actually give us more time to reform it—which ultimately benefits everyone.

Mr. CONRAD. Mr. President, I am pleased the Senate is taking action on the H.R. 5, the Senior Citizen's Freedom to Work Act of 2000. This legislation eliminates the earnings test for Social Security recipients between the full retirement age (currently 65) and age 69. The measure will be retroactive to January 1, 2000.

I have long supported changing the Social Security earnings test, which the amount of income recipients may earn before their benefits are reduced. Under current law, recipients aged 65 through 69 can earn up to \$17,000 per year without penalty. But beyond that, benefits are reduced by \$1 for each \$3 of earnings. This year, approximately 800,000 seniors will lose benefits. Repealing the earnings test will allow older Americans who have skills and expertise to continue working and making a contribution to society and to our economy.

I am concerned about the Social Security earnings test and realize the difficulties that many older Americans experience because of it. For many seniors, working beyond the age of 65 is necessary just to make ends meet. Changing the earnings limit will allow them to earn extra income without losing hard-earned Social Security benefits. They have spent a lifetime working for these benefits and they should get them, whether they choose to continue to work or not.

I have supported past legislation to raise the earnings test limit. Today, I fully support this legislation to eliminate the earnings test for all individuals who have reached full retirement age.

This bill is especially important to North Dakota because we have one of the highest rates of seniors receiving Social Security benefits.

I am also pleased because this bill is fiscally responsible. In the long term, it will not have any financial impact on our Social Security trust fund.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. JOHNSON. Mr. President, today is a particularly important day for American seniors. With a unanimous vote, the Senate passed H.R. 5, the Senior Citizens' Freedom To Work Act which will abolish a Depression-era Social Security restriction that lowers benefits paid to seniors ages 65 to 69 who earn more than a specified amount each year. Earlier this month the House passed H.R. 5 by a vote of 422 to 0. As a proud cosponsor of the Senate version of this bill, I am elated that Congress moved swiftly to pass this long overdue legislation.

Presently, the Social Security earnings test reduces benefits \$1 for every \$3 over earnings of \$17,000 for retirees age 65 to 69. Due to the cap on earnings, older Americans, many of whom live on fixed, modest incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local and other Social Security taxes, it amounts to an atrocious 55-65 percent tax or even higher. Such a policy defies the principals of self-reliance and personal responsibility on which America was founded. Seniors who have substantial outside income from investments have never had a similar tax penalty to pay.

By eliminating the retirement earnings test, older Americans can now decide whether and how much they want to work without a reduction in their current Social Security benefits.

An estimated 800,000 Americans lost all or part of their Social Security benefits in 1999 because they were employed and earned more than the limit. Even a part-time job can put someone over the earnings limit. According to the U.S. Bureau of the Census, the elimination of the earnings test will affect approximately 1,153,000 retirees and auxiliary retirees nationwide, including 3,462 seniors throughout South Dakota.

I believe older Americans ages 65 through 69 should be able to work and supplement their Social Security without a benefit reduction, just as other beneficiaries can supplement, without restriction, their Social Security with pensions and unearned income.

At a time when labor shortages loom on the horizon and people are living longer, we should encourage, not penalize, older workers.

Faced with serious health care expenses, escalating prescription drug prices, long term care needs, and other expenses in caring for a spouse or other family members, older Americans are choosing to stay in the job market longer. By eliminating the earnings test today we have just improved the personal and financial well-being of thousands of seniors throughout South Dakota and our nation.

I am very pleased that President Clinton is supportive of the legislation and has indicated that he will sign the bill into law immediately.

Today marks a strong vote for older Americans. Seniors are one of our nation's most valuable resources and we should honor and respect them by providing the means necessary to live long, fulfilling lives without worrying about whether or not they can afford to pay their rent, heating bill, and other necessities. As we move forward with the 106th Congress, I look forward to working with my fellow colleagues to implement further programs and a strong legislative agenda which strengthens crucial programs such as Social Security and Medicare, and establishes prescription drug coverage, nursing home reforms, new efforts on long-term care, tools to fight crimes against seniors, new plans to secure retirements and protect pensions, and other initiatives that meet the needs of our growing population of seniors.

Mr. GORTON. Mr. President, for too many years I have worked in support of repealing the unfair Annual Earnings Test on Social Security. Incredibly, working seniors currently forfeit one dollar of Social Security benefits for every \$3 they earn over the earnings limit of \$17,000.

If an American spends a lifetime paying into the Social Security system with the guarantee that he or she will get their money when he or she turns 62 or 65 years old, no one should be able to take those benefits away simply because the beneficiary wants to keep working. Why should the federal government be discouraging those seniors who want to keep on working from doing so? As our country faces increasing demands for labor, we can ill afford to deprive ourselves of the skills and experience America's seniors have to offer. The federal government shouldn't be in the position of discouraging anyone from working; seniors should be allowed to make their own decisions.

Over the past few weeks, I have listened to and read the comments of numerous Washington state seniors who lose a portion of their hard-earned Social Security benefits simply because they do not wish to retire or stop working. I have been listening to these same comments for many years, and I can honestly say that today it looks as if common sense will finally prevail and a solution will pass the House and the Senate. Importantly, President Clinton recently changed his position on this issue and now says he will sign this legislation to abolish the Earnings Test.

I will cast my vote for abolishing this unfair tax. Repeal of the Social Security Earnings Test is a victory for seniors and every generation of Americans.

Mr. EDWARDS. Mr. President, I am proud to join my colleagues today—Republicans and Democrats alike—in voting to repeal the Social Security earnings test. For 75 years now, Congress has kept a provision in the Social Security program that hurts our seniors who continue to work. The Senior Citi-

zens Freedom to Work Act is a sensible measure. It will correct an injustice in our Social Security program, infuse our tight labor market with experienced workers, and most importantly, help hundreds of thousands of seniors become more financially secure.

Currently, retirees drawing Social Security benefits are subject to an earnings test. This means that for seniors ages 65 to 69, benefits are deferred by \$1 for every \$3 that their earnings exceed \$17,000. In my state, nearly 2,500 seniors are hurt by the Social Security earnings test. According to the Social Security Administration, the average amount of benefits lost per recipient in 1995 was \$3,596. My state benefits from the contributions of these employees, substantively and economically; yet these individuals are being penalized for their efforts.

It is now time for Congress to bring the Social Security program into a new era. Retiring the earnings test, not our seniors, is a first step.

In 1935, when the Social Security program was established, the United States had a crowded labor field. The earnings test was designed to encourage seniors to leave the work force to open their jobs to younger people. But today the rationale for the test has faded. It's about time we replaced this antiquated provision.

Indeed, no one today would seriously consider structuring the program to discourage older workers. Our unemployment rate is at an historic low. And our country is enjoying unprecedented economic prosperity. Seniors bring years of experience to the work force—knowledge and judgment that cannot be obtained from a textbook, but only from first-hand experience. Employers today are seeking skilled, dependable, and honest employees. Many older Americans would be willing to fill this need if they were not faced with decreased Social Security benefits. The government should not tell people who want to work that they cannot, but this is exactly the message the earnings test sends to many seniors. This message is discriminatory and fundamentally wrong.

Moreover, at a time when we are experiencing such phenomenal economic growth, many of our senior citizens are struggling to pay for everyday needs. This measure will help them. I have heard from hundreds of seniors from North Carolina who are struggling to pay their medical bills and daily living costs. By now, they have been working and paying Social Security taxes for decades. These same seniors are the ones who start to lose benefits because they continue to work, simply because they earn a salary that the government believes is too high for them.

It must be said that this legislation is a patch to one problem in the Social Security system that is currently riddled with holes. If Congress does not start considering overall Social Security reform, we will eventually have a hole too big to fix. It is my hope that

the current momentum to fix small holes in the system will lead to a larger dialogue on how to save the Social Security program.

But until then, the Senior Citizens Freedom to Work Act is a win-win measure. It lets seniors earn a higher salary without retribution. It keeps skilled employees in the workplace. It helps maintain a strong economy. It helps our seniors to afford today's cost of living. And finally, it's the right thing to do.

This bill has a lot of benefits, and it costs the government nothing. I look forward to its quick passage in the Senate and to the positive effects that it will have for our country.

Mr. ABRAHAM. Mr. President, in my State of Michigan, we currently have less than a 3 percent rate of unemployment.

We used to think that just the people entering and leaving the job market, as well as those switching jobs, would keep unemployment to a minimum of 5 percent.

But our economy is exceptionally strong, and the demand for labor is through the roof. In fact, some companies in Michigan have threatened to leave the State because they can't find enough people to work.

Yet throughout the United States, we encourage our seniors between the ages of 65 and 69 to not work because of the earnings test on their Social Security benefits.

At the very time that we need experienced workers in the labor market, the government makes it uneconomical for our most experienced workers to stay in the work force.

Under the current earnings test, Social Security beneficiaries under the age of 65 lose \$1 of social Security benefits for every \$2 they earn over \$10,000 per year.

And those under 70 lose \$1 for every \$3 earned over \$17,000 of annual income.

Not until they reach 70 years of age are seniors free to work again on their own terms.

Seniors are being penalized by double taxation—and in this case, simply for working.

I find it incredible that we force our seniors to forego over \$3.9 billion a year in Social Security benefits simply because they make more than \$10,800 if they are under 65 and \$17,000 if they are between 65 and 69 years of age.

But what is not seen is the income foregone by those seniors for whom the earnings test makes it uneconomical to work.

A recent study by the Institute for Policy Innovation shows that your typical 67-year-old married senior, making let's say the American average of \$37,000, could have a marginal tax rate of over 80 percent.

This is a huge disincentive to continue working, even though we need these experienced seniors in our work force, many of them want to work, and they are able to do so.

In fact, a recent study by the Urban Institute indicated that because of

longer life expectancies and better medical care, a 65-year-old today is healthier than a 40-year-old was before World War II.

This has the effect of forcing able workers out of the work force. In 1948, 47 percent of men over 65 worked. Today, it's one-third of that with about 16 percent continuing to work.

And if they do work, they limit how much they work because of the earnings test. In fact, 65 percent of those seniors that work, keep their total earnings under the earnings test limit in order to avoid the penalties.

But if we repealed the earnings test, we could unleash the economic power of our seniors.

The National Bureau of Economic Research estimates that repealing the earnings test on workers age 65 to 69 would increase the annual number of hours worked throughout the economy by 5.3 percent.

That may not seem to be much, but it actually represents 63 million more hours worked per year, or the equivalent of almost 31,500 jobs.

Because seniors would have more money to save, invest, and spend, it's estimated that overall gross domestic product would rise by \$19.5 billion, increasing the projected growth in disposable personal income by more than 5 percent.

And this would ripple throughout the economy, adding \$6.8 billion to the stock of U.S. capital invested in new jobs.

Finally, the extra growth that would be brought about by this repeal would generate enough new tax collections to totally offset the higher Social Security benefit payments within 10 years.

That is why I was proud to join Senator McCain last year in cosponsoring S. 279 to repeal this antiquated test and allow our seniors to keep all of their Social Security benefits. And that is why I will also support passage of H.R. 5.

But I think we need to look at the broader issues of retirement security, including the taxation of Social Security benefits, and the forced depletions of individual retirement accounts.

In 1993, the President forced through an increase on the amount of Social Security benefits subject to taxation from 50 to 85 percent for those singles making more than \$34,000 and those couples making over \$44,000.

When coupled with the earnings test, these benefits taxes can punish some couples with a 103 percent marginal tax rate. These couples actually lose more than a dollar for making another dollar. Not only is this grossly unfair, it's also an even further disincentive for savings and work.

But the government's raid on senior's retirements assets doesn't even stop there. It also levies a 50 percent tax on IRA savings when seniors fail to withdraw when Washington wants them withdrawn.

Current law requires seniors to start withdrawing their IRA savings beginning at age 70½.

And seniors must usually make these withdrawals in annual amounts large enough to deplete the entire IRA by the time they reach age 85.

Failure to follow these rules earns a whopping 50 percent penalty.

This withdrawal requirement can only be viewed as a punishment for those who plan and save for retirement. Even worse, seniors who live past 85 may find themselves short on funds because the Federal Government forced them to spend their own savings. That's not right, and it must be stopped.

To remedy all of these gross disincentives to seniors planning and saving for their retirement, and staying active in the work force, I introduced the Senior Citizens' Financial Freedom Act, S. 2180.

This legislation would accomplish three objectives:

First, it would repeal the Social Security earnings test working penalty on seniors, just as the legislation before us today would.

Second, it would roll back the Clinton administration's 1993 tax increase on Social Security benefits.

Finally, it would increase the age when minimum IRA distributions must begin, from 70½ to 85.

Passage of H.R. 5 is vitally important to the financial well being of our seniors who chose to remain in the work force.

And I hope we will continue to work toward truly protecting the financial well-being of America's seniors by also addressing this year the other issues of Social Security benefits taxation and forced IRA withdrawals.

With these two important pieces of legislation, we can really strengthen Social Security for our seniors in the most important place possible—their wallets.

Mr. HARKIN. Mr. President, the Senate is going to take an important and long overdue step to stop penalizing older workers in our Nation—eliminating the Social Security earnings penalty. This is a change I have advocated for many years. So I am very pleased we are taking this important step.

This legislation, H.R. 5, is an important step for a number of reasons. First, it is simply the right thing to do. There should not be a penalty for working.

Second, we are now facing and will continue to face tight labor markets. In my State of Iowa, this is an acute problem in some areas. By eliminating the earnings penalty, experienced workers who were discouraged from continuing in or rejoining the work force will have a new incentive to work. The emergence of the Internet and home computers offers tremendous opportunities for seniors to work at home. Marrying these new job opportunities with a repeal of the earnings penalty will become even more important as the Baby Boomers retire.

Third, a large number of older Americans need the income. Over half of today's workers have no pension plans

outside of Social Security. They are going to need additional sources of income to maintain their standard of living.

Some critics have expressed concern that this change would have a negative budgetary impact. I believe that by attracting more Americans back into the work force, either on a full-time or part-time basis, it will strengthen Social Security and the federal budget. And I believe they will add to the productivity of our nation.

I am pleased that the Senate has been able to come together on a strong bipartisan basis to pass this bill. The President has indicated his support and so it should become the law of the land in the next few weeks. That would be a good step forward for our Nation.

Mr. ALLARD. Mr. President, I rise to make a few comments on the Social Security earnings test elimination bill. Today I join my Senate colleagues in supporting important legislation that will benefit millions of American seniors who want to remain working after age 65 without facing a reduction in their Social Security benefits.

In America today there are roughly 800,000 Social Security recipients between the ages of 65 and 70. Under current law if you are one of those 800,000 Americans and you earn more than \$17,000 this year you will begin to see a reduction, \$1 in loss for every \$3 earned over \$17,000 in Social Security benefits. I think it is important to recognize that those being penalized are those who have been paying into Social Security their entire working lives. I have long disapproved of this punitive system that places restrictions on a person's right to work, and an employer's ability to hire the right person for the job. Too often Social Security is viewed as a handout, but for the vast majority of Americans this is an earned benefit that should not be subject to Depression-era work restrictions.

The Members of this body are familiar with the numerous obstacles facing employers, particularly small business owners, in these times of near full employment. In my home State of Colorado, our small businesses, hospitality and tourism employers are struggling to find experienced, qualified individuals even in these times of prosperity. Here in the Senate we have looked at increasing the number of guest workers visas and streamlining the visa process in an effort to provide employers with an opportunity to reach employees. While we will still consider these efforts, the passage of the Social Security earnings test elimination bill will allow employers to tap an eager and rich population of employees already living in every community in our State. Importantly, this legislation will put an end to a depressing practice that has forced working seniors to leave their jobs mid-year once their earnings threshold has been reached. Not only will America's working seniors be spared unnecessary grief, but

these seniors and their employers will be free to develop stable, life-long working relationships.

The Congressional Budget Office has estimated that this legislation will cost \$22.7 billion over the next 10 years. I understand that actuaries from the Social Security Administration have reported that this cost will be negligible over the long term. I mention this solely in the context that as we pass this legislation we recognize that this measure is associated with a cost. Congress must budget appropriately in response to this cost. Repealing the earnings limit is an idea whose time has come, whose time came years ago. Part of constructing good public policy is making hard choices. I hope that my colleagues will recognize that if we are not willing to assume the responsibilities of these costs in other areas of the budget we run the risk of continued fiscal irresponsibility that threatens Social Security and a balanced Federal budget.

Like many of my colleagues in the Senate today I had the good fortune to work on a precursor to this legislation when I served in the House of Representatives. During the 104th Congress I voted in favor of H.R. 2491, the budget reconciliation bill that carried a number of provisions outlined in the Contract with America. One of these provisions was the gradual increase of the Social Security earnings limit. In December 1995, President Clinton vetoed this legislation. I am thankful that today the Senate will pass this legislation overwhelmingly, insuring relief and increased economic freedom for America's seniors.

Mr. KOHL. Mr. President, when the Social Security system was established, a retirement test, also referred to as an earnings test, was made part of the criteria for determining an individual's benefits. This criterion was established because Social Security benefits are intended to replace, in part, earnings lost by an individual or family because of retirement, disability, or death. Therefore, benefits are withheld from individuals who show by their substantial earnings from work that they are not in fact "retired".

What this means today is that recipients aged 62-65 could earn up to \$10,080 annually without having their benefits affected, and those between 65-69 could earn up to \$17,000 a year. For earnings above these limits, recipients aged 62-65 lose \$1 in benefits for each \$2 of earnings while those between 65 and 69 lose \$1 in benefits for each \$3 in earnings. The earnings test does not apply to recipients age 70 and over, and the exempt limits increase each year at the same rate as average wages in the economy. Currently, it is estimated that there are approximately 600,000 recipients age 65-69 affected by the earnings limit test.

Today we are repealing the earnings limit for people between the full retirement age and age 69, giving them the opportunity for increased financial se-

curity, and providing an increase in skilled workers during this tight labor market.

Removing the earnings limit will provide seniors with greater independence and financial security. Today, too many Americans struggle through their retirement years trying to make ends meet. The steps we take today will allow seniors to work longer, and depend on their savings less, giving them more security into their later years. In our modern workplace it makes no sense to penalize workers for staying in the workforce longer. Congress works hard to encourage people to plan their retirement years thoughtfully, and removing the earnings limit will give working families one more tool for planning their financial future.

This move is especially timely in our tight labor market and booming economy. Removing the earnings limit will allow experienced workers to be able to stay in the workforce. I have heard from several business owners in Wisconsin who are desperate for skilled workers in a number of industries. While the long term answer to the skilled worker shortage is increased worker training and education, encouraging older workers to remain in the workforce will certainly help meet the current demand. Proven, experienced, mature workers will help our economy maintain its momentum.

We should not feel too jubilant, however, about today's accomplishment. Comprehensive Social Security Reform is still necessary. Today's changes will do nothing to hold off the coming crisis that will begin when we start drawing down the Social Security Trust fund in 2014. Congress needs to deal with this soon, otherwise we are shirking our duty to the American people.

Mr. BURNS. Mr. President, I rise today to urge all my colleagues to join me in supporting the Senior Citizens' Freedom to Work Act. It is high time we eliminated this Depression-era provision which penalizes motivated senior citizens for working to augment their Social Security income.

As the law currently stands, if a person between the ages of 65 and 69 earns more than \$17,000 per year, their Social Security benefits are reduced by \$1 for every \$3 they earn above \$17,000. That just isn't right. Ours is a society which values hard work; only our Government would devise a scheme to penalize people for working.

Before too long, in 2025, Montana will have the third largest proportion of senior citizens in the Nation. This growth rate is nationwide, however. Our country is aging and the programs which our parents relied on in their golden years need to change if they are to keep pace with the changing face of American society.

Most of the senior citizens affected by this unfair provision are those who can afford it the least. These are the very people who struggle to make ends meet every month. Many may face the impossible decision of putting food on



their tables or prescriptions in their drug cabinets. We expect retirees to augment their Social Security income with money from outside resources but then turn around and penalize them for working. Isn't it about time to bring consistency into Social Security? Eliminating the Social Security earnings limit is one important step in reforming the laws which affect our senior citizens.

I urge the Senate to follow the House of Representatives by expediting passage of this important legislation. Working seniors deserve no less.

Mr. President, I yield back the remainder of my time.

Mr. L. CHAFEE. Mr. President, I rise today to express my support for H.R. 5, the Senior Citizens Freedom to Work Act. This bill will do away with the Social Security earnings test for those individuals between the ages of 65 to 69. The earnings test has proved to be a disincentive for able and healthy senior citizens to be a productive part of the workforce. On March 1, the House of Representatives approved H.R. 5 by a vote of 422-0. Moreover, the administration has expressed its support for the bill. While I believe the amendment offered by Senator KERREY had merit, attaching it to this bill would have delayed enactment of this important legislation. Therefore, it is my belief that we should pass this bill immediately and send it to the President for his approval.

Mr. MACK. Mr. President, I want to express my strong support for repealing the Social Security Earnings Test for working seniors. Many of my colleagues and I have been working together for the past 12 years to pass this legislation. At long last, the Senate is going to retire the Social Security Earnings Test.

The Social Security Earnings Test is a 70 year old dinosaur of a law which was initiated to insure that Social Security benefits were granted specifically to retired persons. Today, unfortunately, economic reality dictates the need for many senior citizens to continue working in order to achieve a basic standard of living. The Social Security Earnings Test stands as a roadblock to independence for tens of thousands of seniors throughout the United States. Furthermore, America's seniors represent a wealth of talent and skill. A national policy which discourages them from working is simply counterproductive.

Clearly, few other states have been as impacted by the unfair Social Security Earnings Test as the people in my home state of Florida. I've seen firsthand the impact upon Seniors of laws which limit income. We have already seen the impact caused by President Clinton's 1993 tax hike on Seniors, when he raised the Social Security benefit tax from 50% up to 85%. When are we, as a nation, going to stop penalizing success?

It's not a group of greedy millionaires who are being impacted by the

earnings test restrictions. It's lower and moderate income Seniors who need some relief from their government to simply survive. In Florida, we are talking about grandparents who live on Social Security plus any outside work they can get. And if you have grandma in the hospital or a nursing home fighting Alzheimer's Disease, and grandpa has to go find some work to pay the bills, the Social Security Earnings Test is simply another hurdle they have to overcome.

Several years ago, I was visiting a worksite in Safety Harbor, Florida where I met with a group of working Seniors. I asked them why they were working past the traditional retirement age. Some said they simply wanted to have a reason to get out of the house and do something productive. Others said they needed the additional income to take care of a loved one. Still others said they wanted to maintain a certain lifestyle without Federal interference.

But I was most struck by one gentleman who said to me, "Senator, we live in a throw away society. Don't let them throw us away." What this gentleman was saying was that the message the Earnings Test sends is that society no longer needs you. How can we, as a society, say such a thing? Clearly, we shouldn't.

Finally, consider this thought. Baseball fans might remember my grandfather, Connie Mack, who spent many years in major league baseball. In 1929, he managed the World Champion Philadelphia Athletics. In 1929, he was 66 years old. Suppose he had succumbed to the idea that, at that age, there was no purpose for pursuing one's ideas, one's dreams in life. Suppose he had been told by our nation that he was no longer of value to society. He might not have had the opportunity to produce that great team. Fortunately, we didn't have a law which could have forced him into retirement.

The Federal government is sending a message to working Seniors that they are over the hill. The only thing that is over the hill is the Earnings Test. We need to retire the Earnings Test, not our Seniors.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRIST). Is there a sufficient second?

There appears to be a sufficient second.

Who seeks time?

Mr. ROTH. Mr. President, we yield back any remaining time.

Mr. MOYNIHAN. Mr. President, we yield back any remaining time.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the

question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—100

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The bill (H.R. 5), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the previous order be postponed for 3 minutes.

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

Mr. MOYNIHAN. Mr. President, this is a moment of high achievement. Is there anybody about who can remember when a substantive piece of legislation affecting millions of Americans and dealing with the Social Security Act would pass this Chamber 100-0? I can't in my 24 years.

In my 24 years, I have not seen the like.

I congratulate the chairman who had the wisdom to bring up the matter, hold it at the desk, and do it this way.

When the President gets back, I am sure the first thing he will do is sign it, or we can put it on a plane and send it to meet him halfway in Geneva.

But congratulations.

Mr. ROTH. Mr. President, I thank the distinguished ranking member, Senator MOYNIHAN, for his kind and gracious but too generous remarks. I know we were able to get this accomplished through his leadership. As I said earlier, I do not only want to congratulate him for his role today, but for his continuing role in his many years of service in the Senate. I thank him for his leadership, for his contribution, and for his steadiness on this most important matter.



I also say to my distinguished colleague that it is important we recognize the staff who worked so hard on this historic measure on the majority side.

I thank Frank Polk, Alec Vachon of the majority staff; on the minority side, David Podoff and Jon Resnick. I also thank David Koitz of the Congressional Research Service, Ruth Ernst of the Senate Legislative Counsel, and Kathy Ruffing of the Congressional Budget Office. Frankly, if it had not been for their hours of long staff work, this historic bill would not have been possible.

Mr. President, I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from West Virginia is recognized to speak for up to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that should I need an additional 3 minutes, I may have it.

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

#### A NATIONAL ENERGY STRATEGY FOR THE 21ST CENTURY

Mr. BYRD. Mr. President, I am aware that some Senators have come to this floor in recent weeks to talk about rapidly increasing petroleum prices, and other Senators have raised serious concerns about home heating oil prices in the Northeast this winter. I also recall that certain regions of this country were threatened by electricity brownouts last summer, to say nothing of the difficulties our beleaguered farmers may face this year and to say nothing at this moment of what they faced last year. All of these issues raise serious concerns that affect our everyday lives in every season and region of the country. The crisis that we have all been witnessing not only forces us to question our dependence on foreign oil, but, more importantly, to confront the crying need for a serious domestic energy strategy.

I remember very well, because I was here, the energy problems this country experienced in the 1970's. During that decade, we were forced to confront our energy demands and our vulnerability to the whims of foreign powers. A quarter century later, this nation is still facing that same vulnerability. While some circumstances may have changed, the United States is now importing more than half of its oil from overseas. This fact, in addition to the potential for volatile market swings, is very unsettling to me. The United States should not be held hostage to the capricious decisions of other nations—friend or foe. We should not have to go, hat in hand, to other nations to beg them to produce more oil so that our supply

and prices in the United States do not plummet to levels that stifle the economy. We should not have to think of sending in the troops every time some regional difficulty arises in the Middle East.

Our ultimate national interest lies with concerns that are much larger than the current price hikes in gasoline, diesel, home heating oil, or electricity. Though I am certain that, in time, this petroleum crisis will pass as most crises do, I fear that, as a nation, we will sink back into somnolence, asleep at the wheel so to speak. The alarm is ringing loudly today, and it is time to wake up and address the underlying issue—our lack of a serious, comprehensive national energy strategy. That is the underlying issue. Our policies must take into account our energy independence and U.S. energy security. We need a policy that buffers our economy and our people from decisions made by foreign suppliers. It is past time to focus on increased research and development into advanced technologies, energy efficiency and conservation measures, and market incentives for these advanced technologies and conservation measures. Obviously we must also be sensitive to the environment. Clean air and clean water matter; the responsible use of our land matters; and the potential impact caused by the growth of greenhouse gases matters. We should aggressively investigate promising carbon sequestration technologies. In fact, a comprehensive national energy strategy must also incorporate a strong environmental strategy. I believe that we can, and that we should undertake this challenge. We ought to do it now.

The United States is vast, and our resources are vast. We are a fortunate nation in that regard. The Creator has blessed us. Our economy is booming and with that boom comes an increased appetite for energy. We must consider how much we consume and how efficiently we use these resources. We possess energy reserves of oil and natural gas, as well as wind, solar, hydro, fuel cell, geothermal, and nuclear power. And, some of our most abundant energy sources are the coal reserves underlying many areas of the United States. We will need all of these resources if we are ever to achieve the goal of stable energy independence. It is time to examine the tough questions and to explore the opportunities before us to increase our energy independence.

This is a daunting task, and its success is dependent on our active support of a focused research and development program. I serve as the Ranking Member of the Senate Appropriations Committee. I am proud to have been able to provide funding for a range of critical research and development programs for energy efficiency. I have been on that committee 41 years; now going on 42 years. I have been on that Appropriations Committee longer than any other Senator has ever served on it. During

that time, I have been conscious of the need for more energy research and the need for a comprehensive energy strategy. So I have provided funding for a range of critical research and development programs for energy efficiency. One such research and development effort that I am especially proud of is the Clean Coal Technology Program. I believe that it was, and continues to be, a commonsense, forward thinking program.

In 1985, I was able to provide the initial \$750 million to create the Department of Energy's Clean Coal Technology Program. It has been a very successful public-private partnership. Originally designed to address acid rain reduction, the Clean Coal Technology Program is now addressing a broader range of emission issues, including the reduction of greenhouse gases.

Over the years, more than \$2.4 billion in federal funding has moved the clean coal program forward. I have supported every dollar that has been utilized in this way. To date, 40 projects have been approved, with 32 either completed or scheduled to be completed by the end of 2001. But there is a disturbing trend taking shape at the Federal level. These funds are being threatened by deferrals and rescissions by this Administration. I have had to try to fight off these deferrals and rescissions that are being recommended by this administration. A critical research and development program that supports more efficient use of one of our most abundant domestic fuel sources—coal—must not be eviscerated if we are serious about advancing our energy security goal. We must continue to be ready in the event of a crisis. We have seen these crises occur before. Yet here we are with an administration that wants to rescind, wants to defer, moneys that are to be spent in the clean coal technology program.

The utter folly of such an approach is self-evident. Here we have been caught without a cushion, so we were not prepared for the crisis the country is now in. We should have been prepared. Coal cannot be taken off the list of domestic energy sources if we are ever to get out of the posture of begging, begging, begging OPEC for mercy.

I come from a coal State. Coal reserves are plentiful—not so plentiful as they once were in my State, but they are plentiful in this country. Coal supplies 56 percent of all electricity in this country. See the lights up here. Electricity is what makes those lights burn. What is behind that electricity? Coal, C-O-A-L. It keeps the lights burning in the hospitals, in the schools, in the Federal buildings, in the White House.

Coal, as I say, supplies 56 percent of all electricity in this country—56 percent.

Coal has literally fueled the American economy. It will continue to be an important source of energy for the foreseeable future—and it must continue to be. I know that there are concerns about coal mining and coal use.

Some past practices would, quite rightly, not be condoned today. But we are capable, as a nation, of doing better, and we are doing more by improving these practices while also supplying the electricity that operates the wheels of industry and that lightens the offices so we can do our work, supplying an important fuel that lights our homes and businesses.

For years, not just recently, I have promoted clean coal and other clean energy technologies through research and development. But many of these newer, cleaner technologies are more costly to bring to the market. We also need to address the gap between the research and development of these promising technologies and their widespread deployment in the marketplace. It is imperative that we fill that gap.

For this reason, I have worked with Minority Leader DASCHLE and other Members of this body to develop a targeted package of tax incentives to encourage the demonstration and deployment of many energy efficient technologies. I worked with these Members for over a year and a half to craft S. 1833, the Energy Security Tax Act of 1999. If Senators have concerns about developing greater energy independence and encouraging cleaner, more efficient technologies, then I urge them to take a serious look at this legislation. Clean coal technologies are included in this package, as are a broad range of incentives for other fuels, including coal mine methane, renewables, and oil and gas. Additionally, we have included incentives for energy conservation technologies and energy efficient technologies and practices in the transportation, steel, and agriculture sectors. I say to my colleagues, if you want to help develop a strategy for an energy-independent country, then work to get this bill passed. It is the right thing for our economy, for the environment, for trade, and for jobs. It is a step toward a comprehensive national policy to promote energy efficiency, energy security, and energy independence.

If we want to have a national energy strategy, we must sit down together and bring all of our interests and concerns to the table. We must take a multi-pronged approach that looks at the whole range of fuels, the whole kit and caboodle, at more efficient energy technologies and conservation practices, and at the participation of a broad spectrum of industries and interested parties. I do not want the United States to be at the mercy of rogue nations. I do not want our economy to tremble each time OPEC flexes its muscle. I want to ensure that we remain economically competitive. An efficient, stable supply of energy is key. I believe that the challenges of this new century can be met, lighting the way for a new energy strategy that recognizes the importance of economic development and environmental protection at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, could the order standing on the floor at this time be indicated.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska or his designee is recognized to speak for up to 60 minutes.

#### BALANCED PRODUCTION OF ENERGY RESOURCES

Mr. MURKOWSKI. Mr. President, I compliment my good friend, the senior Senator from West Virginia, for his attention to the energy crisis that clearly this Nation faces, and particularly his attention to the realization that we have become so dependent on imported energy which clearly affects our national security interests.

In 1973—this is a time the Senator would certainly remember, as many Americans do—as a consequence of the Arab oil embargo, we had a very significant event in the United States. We had gas lines around the block. Many younger people don't remember that time. We were 37-percent dependent on imported oil. We created the Strategic Petroleum Reserve as a consequence of our concern, fearing we might approach 50 percent dependence. We fought a war in the Persian Gulf. At that time, I believe we were 47-percent dependent.

Today, this Nation is 56-percent dependent on imported oil. The Department of Energy forecasts by the year 2015 to 2020 we will be 65-percent dependent. I hope we can learn something from history; that is, that we lose our leverage if we become so dependent on that single source of imports.

As the Senator from West Virginia pointed out, we have many forms of energy in this country. We have coal, as the Senator notes; we have gas; we have hydro; we have nuclear. However, we don't have a cohesive energy policy. As a consequence, we face a crisis. The farmers in this country are getting ready to plant, and they are going to be facing high energy costs. We have seen truckers come to Washington, DC, and plead because they can't pass on the increased price of diesel to consumers. We have our Secretary of Energy in Nigeria, he was in Saudi Arabia, he has been to Mexico, urging they produce more oil.

What we need is a balance. We need a balance in domestic production of energy resources in this country, including coal, oil, and gas, using America's technology and America's know-how to develop these resources safely.

I commend my friend from West Virginia for bringing this matter to the attention of this body and recognizing that we have a capability in the United States to relieve our dependence on imported energy. The answer is not to go out and generate more imports; it is to generate more resources domestically. In his State of West Virginia and in my State of Alaska, we have a tremendous

capacity to produce energy, if it is given the opportunity. We can do that because we have the advanced technology. He talks about clean coal technology. In our State of Alaska, we talk about drilling in the Arctic in the wintertime where you do not make a footprint because you are on top of the frozen ground. If there is no oil there, there is no scar, no footprint in the spring.

I have the obligation of managing some time this morning. Does the senior Senator from West Virginia have anything further to say?

Mr. BYRD. Only 1 minute, if the Senator will yield?

Mr. MURKOWSKI. I yield.

Mr. BYRD. I thank the Senator for his observations. He has very cogently and lucidly expressed those observations. I thank him for the work he has done in this subject area. I have been glad to work with him on some legislation, and I look forward to the opportunity of our working and cooperating to deal with this very serious problem.

I thank him very much.

Mr. MURKOWSKI. I thank my friend from West Virginia because I think his years of experience and participation in this body on energy matters is a legacy to which he continues to contribute, and we can learn a great deal from his advice. I thank my friend.

I believe the Senator from Wyoming would like recognition at this time. I ask how much time he would require.

Mr. THOMAS. About 6 minutes, I believe.

Mr. MURKOWSKI. I yield 7 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Wyoming is recognized for 7 minutes.

Mr. THOMAS. Mr. President, we are here, of course, to talk about oil prices, high oil prices that affect each of us. Let me start by recalling that less than 2 years ago, in 1998, we had what was considered to be the largest oil collapse since 1900. The price of oil in my State, which is heavy oil and less expensive than some other places, was \$5 or \$6 a barrel. Now, of course, we are faced with oil prices that are in the neighborhood of \$30 a barrel.

I think we will hear a great deal of talk that we need to find a long-term answer to stabilize the production cost of energy so we have, in fact, an ample amount of energy. We need an incentive to produce energy on a continuing basis so the price is relatively stable.

I have talked to a number of the producers in my State, and production is still not as high—there are not as many wells, not as many pumps—as it could be. We say the price is as high as it has ever been, but there is no assurance it will continue, so you are hesitant to invest the money you have—a great deal of money, as a matter of fact—when you do not know if that price is going to be back where it was before. So what we are talking about basically is some kind of policy that would bring about some stability in fuel prices.

I thank Senator MURKOWSKI, the distinguished chairman of the Senate Committee on Energy and Natural Resources, for his interest and leadership in this matter. Why this has happened is no real surprise. There are a number of things, frankly, that have happened over time, and this administration cannot be surprised that we now have energy prices that are impacting truckers' diesel fuel prices, that are impacting seniors, that will have an impact on the tourism economy in my State of Wyoming and in agriculture, and certainly in many places in home heating.

It is not a surprise this has happened. We need a long-term energy policy. We need tax relief for low-production wells. We need commonsense royalty collection. We need access to public lands for a multiple-use concept and to develop oil and gas and coal.

By the way, the Senator from West Virginia spoke of coal. Certainly, that is very important as well. Wyoming is the largest coal producer in the Nation, low-sulfur coal. We are very pleased with that.

There will be opportunities for quick fixes. Certainly we support the idea of Low-Income Home Energy Assistance Programs, for example. But the fact is, over time, we will need a policy that is not just short- but rather long-term so we can get away from this idea that we are going to be threatened in both our national security and our fiscal security from time to time because of this.

Part of it is regulatory. EPA has tried to shut down coal-fired powerplants in the U.S. when all they were doing was routine maintenance. Coal supplies 55 percent of the Nation's electricity. A third of that is produced in Wyoming.

There is an interchange between energy uses. Of course, you do not use coal in the car, but you can use coal in some places where you could then release the oil for transportation.

Lots of things are occurring. The Secretary of Interior, Mr. Babbitt, is talking about taking down hydroelectric dams in the Pacific Northwest. We have had substantial limitations on the use of public lands in the West particularly. Vice President GORE has promised to prohibit future exploration for gas in the Outer Continental Shelf, places where we could do this and at the same time protect the environment.

We are into this whole question of nonaccess to public lands. It is part of this administration's idea of the land legacy, where we have now 40 million roadless acres in the forest. We have BLM roadless areas that keep us from using the multiple resources. Interestingly enough, the access thing goes so far as national parks, where now there is a policy in winter use to keep people away from the access to Yellowstone Park but at the same time promote the burning of nuclear waste upwind from the park, and have no concern about its impact. Interesting.

A failed domestic policy is certainly what we have. It has already been men-

tioned that, since 1992, U.S. production is down 17 percent; consumption is up 14 percent. In just 1 year of the Clinton-Gore operation, oil imports increased 7.6 percent. It is now at 56 percent and growing. It will be up as high as 65.

The United States is spending \$300 million a day importing crude oil, \$100 billion a year. One-third of the trade deficit is based on the importation of oil.

So these are the kinds of things with which we are faced. We certainly need a long-term policy. As I suggested, we need to take a look at the Rocky Mountain States. We need to take a look at Alaska. We need to take a look at offshore opportunities, tax incentives to help oil production get started, exploration costs.

Yesterday, I cosponsored a bill introduced by Senator KAY BAILEY HUTCHISON from Texas on marginal well credits. I think these are the kinds of steps we can take—incentives, of course, trying to make regulations that do not inhibit production moving forward.

We have a lot of things to do. There are some real impacts, in addition to the costs. In 1990, U.S. jobs exploring and producing oil involved 405,000 people. In 1999, jobs exploring and producing oil and gas were down to 293,000—a 27-percent decline in the production of energy.

I think there is a great deal we can do, but the overriding demand is to have a long-term policy which helps us to increase our domestic production so we are less reliant on overseas oil. American families should not have to bear the full cost of this failed energy policy. In the long term, I hope the administration will embrace Congress' efforts and we will move forward. I yield the floor.

Mr. MURKOWSKI. I wonder if my friend from Wyoming will yield for a question relative to the advanced technology applicable to coal.

I believe there have been projects in Wyoming that have addressed the issue in general terms of clean coal, how it can be reformulated to reduce the moisture and generate higher Btu's. I wonder if the Senator could comment briefly as to the area in Wyoming, as well, that could be available for oil and gas and coal exploration but has been withdrawn by the administration, and the rationale behind that; if those areas were open, what they might contribute to lessen our dependence on imports.

Mr. THOMAS. The Senator is correct, of course. There are a great many things that could happen. We have low-sulfur coal, which is very clean, but it is relatively low Btu. You can do some things to enrich the Btu's. One of the problems is transportation. We have this great coal now that costs us less than \$5 a ton. That is what it is worth at the mouth of the mine. But if you take it then to Fort Worth, TX, it is \$25 because of transportation. You

could transport many more Btu's if you would do this enrichment.

Fifty percent of Wyoming belongs to the Federal Government. Some of it is set aside, of course, and should be, as wilderness. Some of it is set aside in forests and lands that need special protection. But much of the land is high plains lands, and so on, that can be used for multiple use, can be used for production. Frankly, it has been made so difficult. We have had such a hard time with royalty payments, these kinds of things that really are unnecessary.

The Senator from Alaska is right. We can do a few things to encourage domestic production and really take us out of this kind of a proposition.

Mr. MURKOWSKI. I thank my friend from Wyoming.

I believe the Senator from Maine seeks recognition, Ms. COLLINS. She represents a part of the country that has been very hard hit by high heating oil prices with a cold winter.

While we have seen excuses made relative to certain volumes of storage capacity being taken out of existence for heating oil because of age and the fact that they did not comply with current environmental requirements for fuel oil storage, we have seen refineries go out of existence. But the constituents in her area have been hit very hard.

It is my understanding that this year in the Northeast corridor there is a potential threat associated with high electric prices as a consequence of the likelihood that, indeed, some of the oil-fired plants are going to have to be put on line to meet peak demand. The costs associated with the high price of oil to fuel those plants will be passed on to the consumers in her areas, which puts a further burden on the residents of the Northeast corridor. As a consequence, that addresses the dilemma we have: Whether we are going to continue to rely on imports of energy or finally develop a balance with domestic alternatives.

How much time does the Senator from Maine need?

Ms. COLLINS. I request 10 minutes, if that is available.

Mr. MURKOWSKI. I am happy to yield 10 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I begin my remarks this morning by commending the Senator from Alaska, the distinguished chairman of the Energy and Natural Resources Committee, for his outstanding leadership in pulling together a plan to deal with the oil crisis.

He has been very attentive and responsive to the concerns of those of us who represent Northeast States. He has pointed out, correctly, time and again that one reason we are in such a bind where we are experiencing this oil crisis is that this administration has had no plan, it has had no policy. Thus, we have been particularly vulnerable to the manipulation of our oil markets by the OPEC nations.

I commend the Senator from Alaska for his leadership. It has been a great pleasure to work with him.

During the past winter, in Maine, home heating oil prices have more than doubled from the level of the previous winter. I point out, we still have a lot of winter left in New England. It is difficult to remember, when we are in Washington and surrounded by the cherry blossoms that are in full bloom and the tulips that are coming up, that in my home State of Maine we still have a considerable amount of winter yet to go through.

In fact, last weekend, when I was in Maine, in Aroostook County, the temperature was a very chilly zero degrees; and in southern Maine, in Portland, on Sunday morning the temperature was 9 degrees. The crisis, as far as the impact of home heating oil costs on my State—and on many New England States—has not yet eased. The crisis is very much still with us.

Moreover, we are now seeing the increase in oil prices affecting the cost of gasoline. According to the latest American Automobile Association survey, gasoline prices in Maine now average a staggering \$1.62 a gallon. In some parts of the State, such as Aroostook and Washington Counties, the prices are even higher. And there is no end in sight.

The Department of Energy has predicted sharply higher prices for gasoline as the summer approaches. Again, this is a particular concern to my State of Maine. We are very dependent on the tourists who come to Maine to enjoy our beautiful scenery and outdoor recreation during the summer months. I fear that many of them will stay away if they are confronted with gasoline prices that approach, or perhaps even exceed, \$2 a gallon.

The reason behind these soaring prices is simple. OPEC's decision to engage in unfair and anticompetitive practices to constrict the supply of oil and drive up the prices is responsible, primarily, for the crisis we face. This cartel inflicts—and will continue to inflict—economic hardship on the families and the businesses of the Northeast and throughout America. The results of the jump in oil prices may have been felt first in the Northeast, but they are rolling as thunder across America.

Let's look more closely at the primary cause of the oil crisis.

OPEC is a cartel of 11 oil-producing states that supply over 40 percent of the world's oil and possess over 77 percent of the world's total proven crude oil reserves.

OPEC member countries have colluded to take some 6 percent of the world's oil supply off the market in order to maximize their profits. And the strategy is working.

Although OPEC countries sold 5 percent less oil last year, their profits were up by more than 38 percent.

Last October, I began warning the Clinton administration about OPEC's production squeeze and the detrimental

impact the cartel would have on our economy. At that time, oil prices were already beginning to rise and U.S. inventories were falling.

Throughout the winter, Mainers and all Americans who heat with oil have suffered from the highest prices in a decade. Gradually, the economic pain caused by OPEC has spread throughout the country. The entire Nation is suffering—and will continue to suffer—the results of record high fuel costs.

Last fall, the administration, in response to the concerns Senator SCHUMER and I and other Members expressed, told us what it is still telling us: Just wait and see. Be patient. We will somehow increase production. We will convince OPEC to raise production to normal levels.

We have waited and waited and waited. The cost of oil has gone from \$20 to \$25 to \$30 to \$34 a barrel. Energy Secretary Bill Richardson has admitted that the "Federal Government was not 'prepared' for this crisis. When he was in Maine, he said they had been 'caught napping'." That is an astonishing admission of a lack of leadership by this administration.

The fact is, this administration has no plan, no policy, no approach for dealing with this crisis. It has no energy policy at all. The administration should act immediately to combat OPEC's manipulation of oil markets by using a tool that has proven effective in the past; that is, a measured release of oil from our Strategic Petroleum Reserve.

Along with Senator SCHUMER, I have repeatedly asked the administration to release some of the oil from our Strategic Petroleum Reserve into the marketplace. I have worked with the chairman to make sure it would be done in a way that did not in any way jeopardize our national security. It would not in any way drain the reserve, which has approximately 575 million barrels in its storages. This would ease the price.

Last November, again, Senator SCHUMER and I introduced a bill making clear the President's authority to act. Time and again, we called upon the administration to take some action to provide us with relief. On March 2, we introduced legislation calling upon the administration to draw down the SPR in an economically feasible manner using what is known as swaps. A release from the SPR would have an immediate and dramatic impact on the price of oil. It would help break OPEC's resolve to maintain an iron grip on our Nation's oil supply.

I will relate what has happened in the two past cases where we did have a measured release of oil from our reserves. In 1996, the administration sold oil from the SPR simply to raise revenue, and oil prices declined almost immediately by over 7 percent. That was in response to merely the announcement of a one-time sale of 12 million barrels. Previously, when President Bush tapped the reserves

during the gulf war, prices dropped by 30 percent.

In proposing that we release oil from our reserves, I am pleased to have the very strong support of the American Trucking Association. Perhaps no one has felt the pain of soaring oil prices more than our Nation's truckers. The jump in prices deeply harms them and, by extension, all American consumers and businesses.

I have heard from a small Maine trucking company that is in dire straits. One operator of a trucking company in Ellsworth tells me that due to the high cost of diesel, many independent contractors with whom she contracts will simply not be able to stay in business. Potato farmers in northern Maine are concerned they are going to have increasing difficulty in shipping their crop because the high cost of diesel has made it economically infeasible for truckers to drive to Aroostook County. High diesel costs also hurt our lumber and paper industries.

Everyone shares in the pain inflicted by OPEC. Record-high crude oil prices hurt all Americans—at the pump, on the farm, in the supermarket, at the airline ticket counter, and at home during cold nights. These exorbitant prices even hurt our kids. Recently a newspaper in my State reported that the high cost of fuel is straining school budgets in Maine. Several schools have canceled all field trips because they have already depleted their budget for gasoline, diesel, and oil costs for the year.

I have been disappointed that the administration has failed to heed our call during the past several months. What makes the administration's failure to act even more perplexing is the fact some of the nations involved in the scheme to manipulate prices are supposedly our allies. They have depended heavily on American support in the past. These countries include Kuwait, Saudi Arabia, Venezuela, and Mexico. I am so frustrated in particular with Kuwait and Saudi Arabia. We rescued these countries; 147 Americans gave their lives in the cause of freeing Kuwait and protecting Saudi Arabia.

I hope next week when the OPEC nation ministers meet they will decide to restore normal production levels. But we cannot wait. We have to keep the pressure on. We have to provide short-term and long-term relief.

There are other steps we could take. We should suspend the 3.4-percent gas tax hike while protecting the highway trust fund, and we must make clear to the OPEC nations that we will not stand idly by.

Again, I thank the chairman of the task force and of the committee for his excellent leadership. I look forward to continuing to work with him on this very critical issue.

Mr. MURKOWSKI. Mr. President, I thank my good friend from Maine for an update on what has occurred as a

consequence of the crisis in the Northeast corridor and the implications associated with that in her area. I think she certainly has been diligent in attempting to bring about some relief for her area. It is unfortunate that the administration's answer seems to be soliciting more imports. Of course, those of us who follow this closely know that it is somewhere between 6 and 8 weeks before a barrel of oil that originates in Saudi Arabia is going to be available in her area for the benefit of relieving those who are subjected to the high prices of heating oil.

Before I recognize my friend from Texas who is seeking recognition on this subject, I remind my colleagues that there is going to be a lot of finger pointing as to who bears responsibility. The claim by the administration that they have been "caught by surprise" suggests that they must have been napping because evidence certainly shows that the President had knowledge of the extent of this crisis developing back in 1994, when the Independent Petroleum Association of America petitioned the Commerce Secretary, under section 232 of the Trade Expansion Act. Under that act, upon a request from an interested party, which the independent petroleum producers certainly were, the Secretary of Commerce must institute, over a 270-day period, an investigation into whether imports threaten U.S. national security. Then, if the Secretary determines such imports do threaten national security, the President has 3 months to disagree or agree and, if he agrees, to determine a response or a solution.

In 1994, the Independent Petroleum Association petitioned the Commerce Department. At that time, the late Secretary, Ron Brown, under section 232 of the Trade Expansion Act, responded. After study, the Department of Commerce found that imports did threaten the national security and reported this to our President. What was the President's response? I quote from the 1994 findings:

I am today concurring with the Department of Commerce and their finding that the Nation's growing reliance on imports of crude oil and refined petroleum products threatens the Nation's security because they increase U.S. vulnerability to oil supply interruptions.

Granted, that was in 1994, but something else happened in March of 1999. The Congress asked for a new section 232 finding on oil imports.

I ask unanimous consent that a letter asking the Department of Commerce for an evaluation under section 232 be printed in the RECORD.

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

UNITED STATES SENATE,  
Washington, DC, March 12, 1999.

Hon. WILLIAM M. DALEY,  
Secretary of Commerce, U.S. Department of  
Commerce, Washington, DC.

DEAR SECRETARY DALEY: For over a year now, the world oil market has been glutted with excess supply, which has severely de-

pressed oil prices. The crash in oil prices has resulted in record low gasoline prices and shaved at least half a point off the inflation rate. At the same time, the impact on domestic oil production has been devastating. According to a January survey by the Independent Petroleum Association of America (IPAA), 193,000 marginal oil and gas wells have been shut down with a loss in oil production of 360,000 barrels per day since November of 1997. Even if oil prices were to increase to \$14 for the next six months, another 184,000 oil wells would likely be shut in. Once marginal wells, well that produce less than 10 barrels per day, are shut in they rarely come back into production. With 1 million barrels per day of U.S. production coming from marginal wells, loss of that production would have a dramatic impact on U.S. oil imports.

The future implications of a slowdown of this magnitude are severe and long lasting. New drilling is down nearly 50 percent. In general, the only wells being drilled are those required to maintain a lease. The major oil companies have announced significant cuts in capital spending, averaging 20 percent. The impact on the United States, a high-cost province, is expected to be a reduction in capital spending on the order of 40 percent. The absence of new drilling means that for several years we are going to have declining production as old fields are depleted without new fields being brought into production. Oil development requires long lead times and oil production cannot be brought back up in short order.

According to press reports, oil industry bankruptcy filings started to accelerate late last year. The courts in Texas alone are expecting over 80 Chapter 7 oil industry bankruptcies as a result of the crisis. Over 24,000 jobs directly in the oil industry have already been lost, with another 17,000 expected. In the short run, the economic impacts in some areas are staggering. In the long run, the risk is the lost capability for domestic production. As companies go out of business, equipment is taken out of service and people are forced to find other lines of work. As the United States discovered after the last price downturn, once the expertise and capability disappear, they are costly to replace when prices do recover.

The total U.S. trade deficit last year for goods and services was \$168.6 billion, up from \$110.2 billion in 1997. The petroleum contribution to the deficit was \$20 billion less than in 1997, even though imports of crude oil were up 6 percent and all petroleum products 8 percent. When oil prices recover, and they will as non-OPEC supplies decline and developing country economies emerge from recession, our trade deficit figures will see a sharp increase. The Energy Information Administration, in its Annual Energy Outlook 1999, is projecting oil imports as high as 71 percent of consumption by 2020 at a cost of \$100-\$158 billion. While low oil prices have provided obvious benefits to the economy in the short run, we believe it is reckless not to be taking immediate action to mitigate the future impact of our increasing dependence on imported oil.

In 1994, your Department conducted a review under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and found that the nation's growing reliance on imports of crude oil and refined petroleum products threatened the nation's security because they increase U.S. vulnerability to oil supply interruptions. On February 16, 1995, President Clinton concurred with the finding, but took no action. In 1994, the U.S. was 51 percent dependent on foreign oil; in 1998 it was 56 percent dependent. Clearly, the security threat that was found in 1995 has increased along with those imports.

With all these factors in mind, we are hereby requesting that you conduct an expedited review and investigation into the impact of low oil prices and ever increasing oil imports on the United States national security under the authorities granted to you under Sec. 232 of the Trade Expansion Act of 1962. A finding that the level of oil imports is a threat to our national security will put the focus on a national policy to respond to the crisis. We respectfully request that you complete your investigation and send your findings to the President within 60 days.

Sincerely,

Jeff Bingman, John Breaux, Mary L. Landrieu, Frank H. Murkowski, Kent Conrad, Michael B. Enzi, Max Baucus, Byron L. Dorgan, Trent Lott, Conrad Burns, Blanche Lincoln.

Mr. MURKOWSKI. Further, I note that that particular letter is a bipartisan letter. Many Democrats as well as Republicans are on that letter, specifically asking, again, for a new finding on oil imports and pointing out that the domestic oil and gas industry was basically in a free-fall—this was March of 1999—and that that free-fall would further threaten our national security.

In April of 1999, Secretary of Commerce Daley initiated the study. That study was delivered to the President last November. Now, the President has not released that study, but clearly that study is going to point out that national security is at risk because of our increasing dependence on imports. Why hasn't the White House released that report?

Yesterday the Majority leader, Senator LOTT, along with Senator WARNER, chairman of the Armed Services Committee, Senator HELMS, chairman of the Foreign Relations Committee, and myself wrote to the President laying out this sequence of facts and asking the President to release that report that has been sitting on his desk since November. Now, he is required by law to do this within 90 days—which has past. So when I hear from the administration that they were caught by surprise, or caught napping, I can only assume they haven't been reading their mail, or they haven't been moving the reports, or they have decided they didn't want to bring this issue up before the American people, because they were told in 1994 and they were told again last November that we were risking our national security as a consequence of our import and dependence on foreign oil, which is now up to 56 percent.

The Department of Energy, in its own forecast last year, said in the years 2015 to 2020 we will probably be in the area of 65-percent dependent on imports. I am not buying the excuse that they were caught napping or caught by surprise. They were caught because they haven't done anything about it. They haven't wanted to do anything about it. They hoped they would get out of town before the American public became aware, before the crisis hit, before the farmers came to Washington, before the truck drivers came to Washington, before we had a surcharge on

our airline tickets, before we were approaching \$2-a-gallon gasoline. But it has caught up with them.

It will be very interesting to hear what the White House is going to say now that they have this report under section 232 of the Trade Expansion Act; they have had it since November. And why haven't they released it to the American people?

I ask the Senator from Texas how much time she will need. We have had 7 minutes. We have had 10 minutes. And we have a couple more speakers. Is 10 minutes adequate?

Mrs. HUTCHISON. Yes.

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to my good friend from Texas, who has been very much an integral part of our Special Energy Committee to try to address some short-term, interim, and some long-term relief for the crisis we are currently facing in our country.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska, the chairman of our Energy Committee, for taking the lead on this very important issue. Not one person who drives a car in this country or rides on an airplane can fail to realize what is happening—that we have oil prices that are going through the roof and it is affecting every one of us in our daily lives.

The sad thing is that this could have been avoided. We had the opportunity to present an energy policy in this country that would not make us beholden to foreign oil resources. In fact, when President Clinton took office, we imported 48 percent of the oil needs in our country. Today, it is approaching 56 percent. Over 50 percent of the oil needs in our country are imported.

I am going to vote for all the quick fixes that we can to get prices down as quickly as possible because it does hurt people who have to drive for a living, or those who are planning family vacations, to have this kind of added expense they didn't count on. But if we do a short-term fix without a long-term fix, we are doing nothing to solve the real problem in this country—that we are consuming more oil than we are producing and we are too dependent on foreign sources.

I want to help the people in the Northeast who are suffering from terrible heating oil shortages and high prices. I want to help every American who is driving a car and seeing \$50 register on the gasoline pump. I want to make sure we realize we can do something to make our own country more self-sufficient and these are things that will be good for everyone.

When prices were so low that small producers could not break even—in 1997 and 1998—we lost much of the small business in our country that is in oil production. I have a great empathy for farmers in our country, as does Congress and the President. So when prices are artificially low for agricultural products, we do something for the small farmer to make sure they can stay in business because they are the

bread basket of America and it is in all of our interests to do that.

But somehow, when we talk about small oil producers, people don't think of that as a small business. They think of oil as big oil. They think of it as J.R. Ewing. That is not the small producer in our country. A normal well in our country would be putting out 1,000 barrels. In Alaska, they put out 6,000 barrels a day. When we talk about a marginal well, we are talking about a 15-barrel-a-day quantity; the output is 15 barrels a day. This is a very small, low-profit-margin well. These are small businesses that are creating jobs in America.

What I want to do as part of a long-term solution is help those small producers when prices go so low that they have to go out of business and close their wells. In 1997 and 1998, 20 percent of these producers were put out of business because prices were \$7, \$8, \$9 a barrel and they could not break even. Once a well is shut in, they pour concrete down the hole, so it is very expensive to reopen it.

Now, to put this in perspective, you might think, why would we want to save a 15-barrel-a-day well? The reason is that all of those small wells, put together—about 500,000 of them across the country—can create the same amount of oil as we import from Saudi Arabia. So if we can keep these little guys in business, that creates a base for our country that does make a difference—the same amount of oil we import from Saudi Arabia that we are getting in our own country, creating jobs in our own country, creating tax-paying citizens, paying taxes to school districts, paying sales taxes to our States and income taxes to the Federal Government. So this is not a loss to the Federal Government; this is a win for everyone.

In my State of Texas, where they have given tax breaks to small producers—the 15-barrel-a-day producers—they have reopened wells and they have put over a billion dollars into the economy of the State just by giving incentives for these small guys to stay in business. So if we can do this when prices fall below \$17 a barrel, we will create revenue for our States and Federal Government, jobs for American people, and we will create more oil so the price is stabilized, so we won't see the spikes caused by foreign countries deciding they are not going to produce. It is a win for everyone.

This is not big oil. The big oil companies rarely, if ever—I would say never, but I could be wrong; maybe there is a well out there that is 15 barrels a day, but it is not the kind of thing big companies do. But it is a livelihood for a small producer, and we should treat them like a small family farmer because it is in our interest to do so. It doesn't hurt us in revenue, it helps us.

My addition to the long-term solution here is to help producers who are drilling wells that produce 15 barrels a day, or less, by giving them a tax cred-

it for the first 3 barrels of the 15 barrels when the price falls below \$17 a barrel.

That is it.

If it goes to \$18 a barrel, there is no tax credit because then they can break even on their own. But when it falls below \$17, then they need that help to keep those jobs, to keep that well pumping until they get to \$18 a barrel. Frankly, if we did this, the prices would stabilize and we wouldn't have the lows and the highs.

I commend our chairman, Frank MURKOWSKI, for putting together a package. I wish we had an energy policy from the administration. I hope they will work with us.

Our package says we are going to lower the gasoline taxes immediately until prices go back up to the \$17 or \$18 a barrel level; we are going to give help to people who need help in extra funding for fuel oil; we give help to the truckers who rely on fuel prices being at a steady level when they make contracts. We will do the short-term fixes. But we must address the long-term problems. If we did, we could pump immediately 250,000 barrels a day in our country with the small guys, with the little guys—the little oil producers who would reopen a well or believe they could make the investment to go back in and start drilling again—and start our production so we would not be totally beholden to foreign countries for our energy needs.

I hope our package is not just short-term fixes because if it is, we will be walking away from the responsibility of Congress to have an energy policy that will for the long term stabilize prices at a reasonable level so we can keep jobs in America and so we can have the security that we will not import more than 50 percent of the needs of our country.

Thank you, Mr. President.

Mr. MURKOWSKI. Mr. President, I wonder if I might ask a question of my friend from Texas relative to, again, the contribution of these small stripper wells. They are prevalent in our State, Oklahoma, and other areas. While they don't produce much, the numbers are significant. Collectively putting them together could offset dramatically a significant portion of what we import.

Mrs. HUTCHISON. That is exactly right.

Mr. MURKOWSKI. Does the Senator have a figure on how significant they are collectively?

Mrs. HUTCHISON. I think the chairman is exactly right. In fact, if we helped these small stripper wells and these little guys so they could afford to go back in and drill again, we would be creating the same number of barrels as we import from Saudi Arabia. They could produce 250,000 barrels almost immediately if they knew there was a policy that would protect them against a drop because then they could afford to make the investment.

Mr. MURKOWSKI. When they are shut down, they are difficult to reopen and are almost lost.

Mrs. HUTCHISON. That is exactly right, and 250,000 barrels a day could come on line practically immediately.

Mr. MURKOWSKI. This proposal of a floor and a ceiling for somewhere in the area of \$14 to \$17 would guarantee them an opportunity to continue when prices dropped below a figure and when ordinarily they would cease to exist because they couldn't operate below that price.

Mrs. HUTCHISON. They couldn't exist when prices fell to \$11, \$10, or \$9 a barrel. They cease to exist. Some of them will never come back.

Mr. MURKOWSKI. We would be losing those jobs, and the dollars would be spent overseas.

Mrs. HUTCHISON. When the price goes to \$18 a barrel, there are no tax credits—nothing—because they can make it on their own.

Mr. MURKOWSKI. I very much appreciate the contribution of the Senator from Texas who has been very instrumental, I think, in coming up with some solutions as opposed to just importing more oil.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. MURKOWSKI. I yield 6 minutes to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

I think one thing the Senator from Texas, Mrs. HUTCHISON, failed to say is that she has legislation to do the very thing she is talking about that is critical to more than just the economy of this country and just the price of oil but also to our national security.

I can remember in 1985 serving in the other body. At that time, we and Secretary of the Interior Hodel had a dog-and-pony show where we would go around the Nation and explain to people in consumption States that our dependency on foreign sources for our oil was a national security issue. That means we are dependent upon them for our ability to fight a war. This is an incontrovertible fact. In fact, if you go back to World War I, the wars have been won by those countries that have control of the energy.

I certainly applaud Senator HUTCHISON for her legislation. I am a cosponsor.

I think this is one of the ways we do it. We have two major sources in this country that we need to tap: One is in the State of Alaska, and offshore. I have been up there. I know how compatible that is to the ecology up there. I believe we are going to have to do it. Of course, in our areas, to some degree—Arkansas, Oklahoma, and Texas in the oil belt—we have tremendous reserves. But all of it is in shallow steppes.

She talks about 15 barrels a day. I used to do this for a living. I was a tool dresser on a table tool rig. Nobody knows what a table tool rig is any-

more. But at that time, you had to work and work very hard.

It costs us in the United States of America 10 times as much to lift a barrel of oil out of the ground than it costs in Saudi Arabia.

You would think we were smart enough in this country to learn from experience, but we are not. In 1973, we were going through exactly the same thing we are going through today. The OPEC countries could produce oil cheaply. They had control of this. We were at that time only 36-percent dependent upon them, but that was enough for them to control to the extent they lowered the price and starved out the small, marginal well producers and stripper producers. They were no longer able to stay in business.

It is not easy to say: It is fine now because it is \$38 a barrel, or \$28 a barrel. It doesn't work that way. There has to be a predictability of price.

When you are making an investment decision to drill one of these wells, that has to be made about 6 months before you actually go into the ground. If you have fluctuating prices, you can't find many people who are willing to risk their capital to go in the ground. We have to have predictability. The only way we are going to have that is with a national energy policy.

I have probably been the chief critic of this administration in every area, from energy to national defense. But in this case I have to, in all fairness, say we do not have a national energy policy. We tried to get a national energy policy under President Reagan, under President Bush, and certainly under President Clinton. We have not been able to do it. This is where we are going to have to concentrate our efforts.

I think people who are concerned about prices need to understand there is another thing coming, and that is the EPA. Truck drivers have been requesting that Congress step in to reduce the cost of diesel fuel. If they think prices are high now, wait until the EPA finalizes their sulfur and diesel rule. I have talked to small refiners. They do not know how they can operate at that particular level. That is going to have a direct effect. It could double the cost of diesel.

Yesterday, Carol Browner said she wanted to eliminate the oxygenate mandate in fuels. However, she wants to mandate that all fuels contain a 1.5-percent renewable component. That means the cost is going to go up. It is done under the banner of the ecology.

The issue we are dealing with today is far more serious than just the price of gas at the pumps or the price of oil to heat our houses. This is a national security issue. We are now dependent upon foreign sources for our ability to defend America.

It has to come to a stop. The only way it can come to a stop is develop a national energy policy, the cornerstone of which is a percentage beyond which we cannot go beyond for dependence on

foreign sources. I applaud the chairman for his efforts and join in the efforts to bring about such a policy.

Mr. MURKOWSKI. I thank my friend, the Senator from Oklahoma. I remind the Senator that in 1973 when we had the Arab oil embargo, we had a bipartisan effort to come together, to take steps to ensure we would never be over 50-percent dependent on imported oil. We created the Strategic Petroleum Reserve. Clearly we didn't follow what we were preaching at that time. I thank my friend from Oklahoma for his contribution.

In the remaining minutes, I will point out a couple of relevant facts I think Members need to be cognizant of. One of the short-term proposals that our energy caucus has come up with is to support a temporary suspension until year end of the 4.3-cent-a-gallon gasoline tax that was added in 1993. Some will remember we had a debate on the floor regarding that tax. We were tied on the 4.3-cent-per-gallon gasoline tax increase. Vice President GORE came to the floor and broke the tie. Some have taken the opportunity to suggest this is the Gore tax, the 4.3 cent a gallon. It amounted to a 30-percent tax increase on the gasoline.

We are proposing a temporary suspension. The proposal suggests we will not jeopardize any of the contracts that are outstanding for highway funding this year, that we will replace the offset by the end of the year through the general fund or surplus, or a combination of both, or perhaps if the price of oil should come down, we will do it that way. However, we clearly will not jeopardize the highway trust fund by this proposal.

Another reality I think is worth mentioning because it is very significant relates to the fact we are currently importing a significant amount of oil from Iraq. We fought a war over there not so many years ago. We lost 147 American lives of service men and women. The object was to expel Saddam Hussein from Kuwait. We have 458 Americans who were wounded; 23 were held prisoner of war. What has it cost the American taxpayer since the end of the Persian Gulf war to ensure that Saddam Hussein stays within his borders? A little over \$10 billion—we were enforcing a no-fly zone; we were enforcing some embargoes. I mention this because of the inconsistency.

Now we are importing oil from Iraq. Our greatest percentage of growth in imports is coming from Iraq. In 1998, I think it was 336,000 barrels a day; In 1999, it is over twice that much.

Where is the consistency in our policy? We can condemn the Saudis for not increasing oil production. We can condemn the Mexicans. The Secretary of Energy went to the Saudis and said: We have an emergency, we need more production.

Do you know what they said? They will have a meeting on March 27 and let us know. He says: No, you do not understand. We have an emergency. And they said: No, we have a meeting.



He went to Mexico and begged for more production from Mexico. Do you know what the Mexicans said? They said: Where were you, United States, when oil was \$13, \$14, \$15 a barrel and our economy was in the bag?

That is what we are hearing as a consequence of our dependence on this source. Some suggest we should consider pulling out troops if OPEC fails to raise production. Obviously, that is contrary to our own best interests, as well.

It is important to point out the inconsistencies associated with our policies and the realization we have allowed ourselves to become so dependent. We were aware of it as evidenced by the section 232 Trade Expansion Act report. The President had it in 1994 by the Department of Commerce and he had it last November and he has not chosen to release it. That is where we are.

I conclude by reminding my colleagues that things are probably going to get worse in some areas of the country. We had the Senator from Maine indicate the difficulties associated with heating oil. Let me advise the Northeast corridor that there may be higher electric generation prices coming this summer in their electric bills. Only 3 percent of the Nation's electricity comes from oil-fired generating plants, but in the Northeast corridor it is much higher. It is estimated that the older oil-fired plants will have to come online this summer and the price will go up because they use a uniform price method to set prices.

In other words, the last energy source that comes online dictates the price for the other sources and there is a windfall. In other words, those providing electricity using gas, which is cheaper, charge the same price as those generating electricity using oil. If I have not confused the President, I think he has an idea of the point: Electricity prices will go up in the Northeast.

The Northeast corridor relies 33 percent, I am told, on fuel oil for its power generation. By some estimates, an oil plant that offered electricity at \$37 per megawatt hour 1 year ago may now seek a price of \$75 or more—assuming fuel is purchased on the open market. It may be more as owners of oil units are free to ask whatever price desired.

If there were an abundance of power this would not be an issue, but there is not an abundance of power. It is very likely, according to the estimates we have received from sources in the industry, that every kind of generation available will likely be utilized this year in the Northeast corridor—including fuel-oil units.

The bottom line is that as long as OPEC controls the price of oil and we allow our domestic production to continue to decline, American consumers continue to pay the price.

The alternative is clear: We have to reduce our dependence on imported oil. To do that, we have to go across the

breadth of our energy sources. We have to have the people in the Northeast corridor recognize the answer to their problem is more domestic production and less dependence on imported oil. That suggests an aggressive policy of opening up the overthrust belt in the Rocky Mountains, opening up Alaska, opening up OCS areas, and do it right, with the technology we have. Otherwise, this situation will happen again and again and again. The Northeast corridor will feel it first and foremost.

I thank the Presiding Officer for his patience and diligence in listening to the presentation.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee is recognized to speak for up to 50 minutes.

Mr. KERREY. Mr. President, I yield such time as necessary for this presentation.

The PRESIDING OFFICER. The Senator is recognized.

#### THE MIDDLE EAST

Mr. KERREY. Mr. President, last week, in the middle of a 10-day trip to Syria, Lebanon, Jordan, and Israel, I read a story in the International Herald Tribune about a discovery made by a joint Chinese-United States paleontology team in China. The team found 45-million-year-old fossil remnants of an animal the size of a thumb they believe is a key evolutionary link between pre-simian mammals and human beings. From an analysis of the fossils, the team speculated that the animal met an unfortunate fate: He became the regurgitated meal of a hungry owl.

Misery loves company and there are times in the Middle East when one feels like that unfortunate animal trying to figure out and understand what our policy ought to be to pursue peace in that turbulent, difficult region.

In the Middle East the search for peace can seem as slow to develop and the politics can be as brutal as the rules of natural selection where survival is the most important virtue. For most of the modern era survival in the Middle East has been defined in military terms. However, because the Middle East is not immune from the competitive demands of the global economy, increasingly survival's definition has been modified with economic strategies and analysis.

That is among the most important reasons for improved chances of peace between Israel and Syria. To that end President Clinton's decision to fly to Geneva, Switzerland to meet with Syrian President Hafez al-Assad is a very hopeful sign. The President has a high degree of respect from both President Assad and Israeli Prime Minister Barak. As such, he may be able to convince Mr. Assad to make some gesture to the Israeli people which will make possible the eventual surrender of the all-important Golan Heights. The Golan Heights were captured from

Syria on June 10, 1967, at the end of the Six Day War, and have been a part of Israel for 33 years; no Israeli leader can surrender this land unless legitimate security concerns are thoroughly satisfied.

If the President's discussions with President Assad do help produce a peace agreement between Israel and Syria, it will add momentum to the successful completion of final status talks between Israel and the Palestinians. It will decrease the potential for tragedy in southern Lebanon following Israel's unilateral withdrawal by July 1. And finally, it will increase the chances that Lebanon could become more independent from Syria.

Syria's 15 million people are facing a very uncertain future. This uncertainty begins with the nature of their government—a dictatorship with President Assad in absolute control. Mr. Assad has held power since 1970 and has tried to give the impression of popular support with coerced referendums; in 1991 he received a "vote of confidence" from 99.9 percent of Syrians. However, Mr. Assad's age and health make it likely that power will be transferred in the next few years. The current leading candidate is the President's son, Bashar, a thirty year old ophthalmologist.

Peace with Israel would make it much more likely that President Assad's son would survive in power. A peace agreement would mean normalized relations with Israel and an end to Syria's support of terrorism. It would make it more likely that badly needed investment would enter the country and it would allow Syria to divert much needed resources from defense into health and education. The resulting economic growth would bring newfound opportunities to the Syrian people though not nearly as great as the opportunities they would have if they would begin a transition away from a dictatorship to democracy.

From the Israeli point of view, a peace agreement with Syria would bring benefits that could lead to solving regional economic problems as well as contributing to a more favorable agreement with the Palestinians. Peace would mean that all three nations—Jordan, Egypt and Syria—with whom Israel has fought three wars would recognize Israel's right to exist as an independent nation.

In theory it would seem like peace is possible, but the Middle East is a place where life is always standing theory on its head. Not only is a U.S. Presidential election coming to a theater near all of us in 8 months, but the political scene in both Syria—a dictatorship with transition difficulties—and Israel—a democracy divided into smaller and less effective political groups than at an time in its 50-year history—makes it most likely that defeat will once more be snatched from the jaws of victory.

I would say the chances of success are comparable to making a three-ball

pool shot on a pool table littered with debris. However, given the benefits of peace it is a shot worth taking.

The benefits for the United States of an agreement between Israel and Syria are considerable. They include:

Improved security for Israel, our closest ally in the region;

Increased openness and opportunity for regional cooperation since Israel would then have peace agreements with Syria, Jordan, and Egypt;

Decreased threat of terrorism directed at Israel or the United States;

Increased chances that Lebanon can become a fully independent and democratic nation; and,

Greatly decreased threat of catastrophic use of weapons of mass destruction in this fragile region.

The benefits to the United States must be quickly understood by Congress because when an agreement is reached, there is no doubt that the United States will be asked to spend money in order to give both sides the confidence that peace will make them more secure. The figure of \$17 billion over a 10-year period has been raised in the press, specifically directed at funding means to give Israel the security which it currently enjoys from being present on the Golan Heights. The dollar costs are important, but I would like to focus less on the amounts than on what will be needed to make an agreement successful.

First, Israel needs the assurance of early warning. It needs to be warned about potential missile attacks—or other use of weapons of mass destruction—so it can deter or intercept such attacks. It needs to be warned of potential ground attacks so it has time to mobilize its ground defenses. Without the assurance of early warning, the Israeli people will not feel secure. To emphasize, Israel is a real democracy. They do not have a dictator making the decision. The people have to feel secure in order for a peace agreement to work. Without real security, the Israeli people, quite rightly, will not support any peace agreement.

In my view, monitoring from the high ground overlooking the Golan Heights is essential to achieving any agreement and to maintaining Israel's security. A largely automated equipment set should suffice, but if personnel are required on site, I think American contractors, not soldiers, can and should do the job. Operating on an isolated mountainside, they would be in more danger than are our peacekeepers in the Sinai Multilateral Force of Observers. This is an appropriate task for us.

Another potential cost, and one that is rarely mentioned, is economic assistance to Syria. The poverty and lack of economic dynamism in Syria is the fault of the Syrian regime, whose mania for control has largely smothered the entrepreneurial instinct of Syria's talented people. And, unsurprisingly in a regime which has ruled unchallenged for 30 years, there

is corruption. But if Syria will agree to a timetable of economic opening and a transition to democracy, U.S. economic aid for Syria would be appropriate. Syrians need to see a peace dividend. Given the business skills and ambition of Syrians, I expect a free-market, democratic Syria to move up quickly in global economic standings and to be a partner with Israel in trade as well as in security arrangements.

Lebanon poses perhaps the biggest challenge to a comprehensive peace. If Lebanon is to play a positive role in the peace process, and if Lebanon is to become independent of Syrian domination, many Lebanese are going to have to act with both courage and generosity. As Israel withdraws from southern Lebanon, Lebanese leaders should send their own rebuilt and united army to the south to disarm Hezbollah and the South Lebanese Army and to prevent future attacks on Israel. Lebanon should do this even if Syria objects. It is Lebanon's duty to be sovereign in all its territory, and to prevent attacks on other countries that emanate from Lebanese territory. I am sympathetic to all Lebanon has undergone over the past 25 years, but I am describing only the minimal duties of an independent state.

Occupying the south will take courage. Two other big problems—the future of the South Army and the future of Palestinian refugees in Lebanon—will require generosity. The Lebanese Army should integrate the SLA fighters into its own ranks and make them welcome. It should similarly integrate those Hezbollah combatants who request it. Regarding the Palestinians, some of whom have resided in camps in Lebanon since 1948, Lebanon should likewise be generous. Those Palestinians who request it should be accorded citizenship and Lebanon should make a special effort to integrate them fully into its national life. It seems presumptuous of me to advise a country which fought a long civil war over just such issues to now take bold action to integrate its marginalized groups. But if Lebanon fails to do so it will be neither peaceful nor independent, and its weakness will lessen the chances of peace in the region.

Let us suppose that this extraordinary long shot works, that all three balls go in their respective holes, and that Israel, Syria, and Lebanon, with American help, make a real peace. There will still be dangers emanating from the Middle East. The weapons of mass destruction now in the arsenals of Iran and Iraq, and the weapons those two states are still developing, present a lethal danger. The Iranian regime seems more rational and more amenable to democratic change than does Saddam's regime in Baghdad, but there won't be true security in the region until Iran and Iraq are free-market democracies and are fully integrated into the family of nations.

Furthermore, looming overall these security challenges is the biggest prob-

lem of the Middle East: The lack of water. Water is not a respecter of political boundaries; water shortages can only be solved on a regional basis, and if they are not solved diplomatically these shortages will be a longstanding source of military conflict.

Despite all of these challenges, it is still worthwhile for us to maintain our patience for peace. The peace we are helping build today will have enormous benefits. Perhaps the greatest benefit is that the burden of fear which overhangs the whole region will be lifted. I am thinking of the fear of a mother whose son has been drafted, the fear of a child in a bomb shelter, the fear that large crowds at a market or sports event might attract a terrorist bomb, the fear with which a family fits and adjust their gas masks, the fear of war that keeps investors away, the fear of the unknown alien race that lives in very similar circumstances just 30 miles away.

As many of my colleagues know, the people who deal with these fears are wonderful people. They are our friends, our actual relatives in many cases. For many of us they are our spiritual cousins as well, they are at home in a region many of us call holy, and they have lived with fear for too long. That is why one of our Government's noblest efforts right now is the effort to help the pragmatism, good sense, and good will of the region's leaders bring peace to the Middle East.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. I ask unanimous consent to speak in morning business.

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

Mr. DURBIN. Is it my understanding, under the order, we are to be in morning business until 12:30; is that correct?

The PRESIDING OFFICER. That is correct.

#### THE BUDGET

Mr. DURBIN. Mr. President, I come to the floor this afternoon to address an issue which is paramount now at this moment in time in this congressional session. Each year, we have certain things we have to do before we can go home. The first of those things is to pass a budget resolution.

The President comes to Capitol Hill in January. He gives his State of the Union Address and suggests a legislative agenda, as Presidents have done, I believe, since President Woodrow Wilson. Then, shortly after that speech, the President's wishes are translated into a budget proposal submitted by the President to Congress.

Of course, we have coequal branches of Government. We are very proud of our responsibility. We look at the President's budget as an indicator of where the country might be headed. Then we add our own priorities. We decide, if we agree with the President, that we will go forward with some of his spending plans. If we disagree, we come up with our own proposal. That proposal is known as the budget resolution. It is a resolution passed by the House, passed by the Senate, one we hope we can agree on, but it isn't signed by the President. It is really the Congress' view of how we should spend the money the people of America give us to supervise and maintain.

The budget process is one where Congress has the burden on its shoulders. The President has met his responsibility. Now it is our turn. We usually try to make certain that before April 1 that budget resolution will be enacted so that then we can get to work on the Appropriations Committees.

The budget resolution is like a blueprint. The Appropriations Committees take 13 different appropriations and spell out, in fine detail, what the budget resolution has instructed them to do.

There are large-scheme things we consider and smaller things, as well. On the larger scheme, we want to continue to bring down the deficit that we have faced in this country for so long, and the national debt which we have accumulated. On a smaller scheme basis—certainly not small in terms of importance, but in spending, we consider everything from the Federal prison system, education, the defense of the country, foreign aid—you name it—each of the appropriations bills takes that into account. The first step is the budget resolution.

I am a member of the Budget Committee. I kind of jokingly say that I served a 6-year sentence on the House Budget Committee, and now I am back in the role of the Senate's Budget Committee serving my time as well. It is not as tough an assignment as that might lead one to believe. We have a wonderful chairman in Senator PETE DOMENICI of New Mexico; we have a great minority spokesman in FRANK LAUTENBERG of New Jersey. But we do have differences of opinion.

It appears this Presidential election year has made the budget process more difficult than ever. I think the majority party, the Republican Party, has a tough job on their hands. They now have a candidate for President, Governor George W. Bush, who has said his vision of America involves a substantial tax cut that goes primarily to the wealthiest people in America. Virtually every Republican Senator and Member of the House has closed ranks and said he or she supports Governor Bush, and that is the cornerstone of the Bush campaign, this large tax cut for upper-income Americans.

It has become difficult to convert the Republican Presidential primary rhet-

oric into budget realities; in other words, to take the promises from the campaign stump by Governor Bush of a massive tax cut and turn it into a budget reality on Capitol Hill. I think that is why our budget process this week broke down. The Republicans canceled today's hearing to discuss the budget resolution. I am afraid the Republican majority can't quite get it together.

I think they ought to think twice. I hope they do not include in their budget resolution Governor Bush's tax cut because, frankly, it is a tax cut America cannot afford. It is one thing for us to say it is only some \$223 billion. In fact, it is much more over a 5-year period of time. If Leonardo DiCaprio and others will forgive me, we think the U.S. economy is doing very well, sailing along. In this Republican tax scheme, we see \$223 billion up here that might be its cost over the first 5 years, but take a look at this iceberg below, which could sink this ship, the U.S. economy. Once you have played out the cost of the Bush tax scheme, it approximates \$2 trillion; \$2 trillion in an economy that seems to be doing quite well as is.

Take a look last year at what was proposed by the Republicans as part of their tax relief. Over 5 years, it was \$156 billion. Then as it grew over 10 years, it went to \$792 billion. In this year's debate, the Congressional Republican budget plan is over \$200 billion in the first 5 years, and over 10 years, it just mushrooms and explodes in size.

One might say: Well, frankly, I would like to have a tax cut. Wouldn't everybody, an individual, a family, a business? Of course. But we have to ask a harder question. Would we risk endangering the current economic growth in this country in order to pass a large and expanding tax cut that goes primarily to wealthy people? Would we be in favor of such a tax cut plan as opposed to paying down the national debt, a debt which, frankly, we have to raise tax money for every single day to pay interest? Wouldn't it be better—incidentally, Federal Reserve Board Chairman Alan Greenspan thinks so and I agree with him—to reduce the national debt as opposed to giving tax breaks to wealthy people?

As that debt comes down, we are saying to our children: Here is an America that is strong, a great democracy, a leader in the world, a nation unencumbered by debt that has been accumulated over the last several decades.

President Clinton's plan suggests that our first priority should be bringing down America's national debt before we start talking about massive, risky tax schemes. I think the President is correct because in bringing down that national debt, we invest money in Social Security, meaning that it is stronger longer, and we invest money into Medicare, the health insurance plan for the elderly and dis-

abled in America, a plan which needs our assistance. That, I think, is the responsible course.

As I have gone across my State of Illinois and met not just with my friends on the Democratic side but independent voters and Republican businessmen and businesswomen, they agree. The most conservative, the most disciplined approach is not a massive tax cut but rather bringing down America's national debt so that our children are not burdened with paying interest on that. That is why my friends on the Budget Committee on the Republican side are really having a tough time of it. They are trying to sell something to America it is not buying. This Governor George W. Bush tax cut is one that, frankly, could jeopardize our economic growth, could take money away from reducing our national debt. I think the American people understand that is just not a good thing to do.

The President's proposal is to focus on bringing down that debt—in fact, at three or four times the rate of what has been proposed by the House Republican Budget Committee—and at the same time, the President says, with the surplus, without raiding Social Security, but with the surplus, let's try to deal with some of the priorities of our Nation.

Take a look at our priorities: Save Social Security first; paying down the debt; protecting Medicare. Here is one I found across Illinois that is extremely important to people—providing a prescription drug benefit for elderly people. Medicare doesn't include it. A third of the seniors do quite well and have coverage. Another third have some coverage. But a third have none at all.

I have met these people. These are men and women who have prescription drug bills of \$200 a month and more, living on fixed incomes. Many of us believe Medicare should include a prescription drug benefit and some of the surplus should be dedicated for that. Sadly, some of the proposals coming from the Republican side provide not a penny for a prescription drug benefit.

Then, from the same surplus, invest in education. I think we all agree and understand America is strong because we have a good educational system and a well-trained and well-educated workforce that can compete in the world in the 21st century. We want to be able to say this, too, can be an American century, and it means investing in education.

What will we put the money into? Well, certainly to upgrade the skills of teachers so they can teach the latest in terms of science and math and the best approaches to learning; in addition, modernizing our schools, and making sure they are safe. We can bring computer technology to our schools for every kid in America. We talk about afterschool programs so kids don't have those idle hours without supervision. They have a chance to stay

after school, under supervision, to be tutored if they are falling behind, enrichment courses if they are good students, counseling if they are troubled. Those things are all helpful and move us in the right direction.

President Clinton has suggested that we should reduce class sizes so that in the lower grades, when kids need more attention, we will have fewer kids in the classroom. I think that makes sense. I support the President on that. Those are investments in education with which most American families would agree.

Then we think we can still have some money left for targeted tax cuts, not for the wealthiest people in the country but for working families.

To give some examples, wouldn't it be great in America if working families, in sending their sons and daughters to college, could fully deduct their college education expenses? I think it would. I meet too many families and young people who graduate from college with massive debt. Sparing these young people and their parents this debt is a very worthy goal, indeed. I think the President's proposal of a tax cut for the deductibility of college education expenses is a good one.

Let me share another example. The largest and fastest growing group in America's population are people over the age of 85. People are living longer. As our parents and grandparents live longer, they run into problems. Sometimes they need long-term care, and that can be expensive. Many people don't have insurance to cover it. The President wants to give a targeted tax cut for working families to pay for this long-term care for that parent or grandparent we love, that is the kind of targeted tax cut that makes sense. It doesn't jeopardize our economic growth. It says let's help the families who are really struggling to get by.

When we take a look at the tax cut that comes from the Republican side of the aisle, we can see that because it is so large, because it explodes in the out-years, it is going to raid the Social Security trust fund. Take a look at this. Congressional Republican plans really could include a Bush tax cut that would raid Social Security to the tune of over \$372 billion over a 5-year period. I thought that was something we all agreed, not too long ago, that we would not do again. We would protect the Social Security trust fund. Yet this Bush tax cut plan endangers that trust fund—another reason I am sure the Republican-controlled Budget Committee is having a tough time getting started.

Take a look at the tax cut. I have said it helps the wealthiest of Americans. Let's show this chart which proves it. When you take a look at the George W. Bush tax cut plan and the people who benefit from it, if you happen to have an income over \$300,000 a year—and you don't have to hold up your hand—you are going to see a tax cut of \$50,000 a year under Governor Bush's tax cut plan.

If you are a family with an income below \$39,000 a year, it comes out to \$249. That is about \$20 a month. That is the Bush tax cut plan—\$249 for working families and \$50,000 for the folks who are making over \$300,000 a year.

So the Republican Presidential candidate would have us jeopardize our economic growth, and would reach into the Social Security trust fund to create a tax cut for the wealthiest people in America of \$50,000 a year.

I have to tell you, quite honestly, if you are making \$300,000 a year, I am sure you can figure out what to do with another \$50,000; but you are probably pretty well off. If you have invested in the stock market during the Clinton-Gore administration, you have probably done pretty well with your investments. I can't understand why George W. Bush is focusing his tax cut on the wealthiest people in America.

Look at the prescription drug benefit plan. We understand what it will cost. We understand under the House Republican budget what they think it will cost for us to have a prescription drug benefit plan. The problem is, in the House Republican budget no money is available for that. Once you have dedicated yourself to the George W. Bush tax cut, you lose the resources to provide for prescription drug benefits for the elderly people in America.

For a moment, let me go back to education because I think this is worth repeating. What we are talking about under the President's plan is investing money in education. It is no surprise to me that everybody asked in national polls about the top issue facing Government will answer that it is education. That is the No. 1 area that should be funded and the No. 1 area we should pay attention to in Washington and in the State capitals. Now we are talking about making good on the promise to America that we elected officials will help out with education.

Look at the President's plan: increasing education funding by 12 percent; making certain we prepare young children for school by expanding the Head Start Program, one of my favorites; reducing class size and training teachers.

As I go around in my State, I find this is something teachers want to have—help and assistance to make sure they understand the technology, which changes almost on a weekly basis. Building up-to-date schools or modernizing them is part of the President's investment for education plan; money invested in education technology so there is no digital divide, so whether you are in a poor district, wealthy district, rural or urban, you will have the same access to technology. Kids coming out of the classroom will be part of our national workforce and they should all have the needed skills. Other priorities: helping the disabled, promoting afterschool learning, and improving college access and affordability by improving Pell grants, which help lower-income students complete their education, as well as the deductibility of college education expenses.

Let me say that the targeted tax cuts proposed by the Clinton-Gore Administration and the Democrats, as I mentioned before, include helping families care for elderly parents; targeting the surplus so it goes to expanding educational opportunities; providing marriage penalty relief, which both parties support; helping people prepare for retirement with new basic pension plans; and expanding the earned-income tax credit, a benefit we give to a lot of working families who otherwise might not be able to succeed. We want them to succeed.

The basic question we have to ask and answer during this budget debate is whether America is headed in the right direction. You would expect me, on the Democratic side and being proud of the record of the last 7 years in terms of where our economy has come, to say, yes, I think America is moving in the right direction. But as we ask American families across the Nation, they agree; they know the Dow Jones Average, which we follow now on a regular basis, has risen from some 3,000 to over 10,000 in the last 7 years. They understand, as well, that we have been able to see more businesses created across America, particularly businesses owned by women. More people are building and owning homes than ever in the United States. Inflation is under control. We see reductions in unemployment, reductions in the welfare rolls. We have the smallest welfare rolls in America in 30 years and the lowest overall crime rate in 25 years. There are 20.4 million new jobs under this administration.

Frankly, we are enjoying the first back-to-back budget surpluses in 43 years. Not long ago, we were debating on the floor of the Senate about amending the Constitution, a balanced budget amendment, so Federal courts could force Congress to stop spending into red ink and deficits. Now we are talking about what to do with the surplus. Seven years ago, in the era of spiralling budget deficits, who in the world would have believed we would be talking about budget surpluses today? Amazing. And this has all occurred under the watch of the Clinton-Gore administration. Most of us believe our country is moving in the right direction and we should not launch some untried, unproven, new approach that may jeopardize that economy.

I think the proposal by Gov. George W. Bush for massive, risky tax cuts for wealthy people does just that. You expect to hear that from a Democrat. But go to somebody who might be dispassionate in this debate, Federal Reserve Board Chairman Alan Greenspan. He has basically said it is the wrong thing to do to give a massive tax cut. You could jeopardize this economic growth. We don't want to see that happen.

Is America perfect? No. We don't like the cost of gasoline and heating oil today. We know we can do better in

education. We know we can help families pay for some of their basic expenses, take care of their parents and grandparents. So we continue to look for ways to provide that assistance to families. But we do believe we have made great progress over the last 7 years.

Now, the Budget Committee in the Senate has to try to calculate a way to put together a budget resolution, and they are in a dilemma. Are they going to stand by their Presidential candidate, George W. Bush, and support a tax cut that risks the economic progress we have made? Or will they turn their backs on their candidate and say, no, let's keep going on the right course and keep America moving forward?

I understand why they postponed this week's hearing, and I hope they can resolve it in their own caucus. Let's bring this issue to the floor and let every Member of the Senate vote on the George W. Bush massive, risky tax cut scheme. If they want to go on record supporting it, so be it, then they stand by their candidate. But they can step back and explain how we are going to pay for it and why people making over \$300,000 a year need a \$50,000 tax cut. I don't think they will.

I think this country is moving in the right direction. I certainly hope Members of the Senate and the House, perhaps even on a bipartisan basis, will say that continuing this economic progress in America is more important than a ringing endorsement for any Presidential candidate.

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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent to be able to speak for 15 minutes as if in morning business.

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

#### THE BUDGET

Mr. LAUTENBERG. Mr. President, we are on the eve of establishing a budget priority for the budget year 2000, the one that begins in October and to next September.

I am the senior Democrat on the Budget Committee. I would like to establish some parameters about the budget as I see it because we are waiting patiently for the majority to produce a budget resolution, which is a responsibility of the Budget Committee. That is supposed to be done by April 1 of this year. Other than meeting that deadline, the alternative would be for the majority leader to present a budget as he sees it.

The question arises: Why is it, when the target as proposed by the chairman of the Budget Committee is for a budget resolution to be here by March 1—and today is considerably past March 1—we are still waiting?

I was advised yesterday as the senior Democrat on the Budget Committee that we could expect to have a markup yesterday or today. That was called off at a rather late moment last night. We are sitting here, I will not say breathless but certainly curious, about what it is that prevents us from getting a budget.

I have to do my own interpretation because I have not been given any explanation. I know there are competent staff people working to get the budget finished. We have them on both sides—on the Republican as well as on the Democrat side. Why isn't it finished?

Let me tell you why I think it is not and why we on this side of the aisle think it isn't being done. It is because they can't get an agreement between the members of the committee. The tax cut package of George W. Bush, candidate for President of the United States, is something that seems to me would break the back of this economy. It would destroy all the rosy plans for paying down the debt, for making sure we rid ourselves of this obligation, this mortgage that we have all over our country. There isn't a family around who wouldn't look forward to the day when the mortgage on their home or the debt that they have could be retired.

When we talk about a nice, healthy tax cut, or juicy tax cut for the wealthiest in the country, it doesn't ring a good bell even within the party of George W. Bush, the Republican Party.

I know the chairman of the Budget Committee has had his hands full. He is my friend as well as a colleague. He doesn't confide in me. We keep our party business and our intentions separate. We discuss them in the open. This is less than a bad joke. It is a travesty. It worries people.

We are enjoying a boom the likes of which has never been seen in this country or anyplace in the world. The economy is perking along—almost boiling along. This is a wonderful opportunity to make needed adjustments within our structure. We can help families, particularly the middle-class families, people who need a little bit of tax relief here and there to help accomplish specific purposes. We can keep this commitment, which we consider sacrosanct, sacred, to save Social Security first.

We want to take the surpluses which are generated by the robust economy and use them to extend the solvency of Social Security. At the same time, we want to pay down the debt. It has been the President's objective to try to rid taxpayers of the public debt, that debt which is owed outside of Government, within about 15 years—bring it down to zero. What a difference it would make

in our economy. We would be able to see people borrowing money without having to compete with the needs of the American Government, companies able to borrow without having to compete with the Government for capital. It would be an excellent objective if we could get there.

Protect Medicare, provide prescription drugs, extend the life of Medicare some 12-15 years, that is what the Democrats want to do.

We want to invest in education. I speak about education with a degree of knowledge because I came from a working-class family in New Jersey. My father worked in the textile factories in Paterson, NJ. My mother waited on tables. They struggled to make a living during those very lean years we were going through. We couldn't afford a college education for me even though it was apparent I had the ability. College came later on. I enlisted in the Army and was a beneficiary of the GI bill of rights. What a bill of rights it was for me. I was able to go to Columbia University. I never would have been able to afford that otherwise. The Government said: FRANK LAUTENBERG, you have served your country in Europe during World War II at the height of the war.

I came back and was able to get an education that helped me, with two very good friends, start a business in the computing field. It was a long time ago. We were pioneers. That company that I helped start employs in the area of over 30,000 people today. I am listed as a member of the Information Processing Hall of Fame. It is in Dallas, TX. Then I was able to run for the Senate. I am now in my third and last term. It has made such a huge difference. I made a contribution to this society that has been so good to me between establishing a business, an industry, employing people, and now being in this great body.

It means a lot when we talk about investing in education. We can say to young people across America: Even if you don't have the money, if you have the ability to learn, we will help you achieve your objectives—make an opportunity for yourself, lift yourself into a better lifestyle or better life pattern than your parents, who so often struggle so hard.

Cutting taxes for working families to achieve those objectives, that is the Democratic budget agenda.

We talk about targeted tax cuts for families; help families care for an elderly parent with a \$3,000 long-term care tax credit; Expand educational opportunities; Provide marriage penalty relief; Help people prepare for retirement; Expand the earned-income tax credit for those who often need it desperately. That is our mission.

Instead, we are presented with something that hardly resembles that mission. We show this in graphic form by presenting this picture: a ship at sea facing the tip of an iceberg. The iceberg is the Republican tax proposal,

one that says you can spend more than you have and not admit that if you want to keep on living, you may have to borrow money.

From where is that borrowing going to come? It will come from Social Security—that trust fund we hear everybody on each side, who would say under oath, “I want to make sure Social Security is there for those who work and pay the taxes.” They want to know when the time comes for retirement they will have something to look forward to.

Instead, what we have seen from the House Republican budget presentation that was sent over to the Senate is that we will have a surplus, non-Social Security surplus, in our financial account, our balance sheet, of \$171 billion. However, the tax cut proposal we have seen is \$223 billion. One doesn't have to be a mathematician to know if one takes \$223 billion away from \$171 billion, one has to go elsewhere to pay the bills.

We made this very sacred promise, this commitment to the senior citizens of this country. I am one of those senior citizens; I like it. It is not bad.

The fact is, we made a promise, almost on bended knee, that we absolutely will not touch, to paraphrase, a hair on yon gray heads for retirement opportunities. But the proposal we are looking at is one that says we will spend \$50 billion more on tax cuts than we have in our non-Social Security surplus.

That is not very good arithmetic. One does not have to be a mathematician, accountant, or economist to see that puts America deeper into a hole that we will have to dig our way out. Just take it from the Social Security, after we so diligently studied and agree that it is the most sacred obligation this country has.

Where do we go from there? This graph ought to be presented differently. It shows a tip of the iceberg. The whole iceberg ought to be lifted up because this is a crash we can see coming. If this program stays in place, the economy is going to run into a full-sized iceberg with an enormous negative economic impact.

We are not going to be able to protect Social Security. We are not going to be able to pay down the debt. We will not be able to take care of obligations we have to veterans in education and health care. We cannot do that if we go ahead as planned.

We need to pay down our obligations. We need to give some targeted tax relief, to take care of the commitments we have. But, no, we cannot do it because we are not going to have any money left with which to do it unless we borrow once again from Social Security. We have been through that. We had years and years of borrowing from Social Security to make up for the lack of revenue coming from the non-Social Security side of the ledger.

Finally, we are at a place in time where, with President Clinton's leader-

ship and with the work of people on both sides of the aisle working on a balanced budget, we have developed a surplus and now we are ready to start taking care of the financial structure of the country in a way so that we know we will be able to assure people Medicare will be there for them, that prescription drug costs, which is such a problem for so many elderly, will be taken care of in some form.

But we are not going to be able to do it if we put in place this tax scheme—and certainly, if not this one, Presidential aspirant George W. Bush's tax plan, which is more than twice, almost three times, the size of the one that has been proposed in the House budget.

So the question for the American public is, Why is it that a Republican majority, a significant majority, cannot get an agreement out that says: This is where we stand. Let the public judge the value of it. Let Democrats, let people outside, make judgments about the truth in the presentation.

We have all kinds of smoke and mirrors that disguise what we are going to try to do here. But we know in the final analysis we are going to be borrowing money from the Social Security trust fund. So let's get it out here. Let's let the public see what it is that is going on behind closed doors, because that is not the way we can operate anymore. We cannot operate with significant proposals and not permit the public to scrutinize what it is we are doing.

We have to get to the job. We are way past the deadline we thought we would be through. I am not happy about the prospect that a budget resolution will be dropped on the floor without having had the benefit of a committee discussion, some debate, some analysis in the public eye before we go ahead and start voting on it.

With that, I conclude by saying I and I know other members of the committee—Democratic members of the committee and I am sure many of the Republican Members of the Budget Committee—are anxious to get out the budget. If the leadership will accommodate us in the obligation we have to the public to present it, we will have a chance to talk about something other than what is whispered about through the halls here.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business for 10 minutes.

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

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 2269 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

## BANKRUPTCY REFORM

Mr. LOTT. Mr. President, I will propound a unanimous consent request. I have notified the Democratic leader that I intended to do that. I see there are Senators on the floor who will probably have some comments to make. But before I propound that request, let me outline what I would like to do and what has transpired.

Senators will recall that last year there was a major effort made to pass through the Senate bankruptcy reform legislation. That has been a bipartisan effort. The Judiciary Committee has done excellent work. Chairman HATCH has been cooperative. Senator GRASSLEY has been magnificent in working with both sides of the aisle. Democratic Senators had input.

After some starts and stops, we made real progress, but it did get held up at the end of the session. We did not get it completed.

When we came back in at the beginning of the year, we decided the best thing to do was to move forward and have some votes on amendments that were controversial on both sides, but we faced those votes. We got our work done, and we passed bankruptcy reform—basically, a good bill. The House also has acted in this area.

We need to go forward and get bankruptcy reform legislation into conference and completed so we can improve this area in the law, so the law will be clearer for all those interested, and so we can send it to the President for his signature.

In the process of the debate, and the amendments on this legislation, amendments were offered with regard to the minimum wage. In fact, a minimum wage increase was passed and attached to the bankruptcy reform legislation. Senator KENNEDY offered the first amendment. That was defeated. Then an alternative amendment was offered by Senator DOMENICI and others, and it did include small business tax relief to offset the impact of a minimum wage increase. That was adopted. It became a part of the bill.

The problem in going forward is, because of the minimum wage and tax provisions that were attached to the bill, it could be subject to, and would be subject to, the so-called blue slip rules in the House. It could be objected to, in effect, because it has the minimum wage and the revenue measures as a part of it.

So we had not gone forward to try to send this to the House because of the potential blue slip problem and also to wait to see if the House was going to go forward and act on minimum wage and the tax relief package. In fact, a couple weeks ago, I believe it was, they did do that. Now it is time we go to conference.

What I propose to do, even though I will do it in the Senate rules parlance—what it really says is split the two; send the Senate-passed bankruptcy bill to conference with the House-passed bill, have a conference,

and they act on it, and then to separate out the minimum wage and the tax provisions and send them to conference with the House on minimum wage and the tax provisions.

I think that is the way to do all three of the issues. It is a fair way to proceed. It is a simple way to proceed. It gets rid of the blue slip problem, and then we can count on the conference to act on both bankruptcy and the minimum wage increase and the small business tax provisions.

I just wanted to explain what was involved before I ask for unanimous consent. But I am prepared to do that.

I ask Senator DASCHLE, do you want to comment before I propound that request or would the Senator like to do it after I do the request?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's effort to try to move this legislation along. This bill, the bankruptcy bill, passed the Senate with more than 80 votes. Whether or not we get unanimous consent is not relevant. What is relevant is that we get these two pieces of legislation successfully completed in a timely manner. If we are not able to get unanimous consent, I intend to support finding a way to assure that we do go to conference both on the bankruptcy bill and the minimum wage.

I am hopeful we can instruct the conferees with regard to minimum wage. It would be my hope, at least, that the Senate could express itself in regard to the issue on minimum wage prior to the time we go to conference. But if we could accommodate that request, that we have at least an opportunity to express ourselves on the conference itself, then I would certainly be supportive of moving on a motion to proceed to two conferences—one on bankruptcy and one on minimum wage.

The distinguished Senator from Vermont, and others, Senator TORRICELLI, Senator DURBIN, and others, have done an extraordinary job in getting us to this point.

We have a much better bill, a stronger bill, in the Senate on bankruptcy than we do in the House. I hope we can take what we have been able to accomplish in the Senate and bring our House colleagues to the realization that that is the kind of legislation that will be signed into law.

On the minimum wage, the House version, at least in terms of the 2-year approach, is the one the President said he will support. It enjoys strong support in the Senate as well. We are concerned about the size and magnitude of the tax provisions. If we could target those, we would be in good shape on that as well.

I understand the majority leader's interest in moving this. We want to be supportive in that regard; most of us do. I am hopeful we can accomplish it through a unanimous consent request.

Mr. LEAHY. Will the distinguished Senator yield?

Mr. LOTT. I am glad to yield to Senator LEAHY.

Mr. LEAHY. I agree with what the distinguished Democratic leader said. I would like to see us move forward. The bill we put together passed 83-14. The distinguished leader is right; it was in excess of 80 votes. There was a tremendous amount of work on both sides of the aisle. Senator HATCH, Senator GRASSLEY, Senator TORRICELLI, and I were the four floor leaders on this, working with others—Senator REID, Senator DASCHLE—to get people to take away hundreds of amendments. We got rid of those, and we got down to several on which we voted and passed in a good package. I would advise the two leaders, I have been working with Senator TORRICELLI, Senator HATCH, Senator GRASSLEY, and Senator SESSIONS to try to whittle it down even further, but to have a packet, one that could be acceptable on both sides of the aisle and also could get signed down at the other end of Pennsylvania Avenue.

Mr. LOTT. If the Senator will yield on that point.

Mr. LEAHY. Yes.

Mr. LOTT. I have been keeping in touch with the informal discussions that have been going forward.

Mr. LEAHY. I know the majority leader has.

Mr. LOTT. I have the impression that the Senate potential conferees, Democrat and Republican, have come up with a good proposal and are ready to go forward with serious negotiations that I hope could be completed relatively quickly.

Mr. LEAHY. I hope we will find a way to go through this. I realize we have issues of the minimum wage and others. We ought to vote them up, vote them down, whatever is necessary. I advise both leaders, I think we have put together a good, bipartisan, compromise package that could be the basis of final conference action and, if it were, would be signed by the White House.

Mr. LOTT. Mr. President, if I may just comment one second more before I propound the UC request, with regard to Senator DASCHLE's comments, we do have a good, strong, bipartisan bankruptcy bill that we have passed. We also did have a debate and discussion on the minimum wage issue and the tax provisions. I didn't choose the debate and the amendments to occur on this bill, but I knew it was going to come up and it should come up at some point. So it was offered to the bankruptcy bill. We had a good debate. We had a vote.

The interesting thing about the minimum wage, I think the parameters are pretty clear. We have the Senate-passed version, the \$1 increase over 3 years, and the House version, that increase over a shorter period of time, only maybe a year or so. Then in the Senate provision, we have some small business tax offsets, a relatively small package. The House has a bigger package on the tax offsets. I think the parameters of the discussion on minimum wage are all represented in the two

bills that have been passed. We can get conferees from the appropriate committees, and they can look at the minimum wage increase, and over what period of time, and the small business tax offsets or other tax provisions, and have a good conference and be able to get a result. I hope we can do that without delay.

#### UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3081, the House minimum wage bill now at the desk, and that one amendment be agreed to, which is the text of the previously passed Domenici amendment No. 2547 now in the form of a substitute relative to the minimum wage, the bill then be advanced to third reading and passed, and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that with respect to the bankruptcy bill, the Secretary of the Senate be directed to instruct the enrolling clerk to strike the Domenici amendment language just described above, all other parameters of the previous agreement be in order, and the Chair be authorized to appoint conferees.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Is there objection?

Objection is heard.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, objection was heard. If Senator KENNEDY would like to be recognized, I am glad to yield to him.

Mr. KENNEDY. I thank the majority leader.

Mr. President, I think Senator DASCHLE outlined what was a reasonable way of proceeding. I am under the impression that perhaps the majority leader has not had an opportunity to get into the kind of detail the Democratic leader talked about.

Although I still need persuasion on the bankruptcy bill, I know what the will of the Senate is on that issue. On the issue of the minimum wage, there wouldn't have been a blue slip on just the increase on the minimum wage. The blue slip was on the approximately \$73 billion in tax breaks that were added to the minimum wage.

The point our leader was attempting to work out was consistent with what the majority leader has outlined, and that is that at least there would be a way in which the Senate would be able to address the minimum wage. Some colleagues may object to that process, but I would not.

As I understood Senator DASCHLE's proposal and the majority leader, by



substituting the Domenici bill for the House bill, there are 3 years. That would go to conference. What he was asking for was not really any unusual procedure, just asking that we follow the Senate rules that would permit a motion to instruct the conferees that, instead of being 3 years, it would be 2 years. Given the fact it has been 6 months since the Senate acted on the minimum wage and given the overwhelming support for 2 years, which was bipartisan in the House, there might be support for that. I believe there would be, if we had that opportunity to do so.

I hope the leader will consider what Senator DASCHLE proposed because it addresses the concerns of the leader and does it in a way in which, at least for those who are the most concerned about the 11 million Americans who have not had a pay increase while we in the Senate have enjoyed a \$4,600 pay increase in 1 year, they would have some degree of protection.

Others have objected, and I join those and object with the hope that perhaps the leaders can get together and find value in what Senator DASCHLE offered as being a way to achieve the objectives of the majority leader and the Senate and still protect the interests of the minimum-wage workers in this country.

Mr. LOTT. Mr. President, if I may respond to that, I want to make sure we have an opportunity to consider those small business men and women who create the bulk of the entry-level jobs in America, to make sure they do not wind up having to go out of business or, even worse, they don't hire the entry-level people who do deserve a basic minimum wage.

What I have been trying to do is to find the quickest and cleanest way, which is also not out of the ordinary, to separate these bills and go on to conference and get a result that would be the best way to help all concerned, both those who will be negatively impacted if we don't go forward with bankruptcy reform and those who are looking for a minimum wage increase, and those small business men and women who provide so many jobs in America.

I understand if we don't do it this way, there is the further complicating factor that the bankruptcy bill will have to basically be started over again. We will have to have a new bill filed, and it will be subject to amendment. There will be a very large amount of time and difficulty in having to do that all over again. The procedure that was suggested, I believe, is amendable and debatable.

We have had this debate. The question now is, Do we want to go on and go to conference based on the votes already taken in the Senate and in the House so that could get a result? That is why I asked consent to proceed in the way that I did. But we can talk about it further. I would like to, for instance, make sure I understand cor-

rectly what is being asked for with regard to the bankruptcy reform bill because I certainly hope that we would not have to completely rework that and have that subject to amendment. We spent 2 or 3 weeks on that bill. So what we are doing here, we are talking Washingtonese, in effect. We are talking about rules and procedures and how to do or not to do. I would like to find a way to move all three of these issues, actually, quickly to conference and see if we can get a result.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the interest of the majority leader in moving this legislation along. I recall how long it was that we had to wait even to go to conference because of amendments that were outstanding. If I recall, we had to wait months, really, to accommodate, in fact, in this case, the majority; they wanted to offer some specific amendments that they were not interested in voting on until we got back from the first session of the Congress. So this has been languishing for a long time in large measure because some on the majority side were not interested in expediting consideration of this legislation. We clamored for conference last year and were unsuccessful in getting the conferees appointed last year. Now the majority leader, understandably, is frustrated and concerned for the lack of progress. That is understandable. There should not be any question that the overwhelming majority of the Senate wants to move to finish this legislation as soon as possible. It is what we clamored for last year, and it is what we have been trying to get this year.

I hope there will be some degree of cooperation and communication with regard to how we proceed. I look forward to talking more comprehensively about my suggestion. It seems to me that going to the conference with the bankruptcy bill, as he has proposed, would make sense. Going to the conference on minimum wage would make sense if we had the opportunity, once again, to express ourselves on it, since we haven't been able to do that independent of the bankruptcy debate. If we are going to have a separate minimum wage conference, there ought to be a separate consideration, at least on the motion to instruct conferees. We could agree that it would not be amendable, that it would be expedited and not delayed, but simply a vote would make a lot of sense, it seems to me. I am prepared to talk with the majority leader at greater length. We all recall how long it took to even get the bill completed, and that was in large measure because we weren't able to complete it as a result of concerns expressed by the majority.

We have now completed it. We now want to move on to the second phase of it. I want to work with the majority leader to see that it happens.

Mr. LOTT. Mr. President, I will inquire of Senator DASCHLE. Do I under-

stand correctly that there is some thinking that we would have to start over on the bankruptcy bill—or did that come as a surprise to the Democratic leader? I had not had a chance to discuss that point with him—and that it be subject to amendment and everything all over again? Has the Democratic leader had a chance to look into that aspect of what we are trying to do?

Mr. DASCHLE. Mr. President, I am not aware of any effort on the part of Senators on this side to renew debate and start all over. As I said, I am more than willing and prepared to go to conference and to support efforts parliamentarily to ensure we are successful in going to conference.

I understand there are some strong feelings by a very distinct minority of the minority. It is their right, and certainly I respect their right to object. But there are other ways to deal with the issue, and I am prepared to find ways.

Mr. LOTT. I ask the Senator to check into that and see if we can work through that point. I understand there are some Senators on that side of the aisle who do wish to go through that whole process again on bankruptcy. That would be an important part of working out this whole maze of procedural questions.

Did Senator WELLSTONE wish to comment?

Mr. WELLSTONE. Mr. President, I wanted to make sure that I object. I don't know if we have to go through the whole thing. The majority leader said we are talking in Washingtonese. To be clear about it, I think the bill was harsh. It has a disproportionate impact on the poorest citizens, and it takes some off the hook—

Mr. LOTT. The bankruptcy bill?

Mr. WELLSTONE. That is correct. We object to it being separated out. We want to focus on this bill, and we want to have an opportunity to have further discussion and debate on the floor of the Senate. So I object on that basis.

Mr. LOTT. Would Senator FEINGOLD like to speak?

Mr. FEINGOLD. Yes, I want to say a couple of words. I join in the objection. I make no secret of the fact that I oppose each portion of the bill. It is very unbalanced, and there is far too much money behind the bill. I oppose the minimum wage portion because it involves 3 years rather than 2 years. I am especially concerned about the tax piece because it involves some \$70 billion-plus that isn't paid for.

The reason I am objecting is because of the way this was put together. It got a high number of the majority by combining these different elements. In effect, the pot was sweetened by adding on the minimum wage and the tax provisions. I think it is inappropriate at this point to sort of bait and switch this. You close up the bill by putting these things together, and when they come back, you can't do anything about it under this procedure; it flies

through. All we are asking, as Senators KENNEDY and WELLSTONE have said, is that we have an opportunity to have the motions to instruct, and the minority leader's plan would provide that. That is the reason for my objection. I thank the Chair and the majority leader for the opportunity to comment.

MEASURE READ THE FIRST  
TIME—H.R. 3081

Mr. LOTT. Mr. President, I understand that H.R. 3081 is at the desk. I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3081) to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I did want to propound a unanimous consent request with regard to how to proceed on the crop insurance legislation, which is the legislation that is next in order for consideration. I understand there have been discussions throughout the day to work out an agreement on that. I wish to make sure Senator DASCHLE has had a chance to personally review it.

After consultation with the Democratic leader, I believe we are very close to getting an agreement. We believe we can work this out and be able to proceed this afternoon. Based on that assurance, I will withhold that request at this time. I would like for us to continue to work and see if we can get it worked out as soon as possible so we can begin to have debate and go forward with amendments. We are thinking in terms of maybe six or so amendments and then final passage. We will work on that more and will return to that shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I will take a moment at this time to review where we are on the question of the increase in the minimum wage. We have been trying to get, over the period of the last 2 years, a vote on a 2-year increase in the minimum wage—50 cents this year and 50 cents next year—for the 1 million Americans who are at the lowest level of the economic ladder.

These men and women are the ones working as aides for schoolteachers in our schools. They are working in nursing homes taking care of millions of our senior citizens in those conditions. These are the people who clean out the buildings at night so American businesses can continue to function effec-

tively over the course of this extraordinary expansion. But as we see this extraordinary expansion in terms of our American economy, the group that has not benefited is the one at the lowest end of the economic ladder. These are men and women playing by the rules and working hard. They have not been able to see the appropriate kind of increases in the minimum wage.

If the minimum wage today were to have the same purchasing power it had in 1968, it would be \$7.50 an hour. This whole group of Americans have not only not participated in the expansion of the American economy, they have fallen further and further behind.

That is why we believe we ought to have an opportunity to address this issue on the floor of the Senate, and do it in a timely way.

There are questions about what the Senate is doing and how busy the Senate is. We are prepared to have a very short time limit. Every Member of this body knows what this issue is about. I think every Member of this body has voted effectively on the question of the minimum wage over a period of time. It is a rather simple, basic, and fundamental issue. It is an issue of fairness to millions of Americans. It is an issue involving women because close to 70 percent of all of the minimum-wage workers are women. It is an issue of civil rights because the majority of the workers who get the minimum wage are men and women of color. It is a children's issue because the majority of women who are receiving the minimum wage have children.

This has enormous implications in terms of how these children are going to grow up, what kind of home they are going to be in, and how much time their parents are going to have in terms of spending quality time with these children when they are working one or two, and in some instances three different minimum-wage jobs.

It is ultimately and finally a fairness issue where the overwhelming majority of Americans believe, and believe very strongly, I think, that men and women who work 40 hours a week for 52 weeks a year ought not live in poverty in the United States of America.

That is what this issue is basically all about, and we in the Senate are being denied the opportunity to vote on that issue. That is what is offensive.

This body was prepared to vote on a pay increase of \$4,600 to be implemented immediately. They were prepared to go ahead on that. They are not prepared to delay that. But when you talk about a \$150 increase in the minimum wage, they want to spread it over 3 years.

This is an issue of fairness. People ought to have accountability. When Members go to the polls, people in their congressional and senatorial districts ought to know how they stand on this issue of fairness. We are being denied that opportunity by a majority in the Senate. That is wrong.

Anyone who believes we are not going to continue after this issue

doesn't understand the rules of the Senate. We are going to be voting on a 2-year increase in the minimum wage. We are going to be voting on it soon, and we are going to be voting on it again and again and again. So get used to it because you are going to vote on it. You will be able to go back and say: Oh, yes. I voted one time to increase it for 3 years. Yes; I voted against it 15 times for 2 years. And for all those in small business, I voted for a \$73 billion tax break, unpaid for.

The House bill was \$123 billion. We don't want to hear from that side of the aisle about fiscal responsibility anymore—\$73 billion at the drop of a hat and \$123 billion over in the House of Representatives and 90 percent of it goes to the top 5 percent of the American taxpayers. Isn't that interesting?

We are trying to get a 50-cent increase for the lowest paid Americans—tax break; 90 percent of it goes to the highest paid. We are not going to permit Members of the Senate to vote. We have a majority. We are not going to permit a majority of the Senate to vote on whether we are going to have a very simple concept of 50 cents this year—50 cents. No; we are going to take our \$4,600 and put it in our pockets and walk out of here. For every single year of that, an increase in the minimum wage is being delayed.

Do you think they are going to forget that? The other side thinks it is going to go away. It isn't going to go away. No matter how many times these little proposals are going to come up in terms of consent agreements, no matter how many times you are going to try to close out opportunities to bring this up, no matter how many times you go through the parliamentary gymnastics on this kind of issue, it is coming back again and again and again. So get used to it because you are going to get it. You are going to vote on it. Americans are going to know who is going to stand for fairness and decency and who is opposed to it and blocked it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent to be recognized in recognition of the fact that very shortly we may have an agreement on the crop insurance risk management debate. At the suggestion of the leadership, I would like to initiate debate on the subject, and perhaps we can move along expeditiously in the event we finally have a parliamentary structure in which to work.

AGRICULTURE RISK MANAGEMENT  
ASSISTANCE

Mr. LUGAR. Mr. President, today we will debate a matter of special significance and timeliness to agriculture producers throughout the United States, and that is the subject of risk management legislation.

During many full committee hearings, a public roundtable and hundreds

of hours of research and public discussion spanning the past year, members of the Senate Agriculture Committee have engaged in active deliberation, considering a host of options in providing risk management assistance to our Nation's farmers.

The task has been formidable. Variances in agriculture production, regional considerations of weather patterns, and different perspectives on farm management have contributed to a most complex and yet beneficial discussion.

The foundation of our efforts was section 204 of the Concurrent Resolution on the Budget for fiscal year 2000. Six billion dollars was provided over a 4-year period commencing October 1, 2000 for agricultural risk management. The basic rationale was that farm producers could take action to minimize risk, including severe market price fluctuations, and therefore render emergency recovery legislation less necessary.

My colleagues Senator GRASSLEY and Senator CONRAD played a major role in the Budget Committee's action on risk management and have advocated crop insurance legislation offered by Senator ROBERTS and Senator KERREY that would increase Federal subsidies for crop insurance premium payments to make Federal crop and revenue insurance policies more affordable for farmers, particularly at the higher levels of coverage.

In recent months, I suggested that risk management strategy involves more than crop insurance. Cash-forward contracts, hedging contracts, reduction of farm debt, diversification of crops, conservation, and substantial capital land improvements are important risk management tools also available to farmers, and hopefully will be utilized by farmers.

As a result of our extended debate on risk management matters in the Senate Agriculture Committee, more producers are aware or at least reminded of the risk management tools available to them. I am grateful for the support so many have shown to my initiative.

Nevertheless, on March 2 of this year the Senate Agriculture Committee acted and approved legislation, principally the legislation offered by Senators ROBERTS and KERREY, that over the next 4 years recommends \$6 billion for improving and strengthening the Federal Crop Insurance Program, beginning with the 2001 crop. Included in the bill is a pilot program providing \$500 million in direct risk management assistance to farmers who choose to forego crop insurance subsidies in a particular year.

A producer would receive a risk management payment for utilizing 2 out of 12 risk management options. The legislation also raises premium subsidies to make Federal crop and revenue insurance policies more affordable for farmers, particularly at the higher levels of coverage. The bill eases actual production history so that farmer insurance

coverage is less likely to be artificially suppressed by successive years of bad weather; encourages the development of insurance coverage for specialty crops and revenue insurance on a whole farm rather than a commodity-by-commodity basis; it eliminates requirements of the area-wide loss before disaster payments can be made to producers of currently noninsurable crops; and it reduces the potential for insurance fraud and abuse with strong program compliance provisions.

In my judgment, it is very important that the Senate act favorably and promptly on this legislation. It will provide an important safety net component for agricultural producers.

Let me mention a practical example of how crop insurance works in my own situation. There may be others in this body who have been purchasers of crop insurance on their farm. The Senator from Iowa, Mr. GRASSLEY, comes to mind. I have utilized crop insurance on my farm. Let me suggest to the Chair the crop insurance that is now available to farmers may insure the yield; that is, take a look at your farm and try to make certain that the yield you believe you would normally get is going to be there through insurance, or at least as great a percentage of that as possible you can insure, and for a premium price you can insure that yield. Or farmers can insure the revenue that might come from yield and price and take out a policy that might cover that situation. Farmers can do both—yield and revenue.

There have been in the past catastrophic insurance policies. They contemplated the loss of over half of the crop. A while back, such insurance was required. The requirement was relieved by the farm bill of 1996. This is available to farmers to guarantee income to them, regardless of the weather or other hazards that might come from nature; likewise, hazards that might come from loss of exports as it affects the revenue that comes from that farm.

To take a very practical example, last Friday I was in a situation where I was able to make a sale of 2,000 bushels of corn from my farm to a grain elevator in Indiana. A commonsense person would ask: But you haven't planted the crop yet; where did you get the corn to make a forward contract, a promise, to deliver 2,000 bushels of corn? I promised to deliver that corn in March of 2001, and I will receive \$2.57 a bushel for that corn.

For me, that was a significant contract. That may not be the top of the market, but I point out that in our debates on agricultural pricing last year, the Chair will recall some debaters pointed out that the price of corn had fallen to \$1.70 a bushel. Many pointed out that effectively there was a floor through the loan deficiency payment of about \$1.96 for corn farmers throughout the country. That was the minimum price for corn in most sections of our country. The current cash price for

corn in some elevators around the country is somewhere between \$2.10 to \$2.15, as of March, if you are going to deliver.

I mention this to give some benchmarks. Mr. President, \$2.57 is obviously much higher than the floor of \$1.96 which would still prevail in the current crop we are speaking about, much higher than the current cash price. That is, obviously, far higher than journalistic accounts of how far the price of corn fell last year.

I was able to make that sale because I have crop insurance. Last year, I took out a 65-percent CRC policy, a crop revenue coverage policy. That particular policy means, in essence, I can take a look at the number of acres I want to plant, the average yield from those acres on my farm. The crop insurance people then take a look at the price of corn in the December futures as reflected for a period of 30 days; they take a look at what happened in the past. In essence, I am guaranteed at least that if I want to I can sell my crop in advance and take bold maneuvers with regard to marketing.

That is one of the major purposes of crop insurance. What I have described is a fairly simple device used by most farmers; namely, a forward contract, based upon the fact you have something to sell and based upon the fact the price for corn goes up and down. You can look at futures markets. You can look at the trends and make sales. You are not left to wait for the elevator price at the time the corn comes in. An abundant harvest sometimes puts corn and other grains on the ground because elevators cannot handle it or railway cars cannot take it away.

I mention this because crop insurance is obviously an extremely vital part not only of a safety net to make sure farmers are going to have a substantial amount of income but as a part of marketing strategy. As a part of this debate, we have talked about marketing strategies because they are going to be required for most farmers in America to make a profit and to do well enough to support their families. It will not work for farmers to plant, as they always have planted, whatever does well on their land, and to hope that the price will be high at the time of harvest. As a rule, price is low at the time of harvest. Unless there is a marketing strategy, farmers do not maximize their income, and many are not doing very well.

This is a very important part of the 1996 farm bill legislation. As my colleague, Senator ROBERTS, has pointed out during his chairmanship of the House Agriculture Committee, this is a part of the picture that was never completely filled in. We have an opportunity to do that today.

The bill Senator ROBERTS, Senator KERREY, and their staffs have researched, and which I support, calls for higher possible percentages. I spoke of a 65-percent policy which I took out last year, but higher percentages are

possible. Of course, that means higher premiums.

The bill before the Senate lessens those premiums to farmers by offering a much stronger subsidy. There is a certain inversion of the subsidies. By that I mean, if farmers reach out for more safety, farmers receive more support from this bill. The point is to try to persuade farmers to take seriously the safety net provided by crop insurance risk management tools. This bill goes a long way to offering those incentives.

Let me take, once again, a concrete example anecdotally from my own situation last year. The premium for my crop insurance on my corn crop was \$1,700, quoted by the crop insurance salesman out in Indiana. Ultimately, I paid about \$700-plus. The subsidy to the policy was about \$1,000. That is a very strong inducement to take crop insurance seriously.

In my home State of Indiana last year, approximately 44 percent of farmers did take crop insurance seriously, although many at much lower levels—some at simply the catastrophic level, at a very low premium. Therefore, even after we pass this legislation, which I hope we will do, and confer with the House—they have passed legislation that is very similar to this—and enact this so it comes into force prior to the fiscal year that begins the first of October, each one of us will have an obligation to visit with our farmers, to visit with the extension offices of our agricultural universities and others, to explain the possibilities that are there for risk management for a very large safety net provided in the farm bill and provided by the Budget Committee for these next 4 years.

This is an extraordinary opportunity. We owe it not only to the country to pass legislation, but we owe it to our farmers to make sure our advocacy reaches a new level of information and education about very constructive legislation.

I yield the floor for my distinguished ranking member of the Agriculture Committee. In due course, I know Senator ROBERTS will want to be heard, and should be heard, and Senator KERREY, who have been largely responsible for fashioning portions of this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman for his leadership and graciousness on this bill and for working hard to get it out on the floor in a timely manner. I am hopeful that we can dispose of it fairly rapidly today and move on.

We are here considering passage of a crop insurance reform bill that we just reported out of the Agriculture Committee on March 2. It has been a long and difficult journey to get to this point, not the least because we had a lot of good ideas from Members of this body and of the committee. I think there were no fewer than six com-

prehensive bills introduced on this issue. I would like to think the bill we will have at the desk shortly incorporates the best provisions of each of them. I am sure our colleagues in the House are eager for us to finish our work on this because they passed their crop insurance bill last September. So hopefully we can get this passed and get to conference and get this thing wrapped up.

The bill we are going to have before us shortly, S. 2251, takes advantage of the opportunity offered by last year's budget resolution to apply \$6 billion to a reform of the Federal crop insurance system. This effort probably has taken on some added urgency recently due to the low commodity prices faced by our farmers. But I caution my colleagues not to place too much emphasis on the potential role of crop insurance in remedying those problems. When the last set of crop insurance reforms were passed in 1994, this program was complemented by a number of others which together comprised what was called the farm safety net. Much of the countercyclical element of that safety net was removed by Freedom to Farm, laying the foundation, I think, for some unreasonable expectations about the ability of crop insurance to offset the effects of an agricultural economy that went south. I do not mean geographically.

Aside from problems in the general farm economy, which crop insurance was never intended to deal with, the last few years have exposed other weaknesses in the program, which this bill does attempt to address. First of all, although the program currently covers about two-thirds of acreage for eligible crops, much of that coverage either represents catastrophic policies or policies at the lower levels of buy-up coverage. This bill offers enhanced subsidies for the purpose of buying crop insurance. Under the current system, the percentage subsidy peaks at the 65/100 level, making farmers eat a 35-percent loss of crop value before they qualify for any relief. We want to encourage farmers to insure their crops at a higher level of buy-up, which we hope will have the effect of reducing the probability of future ad hoc disaster relief programs. We are also equalizing premium subsidies for revenue insurance coverage, which Iowa farmers have eagerly adopted. In 1999, Crop Revenue Coverage and other revenue products covered more than 60 percent of insured acres in my State of Iowa, I might add, the highest percentage in the country. The revenue insurance concept was one of the best things to come out of the 1994 reform, and I want to thank those at USDA and the private sector who did the hard work to make it available.

In addition, this bill includes provisions which fixes APH problems associated with multi-year natural disasters, makes the Noninsured Crop Disaster Assistance Program more attractive, and offers greater support and flexi-

bility in conducting research and development of new crop insurance products, especially for specialty crops. On the administrative side, it strengthens oversight of the industry and penalties for noncompliance and fraud, clarifies reporting requirements, makes changes to the structure of the Board of Directors of the Federal Crop Insurance Corporation, and requires USDA to pay more attention to regions of the country where crop insurance is not viewed as an attractive option.

Chairman LUGAR offered a competing vision for addressing concerns about crop insurance and risk management for farmers. His approach was to encourage farmers to adopt a wide range of risk management practices, rather than focus just on crop insurance. In the spirit of compromise, this bill included a \$500 million risk management pilot within the substitute amendment offered and passed in committee, and I look forward to what USDA learns from implementing this program for 3 years, assuming it will be implemented into law.

I am pleased that the committee adopted an amendment I offered during markup which restores the conservation compliance requirement for crop insurance, which passed by voice vote. I do not believe it is unreasonable to treat crop insurance and risk management payments in the same way as we treat FSA loans, disaster payments or any other USDA benefits. For all those other benefits, farmers do have to comply with conservation programs. That is especially so considering that crop insurance is already a substantial USDA program, costing nearly \$2 billion a year. With this legislation, we will add about \$1.5 billion a year in additional spending for crop insurance and risk management programs. It seems only right that for some \$3.5 billion a year, we should be doing all we can to ensure the programs are also promoting conservation of our precious soil and water.

We also worked to strengthen the risk management program by adding resource management practices and organic farming as eligible options, and instructed the Risk Management Agency to view scientifically sound sustainable and organic farming practices as good farming practices.

All in all, I think this crop insurance bill is a good piece of legislation. I especially want to compliment my colleagues, Senator KERREY of Nebraska and Senator ROBERTS from Kansas, for their strong leadership in a bipartisan manner on this bill. I believe they have engineered and built a good bill, a bill that will help us in all parts of the country in those things I just spoke about—everything from specialty crops in one area to the big wheat and grain crops in other parts of the country—with the provisions in there that mandate that USDA is to find new ways of making crop insurance more attractive in those areas of the country that have low sign-up rates. Finally, I think the

vision of both Senator ROBERTS and Senator KERREY in getting the subsidies for the buy-up—that really is the heart and soul of this bill to ensure that farmers will have a better deal when they buy up their risk coverage for their crops and their crop insurance programs.

It is a good bill. It deserves the support of the Senate. Hopefully, we can get it up, and hopefully get it through in due course yet today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kansas.

Mr. ROBERTS. Mr. President, as has been indicated by my colleagues, the distinguished chairman and ranking member of the Senate Agriculture Committee, we have before us—we do not have before us, but we would like to have before us S. 2251, entitled the "Risk Management for the 21st Century Act." It has been certainly aptly described by the distinguished chairman and Senator HARKIN.

This legislation is a slightly modified version of a bill by the same name; that is, S. 1580 which was introduced by Senator KERREY and myself last fall. It was supported by a large number of our colleagues.

Our farmers and ranchers have to deal with multiple threats of weather and pests and disease that few, if any, businesses must experience on a daily basis. As we all know, it can often be a very brutal up-and-down cycle, a real price roller coaster that our farmers and ranchers must face. To get through these cycles, our producers must have crop insurance and risk management tools at work.

This bill represents a real personal effort on my part and that of my staff, as well as Senator KERREY and other colleagues.

But it was about 20 years ago that my predecessor in the House of Representatives, the Honorable Keith Sebelius, cast the deciding vote to create the Federal Crop Insurance Program. Since that time, it has been almost 20 years now we have gone through numerous reforms to get this right. This has been a personal commitment of mine for some time.

If you sit on the wagon and listen to farmers, regardless of which region they come from, or what commodity they are involved in, time and time again they have come to us and said it is time for major reforms in the program.

Two years ago, Senator KERREY and I agreed to work together on this issue. I said: BOB, do you think we can do this?

He said: Well, we don't have any other alternative but to try.

Tackling the national and comprehensive Crop Insurance Program has been—I don't know—sort of like pushing a rope. But we certainly agreed on the issue. We have been working on this legislation with able staff and with the help of the chairman and the distinguished ranking member.

We have been working on this for nearly 18 months nonstop.

We began the effort in earnest when we gave every farm, commodity, lending, and insurance group the opportunity to provide their suggestions for improvements in the Crop Insurance Program. We asked everybody—we cast a wide net: How do you want to improve this?

The response to this call for comments was overwhelming. The comments we received certainly gave us a clear and common direction in which we needed to go in regard to this legislation.

Who am I talking about? If I could find the list here because we have a letter dated just a couple of days ago:

As organizations representing farm, lending, and insurance industries, we are writing to strongly urge that the Senate pass the recently reported Senate Agriculture Committee crop insurance risk management bill.

We have the American Association of Crop Insurers, the American Bankers Association. Don't forget, this is a lender's issue as well. This is an issue that affects the lending institutions. Many of them simply will not continue to go down the road on behalf of our producers without what they believe is reasonable crop insurance.

We have the American Farm Bureau Federation, the American Feed Industry Association, the American Nursery and Landscape Association—let me repeat that—the American Nursery and Landscape Association. Why am I saying that? Because that particular group represents, in many of the Northeastern States, the No. 1 major agriculture interest. I understand there is some concern on the part of those from the Northeastern part of our country that perhaps their needs have not been addressed to the extent that they believe would be commensurate with proper reform.

We have the American Soybean Association, the Crop Insurance Research Bureau, the Farm Credit Council, the Independent Community Bankers Association, the Independent Insurance Agents of America.

I do not mean to get too tedious, but this is a long list of everybody involved in agriculture who has come to the conclusion that this bill is a good bill and we should pass it.

We have the National Association of Wheat Growers, the National Barley Growers Association, the National Corn Growers Association, the National Farmers Union, the National Grain Sorghum Producers, the National Pork Producers Council, the National Sunflower Association, the National Association of Professional Insurance Agents, the Rural Community Insurance Services, the Society of the American Florists. If Members will vote for this, they will get a floral bouquet, as well as bouquets of credits from all these organizations.

We have the U.S. Canola Association. I could go on with other lists, but I think I have made my point.

These groups told us to do the following. This also represents all the producers from all regions of the country, every commodity group, that told us, No. 1, to make higher levels of coverage more affordable. We want to encourage our farmers and ranchers to buy up more crop insurance, certainly not less.

Second, to provide an equal subsidy for both yield and revenue insurance products. It is the revenue insurance product that may well be the foundation for the next farm bill. I am not saying that will be the case, but certainly that is an option. So to improve those products, it seems to me, is very important.

The chairman has gone over this in his remarks.

Third, to develop steps to address the problems associated with a lack of production history for a farmer that is just beginning and concerns that an adequate policy does not exist to address multiple years of disasters. How many times have we had a farmer come and testify before the committee and say: Look. I can't get any crop insurance. I have been hit. The Good Lord was not willing, and the creeks did rise or they didn't rise, and we got into all sorts of multiple disasters and I could not get the crop insurance.

Fourth, the creation of new and expanded crop insurance policies for specialty crops and improvement in what is called the Noninsured Assistance Program, which covers many specialty crops.

I am going to come back to that because when we put together this bill, Senator KERREY and I knew we had to reach out to every region of the country. We knew there was a lot of consternation and frustration on the part of Members who represented farmers from the Northeast and producers also from the South that the current Crop Insurance Program was not favorable to their interests, that it was discriminatory.

So we sat down with staff. I remember in one of the first meetings we had, why, Senator KERREY told me: PAT, we have to reach out to these groups. We have to cover the specialty crop producers, more especially, since the Northeast and the Eastern part of the country went through such tough times in regards to last year and the drought.

We have tried to do that. It seems to me to be a paradox of enormous irony that the very region of the country we are reaching out to, now we have distinguished Senators who are privileged to represent the farmers and the ranchers and the producers, the specialty crop folks from that part of the country, saying: Well, wait a minute. We're worried that this bill does not address our concerns. Address them? We reached out to them. This is the most favorable crop insurance reform, I won't say that could be imagined, but these are the very folks to whom we reached out.

Next the farmers told us: We want some increased emphasis in specialty crop policy research and development; use the good offices and the expertise and skill of the Department of Agriculture for pilot projects with regard to research and development for specialty crops, not only the program crops, the wheat, barley, corn, and feed grains, all of that, cotton and rice, but the specialty crop folks; they deserve that. And that is in the bill.

They asked for major changes in the Federal Crop Insurance Corporation's board of directors, more farmer input, if you will. That has certainly taken place.

They asked to streamline and remove the roadblocks in the product approval process. Somebody could come up with a new pilot project and it would lay around 6 months, 8 months, a year, and we couldn't get any approval. We have deadlines now to be approved.

We take some significant steps to address the fraud and abuse of the program. The chairman has pointed out that we don't want a situation where if you are going to reform crop insurance, you simply encourage people from challenged lands, if that is the proper term for it, to farm the program, if you will. We have very strong language in regard to fraud and abuse. I cannot imagine any producer who, once they take a look at the penalties, would ever go down that road.

It is my hope the bill does all the things I have said and more. I have the rest of my statement here. I will not ask that it be put in the RECORD at this point because I would rather simply go into the details when we have the bill before us and have a time agreement. I hope we can get the time agreement.

Again, I think it is a paradox of enormous irony that when you reach out to certain sections of the country, you find yourself in a real quandary. You scratch your head and have a lot of frustration. You have some degree of concern that Senators from the very part of the country you have included in the major crop insurance reform—and by "included," I mean asking those Senators and their staff to come to us and to provide some answers; they have done so, and we have put it in the bill. Now it seems that this is where the concern is coming from, and we are holding up the bill.

I can go into all of the provisions we have for specialty crops; i.e., the matter of concern with regard to folks in the Northeast. I will not do that. I am going to save that until we have some of the Senators on the floor to point out to them just what we have done. But there are four big ticket items, and additional items of interest, about 15 of them. I think it is very salutary to the concerns of producers in that area.

Both Senator HARKIN and the chairman of the committee, Senator LUGAR, indicated that this bill should be on the unanimous consent calendar. We had the debate in the committee. The chairman had a different approach in

regard to a risk management approach. It was a very legitimate option. We have committed some funds to see if we can go forward with that kind of option step by step. But the majority of the bill pretty much mirrors what they have done in the House.

Now, how did the House do this? Did they have a big debate? Did regions of the country have some problems with this? No, the House of Representatives, in their infinite wisdom, passed this by unanimous consent.

With all due respect to my colleagues in the other body, a body in which I was privileged to serve, they have a lot of trouble deciding when to adjourn, let alone doing anything by unanimous consent. I hope they take that in the spirit in which I say those comments.

They passed it by unanimous consent. That means any one Member out of 435 could have stood up and objected. Nobody did that because they knew that this was on the agenda. We promised this 4 years ago, the editorial "we," both Democrats and Republicans, when the new farm bill was passed. Despite all of the criticisms we have heard in regard to the new farm bill—and this is not the time to get in to that discussion or debate—both Senator LUGAR and I held up the chart—certainly Senator LUGAR referred to it—which said, if you go to a more market oriented farm policy, these are the things you have to have with it to give the farmer the risk management tools to compete. It was supposed to be done 4 years ago after the 1994 reform.

We did not do that, "we" meaning the administration and leadership on both the Democrat and Republican side. We all bear part of that responsibility. There were honest differences of opinion. Sometimes things take a little longer. But if the House of Representatives can pass this by unanimous consent without one objection, what are we doing here holding up this bill, especially when we are reaching out to the very people who are raising the objections.

If Senators have some problems with this, please come down and talk to Senator KERREY and me and the distinguished chairman and Senator HARKIN. We think we have some very good answers for you. We think we have done what you want us to do. I don't know when enough is not enough, but it seems to me we ought to do that.

One of the biggest reasons why we should do this, you never know what the weather is going to do. You never know when a section of the country could be hard hit. We provide that assistance under disaster bills. Ours is not a disaster bill. It addresses some of the concerns farmers have in regard to going through disasters in that it gives them a risk management tool. They control that, along with their lender and their insurance company. They can better guard against the natural disasters that can happen. But everybody here knows what has happened when we have a disaster, more especially in

the even-numbered years. When we have a disaster, it is a disaster to try to devise a disaster program that is fair and is equitable. That was a concern on the part of the Senators from the Northeast during the last disaster bill that was passed in the last year to provide assistance to hard-pressed farmers. They believe they were discriminated against. I think they have a point. But the proper way to address that is not on the crop insurance reform we have constructed to be in their best interest. That is a separate issue.

If we passed the crop insurance reform and the money is in the budget through the efforts of the good Senators mentioned by the distinguished chairman, we have \$6 billion there. It is not over budget. But if we have add-ons with different amendments, obviously we will be over budget. That is not the answer to this.

In addition, if you have the crop insurance risk management tools in place, in my personal view, you are not going to have the tremendous need or the tremendous support for annual disaster bills. We got along for 2 years. I think, after passage of the farm bill, where we didn't have to spend \$1 for disasters. Obviously, we have a lot of folks who would predict that it doesn't happen every year. But if the farmer has the proper risk management tools, yes, it is going to cost some money, but it will save the taxpayer much more money in the long run rather than treating this on an annual basis in terms of disaster bills. This is in the best interest of the taxpayer.

I think I have pretty well made my point. I will save the rest of my statement when we do get agreement. I will say again that I hope we do get the agreement soon.

I wish to pay special credit to Senator KERREY and to his assistant, Bev Paul, along with a young man who assisted me in this effort, Mike Seyfert. They have worked day after day, hour after hour, back and forth between every commodity group, every farm organization, every Senator, every region. It has been tedious work. How many Senators will get a blind phone call from somebody trying to sell you insurance? I think probably insurance is not the most favorable topic about which to be talking. Crop insurance does tend to be a high glazer, as we can see by the lack of colleagues on the floor. So they have taken this rather tedious subject, this detailed and complex subject and have worked out a major reform.

Senator KERREY has done a splendid job. We have both, as I said before, tried to truly listen to our producers to come up with something we think will be the answer.

I think this is one of the major reforms in farm program policy. I thank Senator KERREY and the dedicated staff, both his and mine, and certainly the staff of Senator LUGAR. We have worked through a very difficult time. Well, now is the time. As I said, we

ought to do it by unanimous consent. I hope we can get this thing done and we can work out the agreement. I know people are working overtime to get this done, but tempus and the weather fugit. That means we can't dilly-dally around with this.

I must say, given the considerations that it is an even numbered year and the amount of angst and frustration on the part of our farmers and ranchers, this has been promised for years. So the people who hold up this bill should know there is a groundswell of support for the bill, and there will also be, I suspect, a tad bit of criticism for the people who are holding it up. That is just a thought.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I thank Chairman LUGAR. He has done great work in allowing the process to come forward and allowing suggestions on how to improve crop insurance and make it more responsible. There has been some abuse of the program. Senator ROBERTS talked about it, and he has been a champion on that problem. We don't want a program that encourages people to farm for insurance rather than actually produce a crop. His suggestion to produce a program that gives people a variety of options that includes crop insurance, I think, is an improvement in the risk management offering to provide the farms and ranchers in the United States of America.

I also thank Senator LEAHY. I understand he spoke yesterday. In the Northeast, although there is only 2 percent of the farm land and 6 percent of the dollar value of crops produced on an annual basis, it is still important. There are farms in New Hampshire, Vermont, upstate New York, and New Jersey. They are concerned; they have expressed those concerns. We have taken their concerns into account. The House bill does not, I should point out to those from the Northeast. We have accommodated those concerns, unlike the House. You will see it if you look at the language of the legislation.

I thank Senator ROBERTS. It has been fun working with him. I think we have produced a piece of legislation that will provide producers with what they have been asking for, at least in Nebraska—the most important.

We have been blessed in the United States with a successful agriculture strategy over the last 100 years. But it has lulled us to sleep in many ways.

We are hoping to get an agreement on the bill. I ask my colleagues to take this opportunity to discuss agriculture in general. There are so many misconceptions about agriculture. It is seen as sort of an old policy. Agriculture is oftentimes seen as a special interest when, in fact, out of an \$8 trillion economy, agriculture still accounts for a trillion dollars of that. Nearly 1 out of 8 jobs—almost 20 million jobs—in the United States are

there as a consequence of the food and fiber grown on the farms and ranches of the United States of America. It is quite a remarkable success story. We take it for granted too often.

In this morning's New York Times there is an article by an economist by the name of Paul Krugman, talking about an issue that is quite hot: genetically modified organisms. Mr. Krugman, quite accurately, said that many of the opponents of GMOs are people who don't understand that it is the application of technology that has not only made our food better but made it affordable and relatively easy to acquire. It is almost nothing if you want to order the food that you can't get in relatively short order as a consequence not just of the way we produce food, but the way we distribute it, transport it, store it, and the way we process it. It is quite a remarkable success story and still accounts—even with declining sales internationally—for the most impressive part of our trade story. In fact, about the only good news right now in the trade story is we still have a slight surplus with agricultural exports. We tend as a consequence to take agriculture for granted and sort of see it as a marginal part of the economic debate.

Agricultural policy should be front and central to any economic strategy. Producing a trillion dollars in output and producing 20 million jobs is obviously significant to those of us who have portions of our economy dependent upon agriculture in our States, and it is obvious to us that it is a part of the new economy. The Senator from Indiana can talk eloquently about it because he still has an active farm. But you don't achieve success on a farm today without applying a significant amount of technology, without being a part of the new economy, without using computers, without being able to know exactly what your costs are, and without being able to know how to market and where the market is. There is almost nothing that is taken for granted today when it comes to production agriculture.

So it ought to be a central part of our economic strategy. I know we attempted not just to accommodate but to take into account the concerns of States that don't have as much agriculture but are still important, such as the Northeast, where, as I said, it is only 2 percent of the agricultural land in production and 6 percent of the total dollar output; it is still important for a lot of reasons, both economic and social. As we try to figure out our economic strategy, it ought not to end up on some shopping list down there with a list of 30 or 40 things that people want to get done.

The unfortunate part of agriculture is that there is considerably more risk. That is what this legislation does. I want to talk about that risk because I get asked about this in urban environments in Nebraska, such as Omaha, Lincoln, Hastings, or some other small-

er communities. Oftentimes, they say: Why do we have a special program? Why do we do crop insurance at all? Why do we have a Government-private sector partnership to help farmers manage risk? What makes them special or different than us?

There is an answer that may not be readily apparent, although it is quite obvious to those of us who are from States where there is an awful lot of production agriculture. The answer is, unlike all other manufacturing businesses, agriculture is at risk to the weather. I am in business. I have restaurants and health clubs.

In 1975, on the 6th of May, at about 4 o'clock in the afternoon, a tornado came up out of the Northwest. We had been in business a little over 2 years. The tornado blew us away; it completely destroyed our business. We had to start again from scratch. It happened in May, and we reopened 18 weeks later. We didn't even lose the 4 months sales we thought we were going to lose because we opened with greater volume. But if I am running DICK LUGAR's farm and a tornado comes through, it can take away not just 4 months' revenue but an entire year's revenue.

It is different. In my restaurant, I control the environment. I don't suffer declines as a consequence of drought, as we are currently experiencing in the State of Nebraska. I don't suffer as a consequence of all the different changes in the weather that can put the crop of a farmer or ranch unit at risk. So there is considerable risk, which is different than in other kinds of businesses. No other manufacturing business produces its product out of doors, and no other manufacturing business is at risk of losing an entire year's revenue as a result of too much water, too little water, rain, hail, and all the other sorts of things that can happen that cause a producer to lose an entire year's income.

In addition, very few businesses have the economic situation that agriculture does. That is to say, just a little more supply than what is necessary will cause prices to go down. It is just a slight more supply than is needed—if you produce, say, 15 or 20 percent more than what the market will absorb in a single year's time, the price will go down sharply. There is tremendous sensitivity to excess production.

In Mr. Krugman's excellent observation this morning in an op-ed piece in the New York Times, he said the very people who tend to oppose GMOs are the people who are least likely to be able to produce food on their own and who have benefited from the application of technology and the consequence of lower prices, greater quality, and greater accessibility to food. They have no difficulty getting food. They live in relatively wealthy nations, and they are not going to suffer as a consequence of not bringing the GMOs on line. It will be the poor, less developed



nations that will suffer the consequence. It is easy for Prince Charles to oppose GMOs.

We find ourselves in a short supply-and-demand situation where consumers are basically saying: We don't want our farmers and ranchers to produce less than what we want. We don't want to be short of food. We don't want prices to go up too high. We have a policy—it is especially true with large processors—where processors not only want prices to be stable but prefer prices to be in the lower range, if possible. That is always good business. You try to keep your costs under control. If we overproduce, the prices are always going to be on a downward pressure.

This legislation, the Risk Management for the 21st Century Act, allows the continuation of the development of products that are offered to farmers to manage the risks of price declines and revenue losses coming from changes in the market over which they have no control.

The Senator from North Dakota talked about currency fluctuations at great length when we discussed trade agreements and trying to get something in trade agreements that allow us to accommodate the sort of things that we saw after NAFTA with the peso decline. We found ourselves at a significant disadvantage as a consequence. These currency declines can have a tremendous impact on the earning ability of our farmers. It is a risk that the farmers of America have to manage.

In this new and improved crop insurance proposal, we will have an increased likelihood, in my view, that market-oriented products will enable a producer to manage the risk of loss of income due to unexpected and uncontrolled declines in their income associated with price declines. Also, those products will be developed and available to the market. Not only do we increase the subsidies and make it more likely that people will buy, but we also provide risk-minded options. We make changes in the existing crop program. Key among them is we restructure the risk management agency to make it more likely that products will be brought to market more quickly. It is more likely to be market-oriented as well.

My hope is that we can move this legislation—as Chairman LUGAR and Senator ROBERTS have indicated, and earlier Senator HARKIN spoke, and we could not have developed this piece of legislation without the distinguished ranking member as well—and pass a good, strong bill that is beneficial to all regions of the country so that it is more likely to come out of conference as a bill that is closer to what the Senate has. The House, as I said, does not have many of the provisions that the Northeastern Senators have been talking about. We did in ours. My hope is that we can pass this piece of legislation with a large influence and in a positive way for the conference.

The PRESIDING OFFICER. The Senator from Indiana.

#### UNANIMOUS CONSENT REQUEST

Mr. LUGAR. Mr. President, we have had an hour of general debate and discussion.

On behalf of the leader, I would now like to offer a unanimous consent request.

I ask unanimous consent that the Senate now proceed to Calendar No. 464, S. 2251, the crop insurance bill, and it be considered under the following time agreement:

One amendment to be offered by the managers limited to 10 minutes and not subject to second-degree amendments and no budget points of order be in order prior to the disposition of the managers' amendment, and for the purposes of complying with section 204 of H. Con. Res. 68, the bill, as amended by the managers' amendment, be considered as the committee-reported bill:

Two relevant first-degree amendments in order to be offered by the majority leader, or his designee;

Two relevant first-degree amendments in order to be offered by the minority leader, or his designee;

That those first-degree amendments be subject to relevant second-degree amendments;

That all amendments except where noted be limited to 30 minutes equally divided in the usual form;

That no motions to commit or recommit the bill be in order;

And following disposition of the above-described amendments and use or yielding back of debate time, the bill be advanced to third reading.

I further ask unanimous consent that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, and all after the enacting clause be stricken, the text of S. 2251, as amended, if amended, be inserted, the bill be advanced to third reading and passage occur all without any intervening action or debate.

I finally ask unanimous consent that following passage, the Senate insist on its amendment, request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and the Senate bill be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

If I could just explain for a moment, we have been working closely with a number of our colleagues, I understand, on a bipartisan basis from the Northeast who want to be able to offer an amendment. I know at least in some cases they haven't had the opportunity to see the bill until yesterday. So they have asked for our indulgence in working with them to see if we can accommodate their needs. I have indicated a willingness to do that.

I noted to Senator LOTT just a few minutes ago that we are close to reach-

ing a procedural arrangement whereby that could be done. I am hopeful that we will be able to get that agreement sometime shortly. I have no objection to proceeding to the bill. We could certainly do that.

Earlier, a suggestion was made and a unanimous consent request I think was offered which would allow us to go to the bill for general debate only. As I understand it, that was objected to. But whether we go to the bill without an agreement or go to the bill and seek a unanimous consent that would allow for a general debate, either of those approaches would work.

I hope that by the end of the day we can get a unanimous consent agreement that would spell out in more detail, as perhaps the chairman has suggested, an amendment list. As I said, we are close. I certainly have no objection myself to moving forward, as he has suggested. I want to accommodate Senators who have been working in good faith to try to find a way in which to amend the bill, and they should be prepared to do that before the end of the day.

I will object at this time.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. GORTON. Mr. President, I had hoped to come to the floor today in support of the long-awaited, long-anticipated crop insurance reform bill. My colleagues, Senators ROBERTS and KERREY, have toiled over this legislation, laboring to ensure that the risk management activities America's farmers will undertake are fair, affordable, and comprehensive.

Instead, I understand that a few of our Democratic colleagues have placed a hold on the bill, while ironically, an editorial in the Washington Post this morning decries the 1996 Freedom to Farm Act and the very legislation I had hoped would pass today.

Mr. President, nearly every major commodity group in the nation supports the Roberts/Kerrey bill and have, through the voices of their membership, called upon us to act. Instead of working to pass crop insurance legislation growers from across the country have been anxiously awaiting, we instead find ourselves once again defending the principles of freedom to farm.

To use America's farmers as a pawn in an election year political game, at a time when the agriculture economy is in a serious state of flux, in my opinion invalidates their plight. When we should be passing comprehensive, bipartisan legislation that enhances the

safety net for American farmers, we instead find ourselves fighting to address a bill the farming community nearly overwhelmingly desires.

As of late, farmers in the Pacific Northwest have found themselves in this same game far too often. At the same time the Administration sends officials out to Washington state claiming to provide solutions to these serious issues, regulators under the Clinton-Gore watch are working to eliminate the water, transportation infrastructure, chemicals, and in general the tools necessary for farmers to continue their livelihood.

Last week, the Washington Association of Wheat Growers made the 3,000 mile trip to Washington, DC to encourage me to support the crop insurance reform we were supposed to address today. At a time when check books barely balance, fuel prices are outrageously high, while commodity prices are low, these folks asked for our help. Unfortunately today, these proud and previously profitable growers must wait. They must wait for several folks on the other side of the aisle to make a political monster of crop insurance before they can receive this desired reform.

Mr. President, when the Risk Management for the 21st Century Act finally comes before us here in the Senate, I will support the efforts of Senators ROBERTS and KERREY, of the Senate Agriculture Committee, and of those voices in rural America who demand crop insurance reform.

#### RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 464, S. 2251, the crop insurance bill, and that it be considered under the following agreement: First, an amendment to be offered by the managers, limited to 10 minutes and not subject to second-degree amendments, and no budget points of order be in order prior to the disposition of the managers' amendment, and for the purposes of complying with section 204 of H. Con. Res. 68, the bill, as amended by the managers' amendment, be considered as the committee reported bill.

Parenthetically, the amendment offered by the distinguished Senators from New York and New Jersey would be a part of that managers' amendment.

Mr. SCHUMER. Mr. President, will the Senator yield?

Mr. LUGAR. Yes.

Mr. SCHUMER. I first thank the Senator on behalf of myself and the Senators from New Jersey, Rhode Island, all of us, as well as the other members of the committee. This is an extremely important amendment to all of us. I ask the Senator, will the Senate in the conference do everything it can to keep the language and the amount of money we have agreed to?

Mr. LUGAR. I am sure the Senate will argue the merits of the Senators' suggestions as well as the rest of the managers' amendment, and whatever else transpires, with vigor.

Mr. SCHUMER. I thank the Senator, again, for understanding our particular problems with agriculture in the Northeast. As the Senator may remember, last fall when disaster struck, we were unable to protect our farmers. Being allowed to be included in the crop insurance program for specialty crops such as fruits and vegetables is extremely important. We are very appreciative of those efforts that were made.

I yield to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the chairman. I am certain he understands many of us believe that the long, slow erosion of the agricultural community in the Northeast must come to an end. Those who are engaged in specialty crops and other products in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, and other States have suffered very badly in recent years.

I think the agreement we have come to is of some real note. That is, this isn't simply an agricultural crop insurance program; it is now a national program. For the first time in my experience, we have reached across the Nation's borders, coast to coast, and designed a program that can work for every State. This is a very important moment for the State of New Jersey and preserving those farms that remain. I am grateful and very much appreciate his commitment to fight vigorously in conference so that the Senate provisions prevail. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend the Senator from New York and the Senator from New Jersey for their great efforts. I thank the chairman. As my colleague so well expressed, there is a tendency to not realize or understand that the Northeast part of the United States has a significant farming industry. We learned that the hard way, in some respects, last fall when we discovered our farmers were in desperate straits because of drought, loss of crops, and environmental conditions that affected them. Today, we are recognizing their standing along with farmers throughout this country, and not only their need but their eligibility now for Federal assistance in times of need. I thank the chairman for his efforts, and I thank my colleagues for working so hard on this.

I yield the floor.

Mr. LUGAR. I thank the Senators from New York, New Jersey, and Rhode Island for their leadership.

Mr. President, can we lock in that part of it?

The PRESIDING OFFICER. Has the Senator completed his unanimous consent request?

Mr. LUGAR. No. This is a portion of it. The request is the managers' amendment be offered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, let me proceed.

I further ask unanimous consent that a relevant amendment by the distinguished Senator from Wisconsin, Mr. KOHL, with a time limit of 30 minutes be entertained, and that a statement by Senator KENNEDY of Massachusetts be permitted for not to exceed 30 minutes; that a sense-of-the-Senate amendment be offered by the distinguished Senator from Minnesota, Mr. WELLSTONE, and that one relevant amendment be offered by Senator WELLSTONE.

May I inquire of the Senator if he would permit us to have a 30-minute time limit for each of these two amendments?

Mr. WELLSTONE. First of all, on the time, I have to decide on the second amendment. On the first amendment, it is not my wish to go on and on, but I would not agree to 30 minutes. There were 2,500 to 3,000 farmers, and 500 came from Minnesota. I would like to commend them for the Rally for Rural America, and call on Congress to take some action to deal with the crisis in our rural communities. I don't think I can give justice to what they did in 30 minutes. Other Senators would like to speak as well. I would not agree to only 30 minutes.

The second point I wish to make is that these are agriculture-related amendments. I wish to make sure that is acceptable to my colleague.

Mr. LUGAR. The request that we made to the Chair is that they be relevant to the legislation before us.

Mr. WELLSTONE. I will object to the whole agreement because these amendments are agriculture-related. I don't think they would necessarily be ruled relevant to crop insurance. I can do the sense-of-the-Senate amendment within an hour, I think, basically recognizing and congratulating people for coming and talking about our commitment to take some action. I might not even do a second amendment. Certainly, they are agriculture-related. There isn't anybody in the world who would say that the sense-of-the-Senate is not agriculture-related, dealing with the price crisis. But I thought that would be acceptable. If it technically has to be relevant to crop insurance, that would be out of order. If it is out of order, I will not agree.

Mr. LUGAR. I have to respond to the Senator, on behalf of our leader, Senator LOTT, that it needs to be relevant to the legislation. The Chair might be asked to rule on that or might not be asked to rule on that. I understand the Senator, and I am attempting to be accommodative. The importance of what he has to say is obvious. But if the Senator could achieve both of his objectives within an hour of time, perhaps we could proceed on that basis.

Mr. WELLSTONE. I would be pleased to achieve the objective within an hour of time. I can do that. I am not trying to hold up the bill. I think I can do that. I am not going to agree if I am going to be ruled out of order. Maybe we can proceed on that basis.

Mr. LUGAR. I pledge to the Senator not to raise a point of order. To reiterate, I ask unanimous consent that we have a Kohl amendment with a limit of 30 minutes; a Kennedy statement with a limit of 30 minutes; and the Senator from Minnesota, with a total of 1 hour for either a statement or an amendment, or a motion, as the case may be.

Mr. WELLSTONE. This would be for a sense-of-the-Senate amendment. If it could be in the agreement that there could be 1 hour and there would not be objection to it—

Mr. LUGAR. All right. Three elements: the sense of the Senate for 1 hour, the Kohl amendment for 30 minutes, and the Kennedy statement for 30 minutes.

Mr. President, these would be the only permissible amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, further, I ask unanimous consent that these amendments have equal division of time and be considered in the usual form, and that no motions to commit or recommit the bill be in order, and following disposition of the above amendments, or the yielding back of time, the bill be advanced to third reading.

I further ask consent that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, and all after the enacting clause be stricken, the text of S. 2551, as amended, if amended, be inserted, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, and I shall not, let me thank all Senators for their cooperation and for their willingness to work with the leadership to accommodate the many concerns that have existed on both sides.

Let me say briefly, however, for the record, this is yet another example of the minority again cooperating with the majority and denying ourselves the right to offer nonrelevant amendments first, that is nonagricultural amendments, or any other amendments that are nonrelevant, and limiting ourselves to relevant amendments to this particular bill. We are doing it as a result of the urgency that I think everyone understands about this matter, and we are doing it in an effort to try to accelerate consideration of this bill and also ultimately come to a conclusion. It is an abrogation of the rights of all Senators to again be asked that they preclude the consideration of any nonrelevant amendments.

We will do it again in this case. But I think that, at some point, the Senate

has to be the Senate, where Senators have the right to offer amendments regardless of subject matter. Again, in this case, I appreciate the cooperation of everybody. I hope we don't continue in the Senate what I think is a dangerous pattern—that we limit Senators in such a narrow way, as we are doing in this case. We are doing it for good reason, but I hope we can find ways in which to allow Senators to express themselves and be full participants in debate on other matters and other vehicles.

I certainly don't object. I commend the chairman for getting this agreement.

Mr. LUGAR. Mr. President, before I ask for the ruling, let me ask the leave of my colleagues and that Senator JEFFORDS be recognized for 30 minutes on an amendment on our side. I have just been advised that the Senator may have an amendment.

Mr. DASCHLE. Mr. President, I ask if the amendment is relevant.

Mr. LUGAR. The amendment would be relevant.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, finally I ask unanimous consent that following passage of the bill, the Senate insist on its amendments and request a conference with the House.

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

Mr. LUGAR. Mr. President, I am advised by the distinguished minority leader that, of course, I will be in a position to name conferees on our side, and he also will be in a position to do so.

My hope would be, as I am certain it is his, that we could proceed to conference with the House as rapidly as possible.

Mr. President, I thank the Chair.

I thank the distinguished minority leader and all Senators who have helped us in this.

We are now prepared to offer the managers' amendment;

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agricultural producers with choices to manage risk, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2887

Mr. LUGAR. Mr. President, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for himself, Mr. HARKIN, Mr. ROBERTS, and Mr. KERREY, proposes an amendment numbered 2887.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LUGAR. Mr. President, I know of no debate on the managers' amendment. I ask the Chair to pose the question.

The PRESIDING OFFICER. Time is yielded.

The question is on agreeing to the amendment.

The amendment (No. 2887) was agreed to.

Mr. LUGAR. I thank the Chair.

The bill is now open for the amendments that have been designated in the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to strongly endorse the crop insurance bill that is before us. It is a product of a bipartisan effort.

I especially want to congratulate my colleague, Senator KERREY of Nebraska, who has labored hard and long in order to produce this result. Senator ROBERTS of Kansas is a cosponsor. We are all indebted to them for their leadership on this issue because this bill brings a new measure of stability to rural America. From the Northeast, to the great heartland, to the South, this bill is going to make a difference in the lives of farmers who we know are too hard pressed.

For those who are listening, crop prices are the lowest they have been in 50 years. We have just had a rally on the Mall that went on for 2 days with thousands of participants from all over America with farmers telling us they simply have to have help or they are going to go under in unprecedented numbers. That is the message that has been delivered.

Our first response is the crop insurance reform bill—to say we are ready to help and this Congress is prepared to respond.

I also want to thank my colleague, Senator GRASSLEY, a member of the Budget Committee and the Agriculture Committee, who joined me on the Budget Committee to reserve the funds so that this bill could go forward. We achieved \$6 billion in funding last year for crop insurance reform. That is what this bill provides. This bill reforms crop insurance by making coverage more affordable, by fixing an unintended consequence of our effort to reform crop insurance in 1994 that unfairly lowered coverage for producers facing unexpected circumstances with repeated natural disasters.

It requires USDA to implement new quality adjustment procedures. It eases qualification for noninsured crop disaster assistance. It provides for the development of improved specialty crop policies and brings livestock into the crop insurance system.

This bill also provides a pilot program to test an alternative risk management approach.

With respect to the question of multiple years of disaster, let me explain, in brief, the problem.

In areas of the country that have experienced multiple years of disasters, under the current crop insurance law, the formula under which they recover damages is dramatically altered by repeated years of disaster. This legislation offered by our colleagues, Senator KERREY, Senator ROBERTS, and a number of other of us on a bipartisan basis, addresses that problem. I am grateful for it.

My State has been affected by multiple years of disaster. I pray that our time of suffering is over. But other States may have a similar experience. They shouldn't have to suffer unduly. Crop insurance should work for them. That reform is included in this bill. We can be proud of it.

I want to respond, if I can, to an editorial that was in the Washington Post this morning. That editorial, which makes the assertion that crop insurance promotes production on marginal acres, or so-called "environmentally sensitive lands," requires a response.

I believe the facts do not support that claim. I believe the Washington Post in their editorial is precisely wrong about the effect of crop insurance. The fact is meaningful crop insurance did not exist until 1994. Has crop acreage increased in that period? Let us review the record because I think the facts speak in direct contradiction to the fundamental assertion in the Washington Post editorial.

This chart shows the number of acres being planted in this country from 1996 to 1999. One can see the blue bar. Those are the acres farmed. You can see the acreage hasn't expanded. The acreage has been reduced under an expanding crop insurance program.

The fundamental assertion by the editorial writers in the Washington Post is wrong. They may assert, well, it is not fair to look at just acres planted and acres taken out of production. You have to look at insured acres.

Let's do that. This chart, again, is from 1996 through 1999. Again, the acres that are insured are the blue bars. You can see that we are down from 1996. We have not had an increase. The acres insured are down.

One has to ask this question: If farmers are taking acreage out of production, are they taking out their most productive acres? Is that what they would do? I don't think so. I think just the opposite would occur.

As farmers take acres out of production, they would take out their most marginal acres. They would take out those acres that are most environmentally sensitive. That is the record.

I wish our friends who write editorials down at the Washington Post knew a little more about agriculture because I frequently find them in error, but they are never in doubt.

I say to my friends that they need to get out in the heartland of America. They need to get out of Washington. They need to get outside the beltway to find out what is really going on in agricultural America because over and over, as I read their editorials, they have almost no relationship to the reality of what the people I represent are experiencing.

We had a breakthrough today in terms of an agreement with our colleagues from the Northeast. The fact is they had an unfair result in the disaster bill of last year. I acknowledge that. I regret that occurred. I can say my own State has been dealt with generously in disaster programs. We had a horrible disaster in 1997. We had the worst winter storm in 50 years, the most massive flood in 500 years, and the largest mass evacuation of American cities since the civil war. This Congress responded generously to the needs of the people I represent. I will be forever in the debt of my colleagues.

When similar disasters hit the Northeast last year, they were not dealt with as generously. I think we must all acknowledge that. Hopefully, this is a step toward recognizing the very real economic hurt that occurred there.

I conclude by thanking the chairman and the ranking member of our committee. Especially, I direct my comments to the chairman. This is not a bill he favored. He had an alternative approach. But he graciously allowed Members to debate and discuss in the committee. He was eminently fair in the consideration of this bill in the committee. When his side did not prevail, he was a gentleman, and he has come out on the floor of this Senate to help pass the final product of a democratic process.

I thank the chairman very much for his fairness and also his patience. His patience is quite remarkable as we fight and joust about issues that matter an awful lot to Senators as individuals representing different parts of the country, many from States in very deep financial trouble.

Let me finish by again thanking my colleagues, Senator ROBERTS of Kansas and Senator KERREY of Nebraska, for truly outstanding leadership in bringing this reform bill to the floor. I urge my colleagues to support it. I think it is something of which they can be proud.

I thank the Chair.

Mr. ROBERTS. Mr. President, first I thank my good friend and colleague for his very kind comments, and I associate myself with his remarks, most especially with regard to the editorial that appeared in the Washington Post. I think he set the record straight.

I indicated in my earlier remarks there were some provisions of this bill I would like to outline, and I would like to do so at present as a coauthor of the legislation. I said at that particular time we spent a great deal of time—by "we," I mean Senator KERREY, I, and our staff—sitting down

with producers and our farmers and ranchers and virtually every interest group that has a remote interest in this bill.

They told us to do the following things:

One, to make a higher level of coverage more affordable;

Two, to provide an equal subsidy for both yield and revenue insurance products;

Three, to develop steps to address the problems associated with a lack of production history for beginning farmers and concerns that an adequate policy does not exist to address the multiple years of disasters.

They also told us to try to create new and expanded crop insurance policies for specialty crops and improvements in the Noninsured Assistance Program which covers many of the specialty crops.

They warned of some increased emphasis in specialty crop policy research and development;

Major changes in the Federal Crop Insurance Corporation board of directors, certainly with more farmer input;

To streamline and to remove the roadblocks and the product approval process;

And to take significant steps to address fraud and abuse in the program.

As I indicated earlier when I went through this list, I think we have done that. I believe, and it is my hope, that the bill now before the Senate does accomplish those goals.

Let me go over specifically what is included in this bill. We made higher levels of coverage more affordable so we will, hopefully, avoid calls for disaster assistance in the future. In my earlier remarks, I tried to emphasize to Senators that once we have national comprehensive risk management available to producers, hopefully we will not get into the expenditures we have had in the past with annual disaster bills.

We made the adjustments to the APH to address multiple years of disaster.

We made significant changes to the Noninsured Assistance Program, including the elimination of the area trigger. Now that is a rather complex description of a problem that is of tremendous concern to the specialty crop producer. That was the No. 1 complaint we heard from producers who use this program.

We provided \$150 million in pilot program funding to create pilots to develop new policies, especially for specialty crops.

We provided \$20 million per year in new funding to provide research grants to develop new risk management strategies for specialty crops.

We changed the membership at the corporation's board of directors to include, as I mentioned before: Four farmers from geographic regions to be selected by the Secretary of Agriculture, one member active in the crop insurance industry, one member with reinsurance expertise, and then the Under Secretary for Farm and Foreign

Agricultural Services, the Under Secretary for Rural Development, and the chief economist at the Department of Agriculture.

We have streamlined the product approval process and set deadlines by which decisions must be made on new policies that are submitted for approval. We allow companies to charge minimal fees to other companies selling their products in order to allow the recovery of research and development costs. This should also encourage expanded policy development which is a very important goal of the bill.

I also thank my colleagues from the Northeast in reaching an accommodation to address their concerns. We have had a considerable discussion here. They have released their hold on the bill. However, I will have printed in the RECORD the provisions for specialty crops with which we worked so long and hard.

I pay special credit to Mr. SANTORUM, the distinguished Senator from Pennsylvania. Senator SANTORUM obviously came to us after the conference bill was passed during the last session of Congress and said: Look, this is not adequate.

He didn't say that; he said it in a little stronger language. He said: If we are truly going to have a national program, we have to address the concerns of the Northeast.

We heard Senator SANTORUM. We paid a great deal of attention to specialty crop producers, not only in Pennsylvania but all throughout the Northeast. We put together, as I certainly tried to indicate in my previous remarks, a plan where we really reached out. I thank Senator SANTORUM for all of his advice, his counsel, his expertise, and that of his staff. This particular provision for specialty crops would not have happened had we not had his input, advice, and counsel.

I ask unanimous consent to have printed in the RECORD these provisions, with the understanding that Senator SANTORUM should receive full credit.

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

#### PROVISIONS FOR SPECIALTY CROPS

##### NONINSURED ASSISTANCE PROGRAM (NAP)

Removes the NAP area trigger, the number one complaint of specialty crop producers.

Allows different varieties of the same crop to be combined as one.

Reduces the 35 percent prevented planting requirement to 15 percent.

Establishes a mechanism by which producers growing a new crop can get coverage.

##### ADDITIONAL ITEMS OF INTEREST

Allows pilots to be conducted on state, regional, and national basis.

Allows nursery and greenhouse crops to be eligible for risk management activities pilot.

Allows grants to be made on a competitive basis for the research and development of specialty crops.

Provides \$20 million per year for partnerships to be developed with appropriate public and private entities to develop risk management and marketing options for specialty crops.

Sales closing date for obtaining coverage for a specialty crop cannot expire before the end of the 120 day period beginning on the date of the final release of materials from RMA.

Corporation and specialty crops coordinator are to conduct studies regarding the feasibility of developing new policies for specialty crops.

Section requiring study to determine steps that can be taken to provide adequate coverage and improve participation in states with participation percentages well below the national average.

Drastically improve the product approval process so that new policy proposals do not languish for months at RMA waiting for approval.

Mr. ROBERTS. Mr. President, this legislation also establishes monetary penalties. If we are worried about fraud and abuse, we have penalties up to \$10,000 and potential disbarment from the program and all USDA programs for any producer, any agent, any loss adjuster, or approved insurance provider who is found to have defrauded the program.

These provisions in terms of fraud and abuse are strong; they are clear. Those who attempt to defraud the program and taxpayers will be punished.

Every year, our producers put the seed in the ground and they believe if the good Lord is willing and the creeks don't rise or we don't have a drought, they will produce a crop. When the events do occur, they must have the tools to manage these risks.

I ask unanimous consent to have printed in the RECORD a letter signed by 23 different farm and commodity organizations, agricultural lending organizations, and organizations associated with the insurance industry who support the bill.

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

MARCH 20, 2000.

Hon. PAT ROBERTS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR ROBERTS: As organizations representing farm, lending, and insurance industries, we are writing to strongly urge that the Senate pass the recently reported Senate Agriculture Committee crop insurance risk management bill. The reported bill has strong bipartisan support and includes the risk management ideas of many senators representing farmers with differing risk management needs.

Through hard work, farm-state representatives on the House and Senate Budget Committees persuaded Congress to include \$6 billion in funding for risk management in the current Congressional budget resolution. The House of Representatives passed H.R. 2559 on September 29, 1999 by voice vote. The Senate needs to pass a crop insurance risk management bill before the next budget resolution is written or those funds will be unused.

For several years the agriculture community has been promised and desperately needs an improved crop insurance risk management program. We endorse prompt consideration and passage of the crop insurance bill and oppose efforts to make major changes or slow its consideration.

Sincerely,

American Association of Crop Insurers  
American Bankers Association

American Farm Bureau Federation  
American Feed Industry Association  
American Nursery and Landscape Association  
American Soybean Association  
Crop Insurance Research Bureau  
Farm Credit Council  
Independent Community Bankers Association  
Independent Insurance Agents of America  
National Association of Crop Insurance Agents  
National Association of Wheat Growers  
National Barley Growers Association  
National Corn Growers Association  
National Farmers Union  
National Grain Sorghum Producers  
National Pork Producers Council  
National Sunflower Association  
National Association of Professional Insurance Agents  
Rural Community Insurance Services  
Society of American Florists  
U.S. Canola Association.

Mr. ROBERTS. Our lending organizations and all of the groups and commodity organizations have spoken loudly. They have all continually expressed the need to improve the risk management tools available to our producers. I believe this legislation does accomplish this goal. I am proud of this bill. It is a strong bill. It is a fair bill. It improves the program for both the taxpayers and our farmers and ranchers. It shows us that despite all of the differences we sometimes have on both sides of the aisle, as some of my colleagues have already said, we can listen to our constituents; we can take their ideas; we can work in a bipartisan manner to improve the programs available to America's farmers and ranchers.

After hundreds of hours of discussion and deliberations, I believe we have achieved the strongest bill possible. I urge my colleagues to support this legislation in behalf of their constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### AMENDMENT NO. 2888

(Purpose: To express the sense of Congress regarding the Rally for Rural America and the rural crisis)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2888.

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

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

The amendment is as follows:

On page 92, strike lines 7 through 13 and insert the following:

**TITLE IV—MISCELLANEOUS PROVISIONS**  
**SEC. 401. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.**

(a) FINDINGS.—Congress finds that—

(1) on March 20-21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious

communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

#### TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

##### SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a),

this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 93, line 10, strike “SEC. 402.” and insert “SEC. 502.”.

Mr. WELLSTONE. Mr. President, I thank my distinguished colleagues, the Senator from Kansas and the Senator from Nebraska, and I also thank the Senator from Indiana, for this legislation. I think this is a terribly important piece of legislation. I think this is good legislation. So I say to my colleague from Kansas, I thank him for his excellent piece of legislation.

Both Senator KERREY and I thank the chairman for having this legislation on the floor. It is substantive and important, and I thank him for his work.

Mr. ROBERTS. If the Senator will yield, I thank the distinguished Senator from Minnesota. I know we are going through a very difficult time in farm country. This is something we have tried to do for almost 20 years, and I think it is the strongest bill possible, and I thank him very much for his comments.

Mr. WELLSTONE. I thank the Senator for his work.

Mr. President, I want to go through this amendment. This is a sense-of-the-Congress resolution on the Rally for Rural America, the rally about the rural crisis that just took place in Washington, DC. Let me simply talk about what happened.

Starting Sunday night, we started out with a wonderful prayer service, an ecumenical service. It was nourishing. The church was packed here in the city just a few blocks away from the Senate. There were some beautiful words that were uttered, but in particular I remember one of the ministers. She said, “We have taken the culture out of agriculture.” I thought a lot about that. I think that is the reason why so many people came to the Nation’s Capital, because for many of our family farmers this could very well be their last bus ride here.

We had from around the country, I don’t want to exaggerate because that does not do justice to people, but I guess somewhere around 2,500, 3,000 people, many of them family farmers. From the State of Minnesota, we had close to 500 people here, most of them family farmers. I point out to my colleagues, this was an unusual gathering. This was a historic gathering. This is probably the most family farmers who have come to the Nation’s Capital, I would say, in the last 20 or 25 years, at least from the State of Minnesota.

I want my colleagues to also know that most of these farmers came by bus. They did not come by jet. They didn’t have the money to come by jet. They came by bus. Many of them are elderly. A good number of them came with their grandchildren. They came to Washington, DC, for two reasons.

First of all, they came to the Nation’s Capital to try to have a conversation with America, to make sure

people in the country know what is happening. I think one of the challenges for us is that, with all the news about the booming stock market and the booming economy, the vast majority of people in the country have not a clue what is happening to family farmers. I do not think they have a clue. This is a good country and we have a lot of good people in our country. We have good people in the Senate and the House. I hope, and I think the farmers really hope, this gathering in the Nation’s Capital will bring out the goodness in us.

Right now what we have, and I am not even going to talk about all the statistics, record low income. We have record low prices. We have, as I said yesterday, many broken dreams and broken lives and broken families. I am talking about people who were good managers of the land. I am talking about people who work 19 hours a day. But the fact is—and I say this to my colleagues—time is not on the side of many family farmers in my State and many other States. They are simply going to go under. We are going to lose many of our producers. We could lose as many as another 2,000 family farmers in Minnesota this year.

People came to the Nation’s Capital to say: We call upon you to respond to the needs, circumstances and concerns of our lives. What this sense of the Congress says is that the participants in the Rally for Rural America are commended and that their pleas have been heard.

I think people should be commended for coming from such a long distance away and sacrificing so much to be here. They would not have come here, except they are hoping we can make some changes that will help them and their families, not only family farmers but our rural communities.

The Congress should respond with a clear and strong message to the participants, rural families, that Congress is committed to giving the crisis in agriculture and all America its full attention by reforming rural policies in a manner that will: No. 1, alleviate the agricultural price crisis; No. 2, ensure competitive markets; No. 3, invest in rural education and health care; No. 4, protect our Nation’s resources for future generations; and, No. 5, ensure a safe and secure food supply.

I say to my colleagues, I worded this in such a way that leaves plenty of room for different interpretations as to how to accomplish these goals. We do not all agree. I understand that.

The Senator from Indiana, the chairman of the committee, is someone—I have said it to my own family members, I have said it to people in Minnesota—for whom I have the most respect. It is the truth. I say it; I mean it. I would not say it to my own children if I did not mean it. We do not agree on the Freedom to Farm bill, which I call the Freedom to Fail bill. But this sense-of-the-Congress resolution is broad in its interpretation. It is

just an effort on my part, as a Senator from Minnesota, to say to all the people who came: I acknowledge the fact that you came. It is not as if you come here and we do not go to work to try to do something. This bill is an effort to try to respond.

But it is but only one piece. For my own part, I believe we must respond to the price crisis. People cannot—they will not—be able to survive right now unless there is some income stabilization, unless there is some safety net, unless there is some way they can have some leverage to get a decent price in the marketplace. That is the missing piece of Freedom to Farm or Freedom to Fail. Flexibility is good. But that has not worked, and I see it every day in every community that I am in. I do not want to just keep visiting with people and listening to good people and caring about good people without trying to get the Senate on record that we are going to take some action. That is part of what this resolution is about.

We can have the debate about what kind of changes we could make that would provide some real help for family farmers, that would enable family farmers to get a decent price, that would provide some income for families, what kind of steps we could take that will put some free enterprise back into the food industry and deal with all the concentration of power.

For my own part, I do think there is a very strong correlation between three and four firms dominating 60 to 70 percent of the market, and family farmers not getting a decent price. I find it puzzling. I find it more than puzzling. I find it to be an outrage that so many of our producers are facing extinction but the packers and the big grain companies are doing well—in some cases receiving record profits. The gap, the farm/retail spread grows wider and wider, and the gap between what people pay at the grocery store and what the farmers get for what they produce grows wider and wider.

I am saying we have to have more competitive markets. I am saying we want to make a commitment to sustainable agriculture.

I did not say in this resolution, although I think it is terribly important and I know Senator CONRAD would be the first one to talk about this, that we need to have a fair trade policy. More than anything else, I come to the floor of the Senate wanting to acknowledge the presence of close to 3,000 farmers and people from rural America. They were here yesterday in the pouring rain under a tent on the Capitol mall. People came to speak out for themselves. They came to meet with Representatives and Senators. They did not come because they have some party strategy. They did not come because they had a particular partisan orientation. They are thinking about their own families and their own communities.

I wish to say on the floor of the Senate, because I am lucky enough to get a chance to speak on the floor of the

Senate and these farmers cannot speak on the floor of the Senate, there is an economic convulsion taking place in agriculture today.

Many wonderful people are being spit out of the economy. Too many lives are being shattered. The health and the vitality of our communities in rural North Dakota or Minnesota or any of the other heartland States is not based upon the number of acres farmed or the number of animals someone owns, but the number of family farmers who live in these communities.

Whether we are talking about dairy farmers or corn growers or wheat growers or livestock producers, it is an absolutely intolerable situation—a situation from which we cannot turn our gaze away.

For me to summarize, the findings talk about thousands of rural citizens and families and the religious communities coming to Washington to participate in the rally. The religious communities' voice was wonderful.

The findings talk about a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity that participated in organizing the Rally for Rural America. I thank the AFL-CIO for being here. I thank Bernie Brommer, the president of the Minnesota AFL-CIO, for being here. I thank Jerry Macaffey from AFSCME for speaking at the rally. I congratulate them for being here. The amendment makes the point that although the majority of America is reaping the benefits of a strong economy, rural America is facing the toughest times.

The findings in this amendment talk about the record low prices on the farms and the ranches, and the way in which they have rippled throughout rural America, causing rural communities to face all kinds of challenges: A depressed farm economy, an escalation of the mergers and the acquisitions, a loss of businesses and jobs on Main Street, an erosion of health care and education, a decline in infrastructure, and a loss of independent family farmers.

The purpose for this resolution: "To express the sense of Congress regarding the Rally for Rural America and the rural crisis" is to thank people for being here and to talk about and make it clear that we will, in fact, respond with a clear and strong message to the participants, that we are committed to dealing with this crisis, that we are committed to giving it our full attention, in a manner that will alleviate the agricultural price crisis, that will ensure competitive markets, that will lead to an investment in rural education and health care, protect our natural resources, and ensure a safe and secure food supply.

If, in fact, we continue to lose our producers, and if, in fact, we go the trend of an increasingly corporatized, industrialized agriculture, it will be a transition that our country will deeply regret.

I think this is very important for America. I tell you, my heart and soul goes out to the people who were here. I hope there will be good support for this sense-of-the-Senate amendment to this very good piece of legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time in opposition? The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin by thanking the Senator from Kansas, Mr. ROBERTS; Senator KERREY from Nebraska; my colleague, Senator CONRAD from North Dakota, and others, for their excellent work in bringing this legislation to the floor of the Senate. It is my intention to support this legislation.

I also say that I think the sense-of-the-Senate resolution offered by the Senator from Minnesota, Mr. WELLSTONE, is certainly thoughtful and worthy of support, as well.

I, too, join him in saying to my colleague, Senator LUGAR, that I have always believed he is a major contributor to most every public debate in this Senate, especially on foreign policy, and a range of other things. But it is true, we disagree on farm policy from time to time. We recently had an exchange of letters about that disagreement. But that does not, in any way, diminish my respect for him as a leader and a legislator.

My fervent hope is at some point I could reach over and reach out to Senator LUGAR and convince him that we need to—tomorrow or Thursday—start a series of hearings and change the farm bill. But I do not expect that will be the case. He will certainly explain his position on these issues in an articulate way soon.

But let me describe some of my feelings about where we are. Let me start with this: I say to my friend from Minnesota, this morning for breakfast I had something called Cream of Wheat. I do not know how many servings of Cream of Wheat are served in America every morning or every year but a lot of them.

Cream of Wheat, if you want to know the origin of it, just for fun—I notice the Presiding Officer is hanging on my every word here—came from Grand Forks, ND, in the year 1893. A little old mill called the Diamond Mills was not doing very well. They had a scientist who was sort of moving around and trying to figure out what he could do with various parts of the grain. He used what are called the middlings of wheat, and he concocted what he called a "breakfast porridge."

So a man named Tom Amidon from Grand Forks, ND, in 1893, concocted what he called "breakfast porridge" with the middlings from wheat, and it is what is called Cream of Wheat. It is what I ate for breakfast this morning.

Cream of Wheat comes from the wheat fields in North Dakota and other places in the country. A farmer gases a tractor, buys the seed, plants the seed, and does all the work to produce this



wheat. Then it is ground up. Among that grinding you get some middlings. Somebody produces breakfast food with those middlings.

Cream of Wheat does not come from Grand Forks, ND. I must say with disappointment. Cream of Wheat is owned by Nabisco Company. It happens to be produced in my colleague's home State of Minnesota. The middlings, the wheat, the Cream of Wheat, the jobs, do not belong to the folks that gas the tractor and plant the seed and harvest the grain. No, that is not the way it works in agriculture.

Our farmers go out and plant a crop—corn, wheat, barley—and then someone comes along and buys it. They take a look at that kernel and say: You know what we ought to do. We ought to puff that up and then put it in a bright-colored box, and we will take that wheat and call it puffed wheat. Guess what that costs. Go to the grocery store and buy puffed wheat, puffed rice. They puff it; they shred it; they crisp it; they manipulate it in a hundred different ways and send it to the grocery store shelf in bright-colored boxes.

The farmer gets a pittance for that grain because the farmer is told that grain does not have any value anymore. At the grocery store shelf it costs a fortune because now it has been puffed. So the puff is apparently more valuable than the grain that is produced out of the ground from the tireless work of a family farmer.

That describes part of the problem in this system of ours. We had a couple thousand people come to town, as the Senator from Minnesota described. They are the ones who could afford to come. I am sure it was a struggle for many of them.

Folks from my State—400 of them—got on buses, seven buses. I think they will have traveled close to 6 days—they are still on a bus, I am sure—traveling to Washington and back to North Dakota.

The fellow from just west of Valley City would not have been among them because he stood up at a meeting I had some while ago, and his chin began to tremble, and he had tears in his eyes—a big, husky guy with a beard. He said his granddad farmed his farm; his dad farmed his farm; and he farmed it for 23 years. Then his chin began to tremble, and he said: But I can't do it anymore. I'm being forced off the farm.

You could see that for him it was not about dollars and cents; it was the loss of a dream—a broken heart and broken dreams. I am sure he did not come out here because he is not farming anymore and could not afford it. He is probably struggling, after 23 years on a farm, trying to find something else to do—another job to try to make some income.

He made a point, as so many farmers do, that he was a good farmer. He did not waste money. He did not go to town on weekend nights. He did not buy new clothes. He told the kids they could not afford a new pair of jeans for

school because they did not have the money.

He said: This isn't my fault. Collapsed prices are not my fault. Bad trade agreements are not my fault. Monopolies that press their boots down on the chests of family farmers are not my fault.

He was right about that. He didn't cause these problems. Somewhere in the crevice between mathematics and virtue rests a blindness that somehow refuses to recognize value and values. We tend to think of all of this in the context of economics and numbers, not understanding, apparently, that family farmers produce something more than a crop.

Yes, a farmer produces wheat in the fields of North Dakota. That family living on a farm also produces a social product that most economists and most others believe has no value whatsoever in our country, a social product called community, called family values, called part of our culture that all of us understand, an environment that is good, a neighborhood that is free of crime, a lifestyle in which neighbors help one another.

When Ernest had a heart attack at harvest time in my hometown, his neighbors took the crop off the field. Why? Because they were competitors? No, because they were neighbors. That is a social product, but economists say it has no value.

The Europeans say it has value. In fact, in the trade negotiations between Europe and the United States, they say they want something called multifunctionality considered. Our trade people scratch their heads and say: What on Earth are you talking about, multifunctionality? The Europeans say: This is an important element of farming that you are missing when you just look at the hard numbers. What is missing is community, values, a certain culture we want to retain and sustain in our future. Our trade negotiators just can't understand that. They say: We don't understand that. This is all about dollars and cents. This is about markets.

My point is, family farms produce more than just grain. They produce something very important for this country. It is a social product that this country ought to want to retain and keep.

There are a series of things we must do to respond to the urgent needs of family farmers. We must repair a safety net that does not now provide the kind of assistance family farmers need when prices collapse. Family farmers can't make it across the valley when prices collapse without some kind of safety net to bridge that valley. That is No. 1.

No. 2, we must have better trade agreements. Family farmers cannot compete with one arm tied behind their backs. It is not fair. The Canadian trade agreement wasn't fair to our family farmers. It sold out family farmers' interests. I regret to say that,

but I can bring data to the floor released yesterday that demonstrates that was the case.

NAFTA was unfair and GATT was unfair to our family farmers. I will be happy to come and speak at great length about that, but I won't today.

We must have a better safety net, better trade policies, and action against monopolies. Farmers ought not to have to market upstream when they are selling fat steers into a circumstance where just several companies control 80 percent of the steer slaughter. The same is true in every direction a farmer looks. If you want to put the grain on a railroad someplace, guess what. You will put your grain on a railroad that is a monopoly in most cases. The railroad will say to you: Here is what we charge. If you don't like it, tough luck.

Just as an example, if you have a carload of wheat in Bismarck, ND, and you will ship to Minneapolis, you will be charged \$2,300 to ship it from Bismarck to Minneapolis. Ship the same carload of wheat from Minneapolis to Chicago, about the same distance, and you are charged \$1,000. Why are North Dakota farmers charged more than double to ship a carload of wheat about the same distance? Because there is no competition in North Dakota on that line. Between Minneapolis and Chicago, there is. That is called monopoly pricing, and it is unfair to family farmers.

The fourth thing we need to do is fix crop insurance. That is what this does. That is why I am here supporting it. I know that is a long introduction to get to my support. I will be very brief to say that I think this legislation has a lot to commend itself to the Senate. This is a good piece of legislation—perfect, no, but good.

Here is what it does. It makes crop insurance more affordable at buy-up coverage levels that are most useful to farmers. It addresses the problem of multiyear losses, which has been a very difficult problem for North Dakota farmers, and their impact on insurance coverages. It makes an important financial commitment to crop insurance expansion, research and development, education and outreach—issues that are particularly important to specialty crop communities. It authorizes a pilot program for livestock. It improves the Noninsured Crop Disaster Assistance Program.

This is a good bill. I know my colleagues have struggled mightily to produce this legislation. This bill comes to the floor with bipartisan support, Republicans and Democrats supporting it. I am pleased to support it and to commend all those who have helped bring this to the floor and who will support it in the Senate. It is but one step in a series of steps we must take to try to give family farmers some help.

Those 400 North Dakotans who are on 7 buses now on the highways going back to North Dakota could well have

been elsewhere this week. In most cases, in ordinary years, they would have been in the machine shed and they would have been working on their tractor, working on their farm equipment, repairing, replacing, renovating, greasing, changing the oil, getting all ready for spring. That is what farmers do. Farmers only can farm if they have hope. In most cases, these families live out on the farmsteads because they love that way of life.

The only way any of us could understand this is if we were to take our income each year. We have a salary in the Senate; we know what we are going to get each month. Wouldn't it be interesting if all Members of the Senate could let their income rest on certain things that are outside their control and have no certainty of income. Perhaps let your income rest on the question of whether it rains enough or too much, whether insects come to the Midwest, whether crop disease surfaces, whether there is a hail cloud that shows up or a funnel cloud that shows up in late August before harvest. If perhaps if we had that risk of income, we would be able to understand better, as all Members of the Senate, what family farmers face.

It is a very unusual, risky proposition that family farmers face every single year, with many elements in the determination of what kind of income they get that are completely outside of their control. That is why this is different. The enterprise of farming is different. Thomas Jefferson said it in words I cannot nearly match. But family farming is different. It is critically important to the future of this country. It is much more than just economics, finance, or math. It is a social product produced on our family farms in this country that contributes mightily to the character of this country as well. That is why this is an important piece of legislation. I hope it is but a first small step in a journey we can make together to improve the opportunities for family farmers in our country.

I think the amendment offered by my colleague from Minnesota, which is a sense-of-the-Senate amendment commending those who came to Washington, DC, this week, is an appropriate amendment. I hope the Senate will agree to that amendment as well. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota.

I do want to point out that there are two parts to this sense-of-the-Senate amendment. One part is to thank the farmers and others for being here. The second part is to put us on record and say we will respond and, in particular, we will respond to the price crisis. We are going to talk about how to ensure competitive markets. For my part, I think that means strong antitrust action. We are going to invest. We are going to understand that in the discus-

sion about education and health care—these are rural issues as well—we are talking about sustainable agriculture. We will make a commitment to responding.

This is only a sense-of-the-Senate amendment. However, I don't view it as just being symbolic. I think it would be great to have a strong vote. I want it to be a bipartisan vote. I would love to see us work on the additional pieces Senator DORGAN and I have talked about together, as Democrats and Republicans. I pray—I don't use that word very often on the floor of the Senate—that we will make some changes so our producers, our family farmers, will have a fighting chance to earn a decent living so they can give their children the care they know they need and deserve.

This is thanking these farmers, but it is also putting the Senate on record that we, in fact, are going to respond. That is the second part. That is an important part.

Yes, it is just a sense of the Senate, but I will be coming back over and over again talking about the sense of the Senate with my own ideas about how we can make a difference. Other Senators may have different ideas. I just want us to address it. I don't want us to put family farmers in Minnesota or North Dakota or Indiana, or anywhere, in parentheses or in brackets and act as though this isn't happening.

I don't want us to turn our gaze away from them. I don't want there to be an inaction. That is the why of this.

Mr. DORGAN. If the Senator will yield, I didn't realize I was speaking on Senator WELLSTONE's time. I ask the chairman if the Senator needs more time, I am sure he will be accommodating. I appreciate the generous opportunity.

Mr. WELLSTONE. I was very pleased to have the Senator speak.

The PRESIDING OFFICER. The time has expired.

The Senator from Indiana.

Mr. LUGAR. Mr. President, let me say that I appreciate very much the words of the Senator from Minnesota. I think his tribute to the farmers who came is certainly appropriate and very moving. The Senator has obviously worked to make certain that meeting was constructively successful. I assure the Senator that the voices in the meeting have been heard and, clearly, we were prepared to move on this legislation. But it is a part of the action that we must take to provide a stronger safety net. I feel that we will do so today. I am confident we will move this bill appropriately.

Very clearly, there is much more we need to do. I say to the Senator from Minnesota and my colleague from North Dakota that I know from the income on my own farm last year that it was down. It was down the year before from the year before that. I suspect I am one of the few Members who keeps the books, who tries to settle with the family members. I understand prices

and difficulties. I am looking at this from the standpoint of a 604-acre farm, and that is not untypical of many farms in my State and the Senator's State. Our problems are profound but not beyond solution. I look forward to working with the Senator.

At this moment, I am prepared to say on our side we accept the amendment, and we certainly want to see it approved by acclamation. Before I make a further comment on that, may I take a moment to say that I am hopeful that the distinguished Senator from Massachusetts, Mr. KENNEDY, is approaching the floor, and likewise, the Senator from Wisconsin, Mr. KOHL, who have statements or amendments for which time has been provided, so we might proceed.

I have received word from the majority leader that he proposes that any rollcall votes that might occur with reference to this legislation happen tomorrow morning. At some point, he will be offering a unanimous consent request or make an announcement that would be appropriate on that point. So I am hopeful we will have further debate soon. But for the moment I commend the Senator and I indicate support on our side. I hope his amendment will be taken by acclamation and with praise.

Mr. WELLSTONE. Mr. President, if I may respond to my colleague for a moment, first of all, I thank him for the words. I will ask for the yeas and nays. I do want to have a vote on this amendment. My request will be if the majority leader wants to do it tomorrow—I was trying to come out and help facilitate this—I wonder whether or not we could at least have 2 minutes to summarize before the vote. I hope that will be the case.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I ask that the vote on the amendment be postponed until tomorrow. My understanding is that the majority leader will be prepared to add provisions for the debate the Senator has suggested—perhaps 2 minutes to a side—and I will offer assurance to the Senator that I will make that recommendation to the leader.

Mr. WELLSTONE. Mr. President, the Senator's word is good enough for me.

Mr. LUGAR. I thank the Chair.

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. LUGAR. 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. LUGAR. Mr. President, I have been advised that in our colloquy obtaining unanimous consent we indicated that additional language from

Senators LEAHY, TORRICELLI, SCHUMER, ROCKEFELLER, REED, and KENNEDY would be made part of the managers' amendment. Apparently, some further editorial work needs to be done to incorporate that language in the managers' amendment. I ask unanimous consent that we have an opportunity and the right to add the language that fulfills the obligation we made.

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

Mr. LUGAR. This will tidy up the housekeeping regarding the managers' amendment.

I mention for the record, according to the Congressional Budget Office, the managers' amendment before us brings the crop insurance bill into compliance with the budget resolution in that spending in the bill is below \$6 billion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.  
(The remarks of Mr. HATCH pertaining to the introduction of S. 2270 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

#### RISK MANAGEMENT FOR THE 21ST CENTURY—Continued

Mr. KENNEDY. Mr. President, I support this legislation. The crop insurance bill before us today provides \$1.5 billion over each of the next 4 years to support the Nation's farmers, and they clearly deserve this assistance. Hard-working farmers across the Nation deserve to live with dignity. Federal assistance is justified to protect them when the harsh weather destroys their crops or volatile markets undervalue their produce.

I hope in the coming weeks the Senate will also have an opportunity to address a related urgent need. I am talking about hunger and the inadequacy of the current Food Stamp Program. The problem is that the program's reach in curbing hunger among working families has weakened over time. It is unacceptable for children and working families to go hungry in America today. The latest research is clear, and it calls for our urgent action.

The General Accounting Office reports that "children's participation in the Food Stamp Program has dropped more sharply than the number of children living in poverty, indicating a growing gap between need and assistance."

Census and state food stamp data show that between 1995 and 1998, while the number of poor people fell by almost 2 million, the number of food stamp beneficiaries fell by over 7 million, leaving millions more poor people without food stamps.

The Department of Agriculture reports that 10.5 million U.S. households experienced some degree of food insecurity in 1998, and 1 or more people went hungry in 3.7 million of these households.

The Tufts University Center on Hunger and Poverty in Massachusetts reports that a third of children living in immigrant households with food stamp cuts were experiencing moderate to severe hunger.

With Project Bread in Massachusetts, the Center on Hunger and Poverty also coauthored an extraordinary study of Child Hunger in Massachusetts about a year ago. It was cosponsored by Ralph Martin, who was a Republican district attorney in Suffolk County, and Congressman Joseph Kennedy. They did extensive studies in Massachusetts in a wide variety of communities—some of our older cities, some of our more prosperous cities with pockets of extraordinary poverty, and then in a number of the rural areas. It is an absolutely superb report. Rather than putting the whole report in the RECORD, I will raise it throughout the discussions of hunger to come. Dr. Larry Brown directs the Center on Hunger and Poverty, and as I think most of us who have worked on the hunger issue over the years know, he has had an extraordinary career, been an invaluable resource for this Nation in terms of finding hunger and being constructive and positive in helping us deal with that issue in a constructive way.

One in five American children is poor in today's America. The Center on Budget and Policy Priorities reports that while the total number of children who are poor has declined, the intensity of poverty among those children who are left behind has increased, and one of the reasons poor children are poorer is that their access to food stamps is diminishing.

The U.S. Conference of Mayors reports that demand for emergency food assistance increased 18 percent during 1999. This is the largest increase since 1992. Limited resources meant that 21 percent of requests for food were unmet. In addition, 67 percent of the adults requesting emergency food assistance in the Nation's cities were employed.

Especially in this time of recent economic prosperity and record budget surpluses, we must do more to protect working families across the Nation who need food. America's farmers have a long and proud tradition of service to the Nation, and their hard work produces an abundance of foodstuffs. Surely we can ensure that this abundance is used in a way that no one in America goes hungry.

I know the issue of hunger is of deep concern to the chairman and the rank-

ing member of the Agriculture Committee, who oversee the Nation's antihunger efforts. For \$500 million a year, we could provide modest hunger relief for low-income families. These additional resources should be allocated to the Food Stamp Program, as bipartisan coalitions in both the House and the Senate have proposed in the Hunger Relief Act that many of us support.

Our proposal makes four long overdue improvements in the Food Stamp Program. It authorizes States to use their own TANF rules to determine which vehicles families may own to get to work themselves and safely transport their children to school—enormously important, a very modest recommendation, but very important.

Second, for families forced to spend over 50 percent of income on shelter, it increases the present shelter deduction and indexes it to inflation—incredibly important. The cost of housing, particularly in the older communities, has gone right up through the roof and because the shelter deduction is capped, families who must pay high shelter costs are helped less and less by the Food Stamp Program. This is a very modest recommendation to increase the cap and index it to inflation.

Third, the bill restores eligibility to vulnerable legal immigrants. We all know the history in terms of the moving of immigrants off the Food Stamp Program as part of welfare reform. I never believed it made a great deal of sense at that time, nor do I think it still makes a great deal of sense. We have been trying to work for restoration of food stamp benefits to legal immigrants since they were imposed.

Legal immigrants are going to be American citizens. They are people who have abided by the rules in order to come here. The reason they have immigrated is primarily because they have members of their families who are here. That is the overwhelming reason for it. So they are going to be American citizens. To deprive people, particularly children—although we made limited progress in that in recent years—who are otherwise going to be American citizens never seemed, to me, to be a wise policy. We seek appropriate restoration in this legislation.

It also increases Federal support for emergency food pantries and soup kitchens. I think the excellent research from the Conference of Mayors is a powerful justification for those modest recommendations.

The Congressional Budget Office estimates together these steps will cost about \$2.5 billion over 5 years, benefiting over a million children and working adults. Nearly 1,200 national, State, and local organizations, representing concerned citizens in all 50 States, have urged Congress to pass the legislation.

I hope we can enact this important hunger relief measure this year. Families living in hunger across the country need and deserve our help. I am hopeful

that the Budget Committee will create a reserve fund dedicated to hunger relief. Next, I hope that the Agriculture Committee will apply its expertise to the work we have begun and report this legislation.

Again, I thank Senator LUGAR, who has been a leader in the Agriculture Committee, and has also been a leader on this concern, as well as working with us on this issue historically, and our good friend, Senator HARKIN from Iowa. Senator SPECTER has been a leader, as well. I thank Senator LEAHY and Senator JEFFORDS and Senator DASCHLE, all who are strong supporters. We have a number of our colleagues who are cosponsors. But all of them have had long careers on the issue of hunger in America. We are grateful for their continued interest and support.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Indiana.

Mr. LUGAR. Mr. President, let me simply respond quickly to the very specific points the distinguished Senator has made. Hunger relief continues to be a top priority for the Agriculture Committee. That will always be the case.

One priority should be that States should have the flexibility they need to determine how vehicles are counted under the Food Stamp Program since States know best about the transportation needs of the families. The Senator has mentioned that is one of the points he has. We strongly commend that idea. We look forward to working with the Senator and with others.

I wish to take advantage of this opportunity simply to say that in my own State of Indiana I have been visiting food banks, four very substantial efforts in Indianapolis, Fort Wayne, Evansville, and in Lewisville, serving nine Indiana counties.

The reason for my doing that is that the demands for food from these food banks and from the food pantries that they serve have increased very substantially during the last year. This is counterintuitive to many Americans, but not to the Senator from Massachusetts who has highlighted that in his remarks today.

In part, it comes because of a transition from welfare to work. A number of individual Americans—and a 7-State survey pointed out—these individuals have, in fact, accepted jobs. A majority of those who were on welfare rolls in Indiana have moved into jobs. But for most of these people, the incomes, on an annual basis, are somewhere in the neighborhood of \$10,000 to \$15,000.

Many have substantial families. They have moved from welfare but not out of poverty. The survey found that 50 percent of these families had extended families. They went, as we would, to their kinfolk. They were able to gain food during desperate periods. The other half essentially went to food banks; thus the increased demand.

I have offered a modest piece of legislation, which the Finance Committee

is now considering—I hope they will consider it carefully—that further codifies the tax exemption given to companies that already are given an exemption for food contributed to food banks but extends that to partnerships or proprietorships, to individual entrepreneurs, restaurants and others, as well as to farmers and ranchers, many of whom make these generous contributions now. It is in recognition of a very substantial need. There has been great support, at least in my State, for meeting the needs of those who have them.

Clearly, reforms of the Food Stamp Program are very important in the same regard and for the same reason—the many Americans who face problems of hunger. The Senator is certainly correct; the distribution problem, the equity problems, are profound. But those are ones we must deal with, and I thank the Senator for taking the floor today for this important colloquy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments and for his energy in visiting these distribution centers himself.

I will put in the RECORD some of the findings in a number of the distribution places in Massachusetts, with the increasing escalation of families who are receiving the benefits of these foods and increasing numbers of children, and that the total ages have gone down extensively as well. It is a very powerful and moving commentary about what is happening.

I agree with the Senator, at a time when we all remind ourselves every day about how strong this economy is and the significant economic progress we have made, all of that is very true, but there are a number of people in our country who are facing significant deprivation in the area of food. We want to see what can be done to try to provide some relief. We will work closely with the committee and with the chairman. I am grateful to him.

Mr. LUGAR. I fully agree with my friend from Massachusetts that hunger relief needs to be a top priority for the Agriculture Committee, and resources should be found to address the problem. I am especially concerned that states have the flexibility they need to determine how vehicles are counted under the Food Stamp Program, since states know best what transportation families need to work and to safely transport their children.

Mr. HARKIN. I look forward to working with my good friend from Indiana and Massachusetts to pass strong hunger relief legislation this year. In my work on the Agriculture Committee, the Agriculture Appropriations Subcommittee, and the Labor, HHS, and Education Appropriations Subcommittee, I have been dismayed not only to see the reports of increasing hunger among children and working families that Senator KENNEDY de-

scribes, but also to hear scientists explain how inadequate nutrition limits children's ability to learn at school and adults' ability to concentrate at work. I join my colleagues in urging the Budget Committee to report a resolution that includes a reserve fund of \$2.5 billion over five years to alleviate hunger in America.

Mr. SPECTER. I decided to join my friend from Massachusetts in introducing the Hunger Relief Act after carefully reviewing the evidence of persisting hunger in Pennsylvania and the U.S., and after extensive consultations with local leaders who are working under enormous strains to meet growing needs. As chairman of the appropriations subcommittee that covers education and labor programs, I share the concern expressed by my friend from Iowa that our education, health, and workforce improvement efforts are threatened by unmet needs for nutritional assistance. I too hope that the Budget Committee responds to the needs that our hunger relief legislation addresses, by including a reserve fund of \$2.5 billion over five years.

Mr. KENNEDY. My good friend from Pennsylvania makes an excellent point about investigating hunger in his state. He has shown impressive leadership throughout our deliberations on hunger during this Congress, and helped hone our proposal to target the most urgent needs. From my many discussions with Senator SPECTER, I know that he has carefully investigated the hardships faced by his constituents in Pennsylvania. I urge every Senator in this Chamber to follow his example. In Massachusetts:

An eleven-year-old child in Brighton reported to investigators last year that "Sometimes I'm really hungry. Sometimes I have nothing to eat but Cheerios and milk. . . . I wake up and I can't go back to sleep because I have stomach pain. Then I wake up in the morning and I feel sick. I wish that every time we need food, we just had it in the fridge."

A mother in Springfield worried, "Should my kids sit in the dark or should they go hungry? One of my kids has multiple handicaps, so I have to pay the utility bills to have heat and light. But, then we have no food."

A 12-year-old youngster in Dorchester reports, "When I'm hungry I feel like I'm dying. I eat ice because it fills me up with water. . . . When I don't eat, in school I get sleepy and bored."

When I looked at studies conducted throughout the Commonwealth of Massachusetts, I found that 35 percent of Massachusetts food bank and soup kitchen clients are under 18 years old. Moreover, 63 percent of Massachusetts community food providers have reported an increase in demand for food aid in the last year, with 49 percent of programs noting an increase in demand among families with children. This evidence of ongoing urgent needs is inconsistent with the fact that 118,000 people

in Massachusetts left food stamp roles in the three years preceding September 1998 even though during this time the number of people living in poverty increased by 50,000. I think that if any Senator conducts a similar review of the data, unfortunately a similar picture will emerge.

Mr. LEAHY. The needs described so well by my colleagues are pervasive, urgent, and fully within our means to address. Hunger has a cure. As ranking member of the Agriculture Subcommittee on Research, Nutrition, and General Legislation, I will do all I can to pass the Hunger Relief Act this year. I respectfully and insistently ask the Budget Committee to cooperate in creating a \$2.5 billion reserve for this purpose.

Mr. JEFFORDS. Hunger in this time of prosperity should not be tolerated by people of any party affiliation. The American people overwhelmingly support hunger relief efforts, and many of them volunteer their time and resources to help in their communities. I'm encouraged that the groundwork for modest hunger relief has been laid entirely in a bipartisan spirit, and should continue this way through passage of legislation that the experts on the Agriculture Committee have perfected. I join my colleagues from both sides of the aisle in inviting the Budget Committee to preserve this spirit as it reserves \$2.5 billion over five years for hunger relief legislation. This will produce a significant bipartisan, moderate accomplishment this session for people in obvious need.

Mr. DASCHLE. In this time of instant millionaires, it's easy to close our eyes to the fact that people, particularly children, go hungry in this country. But hunger is a fact and it's a national tragedy. It's particularly troubling that many working families find themselves short of food.

When Congress enacted welfare reform in 1996, we worked to ensure that families would have the support they need to get off welfare. Food stamps are a critical part of that support. Yet food stamp enrollment has declined more rapidly than the poverty data would suggest is warranted.

The policies we are talking about today are urgently needed to reduce hunger in this country, particularly in working families that need extra help as they work to become self-sufficient.

I commend the Senators who have spoken today for their efforts to address the serious problem of hunger in America. A number of us met recently with Secretary Glickman to discuss this issue. I look forward to working with them to enact hunger relief legislation this year and urge the Budget Committee to reserve \$2.5 billion for this effort.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Massachusetts for that colloquy.

In completing at least the unanimous consent list of amendments, the distin-

guished Senator from Wisconsin, Mr. KOHL, has offered an amendment which is in the form of language he has presented to me. I ask unanimous consent that the Kohl amendment be made a part of the managers' amendment.

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

Mr. LUGAR. I further ask unanimous consent that Senator GRAMS of Minnesota be added as a cosponsor to the Kohl amendment which is now part of the managers' amendment.

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

The Managers' amendment (No. 2887), as modified, is as follows:

On page 2, strike the table of contents and insert the following:

Sec. 1. Short title; table of contents.

#### TITLE I—CROP INSURANCE COVERAGE

Sec. 101. Quality adjustment.

Sec. 102. Prevented planting.

Sec. 103. Payment of portion of premium by Corporation.

Sec. 104. Assigned yields.

Sec. 105. Multiyear disaster actual production history adjustment.

Sec. 106. Noninsured crop disaster assistance program.

Sec. 107. Crop insurance coverage for rice.

#### TITLE II—RESEARCH AND PILOT PROGRAMS

Sec. 201. Research and pilot programs.

Sec. 202. Research and development contracting authority.

Sec. 203. Choice of risk management options.

Sec. 204. Risk management innovation and competition pilot program.

Sec. 205. Education and research.

Sec. 206. Conforming amendments.

#### TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.

Sec. 302. Good farming practices.

Sec. 303. Sanctions for program noncompliance and fraud.

Sec. 304. Oversight of agents and loss adjusters.

Sec. 305. Adequate coverage for States.

Sec. 306. Records and reporting.

Sec. 307. Fees for plans of insurance.

Sec. 308. Limitation on double insurance.

Sec. 309. Specialty crops.

Sec. 310. Federal Crop Insurance Improvement Commission.

Sec. 311. Highly erodible land and wetland conservation.

Sec. 312. Projected loss ratio.

Sec. 313. Compliance with State licensing requirements.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Improved risk management education.

Sec. 402. Sense of the Senate regarding the Federal crop insurance program.

#### TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

Sec. 501. Effective dates.

Sec. 502. Termination of authority.

On page 7, strike lines 13 through 15 and insert the following:

“(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years.”

On page 10, line 2, strike “or greater than 75 percent” and insert “75, 80, or 85 percent”.

On page 13, line 5, strike “or greater than”.

On page 13, strike lines 20 through 22 and insert the following:

“(F) In the case of additional coverage equal to 80 percent of the recorded or ap-

praised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

“(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

“(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

“(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

“(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

“(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

“(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004.”

On page 23, after line 25, add the following:  
**SEC. 107. CROP INSURANCE COVERAGE FOR RICE.**

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

“(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.”

On page 25, line 13, strike “and”.

On page 25, line 15 after “livestock” insert “and livestock products”.

On page 25, line 15, strike the period at the end and insert a semicolon.

On page 25, between lines 15 and 16, insert the following:

“(H) subject to paragraph (7), after October 1, 2000, salmon; and

“(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as ‘sharka’), including quarantined trees or fruit.

On page 27, line 2, strike “\$20,000,000” and insert “\$10,000,000”.

On page 27, line 4, strike “\$40,000,000” and insert “\$30,000,000”.

On page 27, line 6, strike “\$60,000,000” and insert “\$50,000,000”.

On page 27, line 8, strike “\$80,000,000” and insert “\$60,000,000”.

On page 27, line 10, insert “(3)(H),” after “(3)(G),”.

On page 32, line 17, strike “and”.

On page 32, line 20, strike the period and insert “; and”.

On page 32, between lines 20 and 21, insert the following:

“(IV) results in not less than 15 percent of payments being made to producers in States in which—

“(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

“(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.”

On page 41, line 17, strike “516(b)(2)(C)” and insert “516(a)(2)(C)”.

On page 44, strike line 19 and insert the following:

period at the end and inserting “; and”; and  
 On page 45, strike line 2 and insert the following:

On page 45, strike line 3 and insert the following:

**SEC. 204. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.**

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

“(d) RISK MANAGEMENT INNOVATION AND COMPETITION.—

“(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

“(A) develop and offer innovative risk management products to producers;

“(B) rate premiums for risk management products; and

“(C) competitively market the risk management products.

“(2) ESTABLISHMENT.—

“(A) IN GENERAL.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

“(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

“(ii) rates of premium for the risk management product; or

“(iii) underwriting systems for the risk management product.

“(B) SUBMISSION TO BOARD.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

“(C) DETERMINATION BY BOARD.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

“(i) the interests of producers of commodities are adequately protected by the risk management product;

“(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

“(iii) the underwriting system of the risk management product is appropriate and adequate;

“(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

“(v) the size of the proposed pilot area is adequate;

“(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

“(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

“(D) CONFIDENTIALITY.—

“(i) IN GENERAL.—All information concerning a risk management product shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

“(ii) STANDARD.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

“(3) MARKETING OF RISK MANAGEMENT PRODUCTS.—

“(A) DEFINITION OF ORIGINAL PROVIDER.—In this paragraph, the term ‘original provider’ means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

“(B) AUTHORITY TO MARKET.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

“(C) FEE.—

“(i) IN GENERAL.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

“(ii) AMOUNT.—The original provider shall determine the amount of the fee under clause (i).”.

**SEC. 205. EDUCATION AND RESEARCH.**

Section 522 of the Federal Crop Insurance Act (as amended by section 204) is amended by adding at the end the following:

“(e) EDUCATION AND RESEARCH.—

“(1) IN GENERAL.—The Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for the 2001-2004 fiscal years, not to exceed the funding limitations established in paragraph (4).

“(2) EDUCATION AND INFORMATION.—The Corporation shall establish a program of education and information for States in which—

“(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

“(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.

“(3) RESEARCH AND DEVELOPMENT.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation in States in which—

“(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

“(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.

“(4) FUNDING.—The following amounts shall be transferred from funds made available in section 516(a)(2)(C) for the Choice of Risk Management Options pilot program—

“(A) for the Education, Information and Insurance Provider Recruitment program in paragraph (2), \$10,000,000 for each of fiscal years 2001 through 2004.

“(B) for the Research and Development program in paragraph (3) \$5,000,000 for each of fiscal years 2001-2004.”.

**SEC. 206. CONFORMING AMENDMENTS.**

On page 65, line 23, strike “section 102(a)” and insert “section 107”.

On page 65, line 25, strike “(8)” and insert “(9)”.

On page 72, lines 18 and 19, strike “section 204(a)(2)” and insert “section 206(a)(2)”.

On page 77, strike lines 1 through 7 and insert the following:

“(2) PURCHASE DURING INSURANCE PERIOD.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines that the risk associated with the crop can be adequately rated.

On page 79, strike line 8 and all that follows through page 91, line 11, and insert the following:

**SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.**

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

**“SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.**

“(a) DEFINITIONS.—In this section:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Crop Insurance Improvement Commission established by subsection (b).

“(b) ESTABLISHMENT OF COMMISSION.—There is established a Commission to be known as the ‘Federal Crop Insurance Improvement Commission’.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Commission shall be composed of the following 13 members:

“(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

“(B) The manager of the Corporation.

“(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

“(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

“(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

“(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

“(G) 2 agricultural economists from academia, appointed by the Secretary.

“(H) 2 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

“(2) TIME OF APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

“(3) TERM.—A member of the Commission shall serve for the life of the Commission.

“(d) DUTIES.—The Commission shall review and make recommendations concerning the following issues:

“(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

“(2) Whether the Corporation should—

“(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

“(B) provide assistance in another form, such as by acting as an excess insurer.

“(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

“(4) How to focus research and development of new insurance products to include the development of—

“(A) new types of products such as combined area and yield and whole farm revenue coverages; and

“(B) insurance products for specialty crops.

“(5) The use by the Corporation of private sector resources under section 507(c).

“(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

“(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

“(A) delivery of reasonably priced crop insurance products to agricultural producers;

“(B) loss adjustment procedures;

“(C) good farming practices;

“(D) the establishment of premiums; and

“(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

“(e) COMMISSION OPERATIONS.—

“(1) CHAIRPERSON; VOTING.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

“(A) serve as Chairperson of the Commission; and

“(B) vote in the case of a tie.

“(2) MEETINGS.—The Commission shall meet regularly, but not less than 6 times per year.

“(3) DISCLOSURE.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

“(f) FINAL REPORT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

“(2) COPIES.—The Commission shall provide copies of the final report to—

“(A) the Secretary; and

“(B) the Board.

“(3) INTERIM REPORTS.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

“(g) TERMINATION.—The Commission shall terminate on the earlier of—

“(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

“(2) September 30, 2004.

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

On page 92, strike lines 7 through 13 and insert the following:

#### SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

“(2) PROJECTED LOSS RATIO.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

“(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

“(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.”.

#### SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 206(a)(1)) is amended by adding at the end the following:

“(n) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—Any person that sells or solicits the purchase of a policy or plan of insurance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.”.

#### TITLE IV—MISCELLANEOUS PROVISIONS

##### SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

##### “SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

“(a) DEFINITIONS.—In this section:

“(1) CENTER.—The term ‘Center’ means a Risk Management Education Coordinating Center established under subsection (c)(1).

“(2) LAND-GRANT COLLEGE.—The term ‘land-grant college’ means any 1862 Institution, 1890 Institution, or 1994 Institution.

“(b) PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

“(2) PURPOSE.—The program shall be designed to assist a producer to develop the skills necessary—

“(A) to understand the financial health and capability of the producer’s operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

“(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

“(C) to understand legal, governmental, environmental, and human resource issues that impact the producer’s operation.

“(c) COORDINATING CENTERS.—

“(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

“(2) SITE SELECTION.—

“(A) IN GENERAL.—The Secretary shall locate the Center for a region at—

“(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

“(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

“(B) LAND-GRANT COLLEGES.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

“(d) COORDINATING COUNCIL.—

“(1) ESTABLISHMENT.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

“(2) MEMBERSHIP.—Each council shall consist of a minimum of 5 members, including representatives from—

“(A) public organizations;

“(B) private organizations;

“(C) agricultural producers; and

“(D) the Regional Service Offices of the Risk Management Agency in that region.

“(e) CENTER ACTIVITIES.—

“(1) INSTRUCTION FOR RISK MANAGEMENT PROFESSIONALS.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who

work with agricultural producers, including professionals who are—

“(A) extension specialists;

“(B) county extension faculty members;

“(C) private service providers; and

“(D) other individuals involved in providing risk management education.

“(2) EDUCATION PROGRAMS FOR PRODUCERS.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

“(3) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

“(4) COORDINATION OF RESOURCES.—

“(A) IN GENERAL.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

“(B) USE OF AVAILABLE EXPERTISE.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, non-governmental organizations, government agencies, and the private sector.

“(f) GRANTS.—

“(1) SPECIAL GRANTS.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

“(2) COMPETITIVE GRANTS.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

“(g) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—The National Agriculture Risk Education Library shall—

“(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

“(2) provide a means for the electronic delivery of risk management information and materials.

“(h) FUNDING PROVISIONS.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2001 and each subsequent fiscal year.

“(2) DISTRIBUTION.—

“(A) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

“(B) CENTERS.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

“(C) ADMINISTRATION BY LAND-GRANT COLLEGES.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

“(3) PROHIBITION ON CONSTRUCTION.—

“(A) LOCATION OF CENTERS.—Each Center shall be located in a facility in existence on the date of enactment of this section.

“(B) PROHIBITION.—Funds provided under this section shall not be used to carry out construction of any facility.



“(i) EVALUATION.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).”

**SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.**

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled “General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities”, published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rule-making process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

**TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY**

**SEC. 501. EFFECTIVE DATES.**

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 92, line 15, insert “subsection (c)(2) and” after “carry out”.

On page 92, line 17, strike “204” and insert “206”.

Beginning on page 92, strike line 23 and all that follows through page 93, line 9, and insert the following:

(2) INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS OF DURUM WHEAT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(B) BASE AND HARVEST PRICES.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(C) REINSURANCE.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(D) VOIDING OF BULLETIN.—Bulletin MGR-99-004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(E) EFFECTIVE DATE.—This paragraph takes effect on October 1, 2000.

On page 93, line 10, strike “SEC. 402.” and insert “SEC. 502.”

On page 94, strike lines 1 and 2 and insert the following:

1508(a) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively.

On page 94, line 5, strike “203” and insert “205”.

On page 94, line 24, strike “subsection (c)” and insert “subsections (c), (d), and (e)”.

On page 45, between lines 2 and 3, insert the following:

**SEC. 204. OPTIONS PILOT PROGRAM.**

(a) IN GENERAL.—Section 191 of the Agricultural Market Transition Act (7 U.S.C. 7331) is amended—

(1) in the first sentence of subsection (a), by striking “2002” and inserting “2004”;

(2) in subsection (b)—

(A) in the first sentence, by striking “100 counties, except that not more than 6” and inserting “300 counties, except that not more than 25”; and

(B) in the second sentence, by striking “2002” and inserting “2004”; and

(3) in subsection (c)(2), by inserting before the semicolon the following: “during any calendar year in which a county in which the farm of the producer is located is authorized to operate the pilot program”.

(b) FUNDING.—From amounts made available under section 516(a)(2)(C) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)(C)) (as added by section 203(b)(2)(C)) for the choice of risk management options pilot program, the Federal Crop Insurance Corporation shall transfer to the Secretary of Agriculture to carry out the amendments made by subsection (a) \$27,000,000 for each of fiscal years 2002 through 2004.

On page 45, line 3, strike “SEC. 204.” and insert “SEC. 205.”

On page 72, line 19, strike “204(a)(2)” and insert “205(a)(2)”.

On page 92, line 17, strike “204” and insert “205”.

Mr. LUGAR. Mr. President, this completes the amendments list. At this point, I yield the floor to Senators who wish to speak on the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

I am very pleased to support a crop insurance reform bill that has been a

long while in the making. I compliment the chairman of the Senate Agriculture Committee for his diligence in this. He has certainly worked hard and put forth a great effort in working with all of us to come up with a final product. I appreciate his diligence and patience and all his hard work and wisdom that have gone into it.

As we all know, the Budget Committee included funds to reform our ailing Crop Insurance Program last year. I have been working diligently with the Senate Agriculture Committee to develop a bill that will improve the current program because for us in the South, the current program doesn't work. What we are considering today is the result of the efforts and hard work of all of us.

I believe this bill makes fundamental changes to the existing Federal Crop Insurance Program that are necessary to make crop insurance more workable and affordable for producers across the country, and I urge its passage. Congress has been attempting to eliminate the ad hoc disaster program for years because it is not the most effective way of helping our farmers who suffer yield losses.

Last year, Senator COCHRAN and I introduced a comprehensive bill that addressed what we saw as the various reforms necessary in the Crop Insurance Program. I am pleased that many of those provisions are included in the bill we are considering today.

As we all know, the Government's role in farm programs has changed. The 1996 farm bill phased out our traditional support for our farmers, and the current farm programs require producers to assume more risk than ever before.

Due to the agricultural economic crisis we are experiencing, there has been much discussion lately on the issues of the safety net for our Nation's producers. On that point, I will be perfectly clear. Crop insurance is a risk management tool to help producers guard against yield loss. It was not created and was never intended to be, and will never be, the end-all, be-all solution for the income needs of our Nation's producers.

As the crop insurance reform debate proceeds, I am hopeful my colleagues will be cognizant of the various needs in the agricultural community and recognize that while crop insurance is an important part of the safety net, it is not and should not be the only income guard for our Nation's farmers.

In Arkansas, the last estimates I heard indicated that fewer than 2 percent of our cotton producers were participating in the buy-up program. Buy-up coverage for all commodities in Arkansas historically is below 20 percent. That tells me the producers in my home State don't think crop insurance is currently providing the kind of help they need.

In the South, we traditionally grow capital-intensive crops. As we have

grown these crops in the past, and certainly as we will in the future, the way the current Crop Insurance Program is structured, the rating program has never suited our needs or made it a good business decision for southern farmers to purchase crop insurance. This bill establishes a process for reevaluating crop insurance rates for all crops and for lowering those rates if warranted.

It was only after pressure from Congress last year that the risk management agency reduced rates by as much as 50 percent for cotton in Arkansas and the Midsouth. The provision included in today's bill will require further review of all southern commodities in the rating structure. By making the Crop Insurance Program more affordable, additional producers will be encouraged to participate in the program and protect themselves against the unforeseeable factors that will be working against them once they put a crop into the ground. This is the ultimate goal, to get more participation in our insurance program.

The bill also provides for an enhanced subsidy structure so producers are encouraged to buy up from their current level of coverage. The structure included in this bill will make the step from catastrophic to buy-up easier for producers and will make obtaining the highest level of coverage easier for those who are already participating in the Crop Insurance Program.

In an attempt to improve the record-keeping process within USDA, this legislation also requires that FSA and RMA coordinate their recordkeeping activities. Current USDA recordkeeping, split between FSA and the RMA, is redundant and insufficient. By including both Crop Insurance Program participants and nonprogram participants in the process, we hope to enhance the agricultural data held by the agency and make acreage and yield reporting less of a hassle for already overburdened producers.

In addition, this bill establishes a role for consultation with State FSA committees in the introduction of new coverage to a State. The need for this provision was made abundantly clear to Arkansas' rice producers last spring.

A private insurance policy was offered to farmers at one rate, only to have the company reduce the rate once the amount of potential exposure was realized.

In my discussions with various executives from the company on this issue it became apparent that their knowledge of the rice industry was fairly minimal. Had they consulted with local FSA committees who had a working knowledge of the rice industry before introduction of the policy, the train wreck that occurred might have been stopped in its tracks.

I am pleased that another reform measure that I worked on has been included to help rice producers suffering losses caused by drought.

Recent droughts have left many Arkansas farmers with low reservoirs and

depleting aquifers. If rains do not replenish them, an adequate irrigation supply may not exist by summer.

In addition, drought conditions in Louisiana have caused salt to intrude into the water supply used for irrigation on many farms. Current law states that rice is excluded from drought policies because it is irrigated. This is not equitable since rice producers do suffer losses due to drought.

I have worked with Senators BREAUX and LANDRIEU to provide these policies for our rice producers who are experiencing reduced irrigation opportunities due to the severe drought conditions that have plagued the South for the last two years. I am pleased that this provision has been included in the bill. I thank Senators LANDRIEU and BREAUX for their hard work on it.

Many of the problems associated with the crop insurance program have been addressed in previous reform measures. However, fraud and abuses are still present to some degree.

This bill strengthens the monitoring of agents and adjusters to combat fraud and enhances the penalties available to USDA for companies, agents and producers who engage in fraudulent activities.

There is simply no room for bad actors that recklessly cost the taxpayers money.

In closing, Mr. President, I was prepared during our committee markup earlier this month to offer an amendment related to a cooperative's role in the delivery of crop insurance.

I held off at that time due to concerns from the committee related to possible "rebating" ramifications and preemption of state law.

I am pleased that Senators KERREY and GRASSLEY, as well as the Risk Management Agency, were willing to work with me to include my amendment in this bill.

This amendment does nothing to preempt state law or even change current federal law. It simply provides that current approved business practices be maintained.

With the inclusion of my amendment Congress is recognizing the valuable role cooperatives play in the crop insurance program, specifically, encouraging producer participation in the crop insurance program, improving the delivery system for crop insurance, and helping to develop new and improved insurance products.

My amendment requires the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the crop insurance program and to do so within 180 days of enactment of this act.

If farmer owned entities are not allowed to sell crop insurance, then anyone can sell crop insurance in America except an American farmer. Such a legal result would give the appearance that crop insurance is designed for a closed club to exploit farmers.

In my opinion, that appearance would inhibit broader use of crop insur-

ance, which is the overall objective we have been trying to reach. I don't believe that such a result is the intent of those who have put so much effort into improving the Crop Insurance Program, and I am pleased our amendment has been worked in.

Mr. President, I personally want to thank all of the staff members of the committee and the industry representatives who have helped in this effort. It certainly doesn't happen without their long hours of work, diligence, and perseverance in making all of this come together.

Arkansas farmers have told me time and time again that crop insurance isn't affordable for the amount of coverage they receive. As the program currently exists, it does not make sound business sense to purchase crop insurance in our State. Since this reform process began, I have been working to correct this inequity. I hope the changes we make today will lead to a Crop Insurance Program that is equitable, affordable, and effective.

I yield the floor.

Mr. LUGAR. Mr. President, the Senator from Alaska has asked the Senate to consider adding wild salmon to the list of crops for a pilot study is to be conducted as a basis for making federally-sponsored crop insurance available to fishermen. My understanding is that this is not the first time that the Department of Agriculture would be reviewing fish stocks for crop insurance. In the past, there was concern that wild fish can be too hard to track, and that fisheries managers don't really know when the stocks have failed. However, fisheries managers track fish stocks, especially wild salmon, very closely.

Mr. STEVENS. My good friend, the chairman of the Agriculture Committee, is correct. The State of Alaska has been managing wild salmon since statehood more than 40 years ago. In fact, one of the driving forces behind our statehood movement was to gain management control over our resources, particularly the salmon fisheries. I see my friend, the Senator from Kansas, may have a question on fisheries management.

Mr. ROBERTS. And is it true that fisheries managers can accurately predict how much fish can be caught from year-to-year?

Mr. STEVENS. The chairman of the Agriculture Committee is correct. Fisheries managers try to ensure that salmon returning to spawn reach their escapement goal, which is the number of spawners needed to return a healthy population of juveniles to the streams and oceans. Historically, managers can accurately estimate how many fish are expected to return based on the lifespan of the salmon and the escapement numbers from previous years. Fisheries managers also track historical trends, which are often linked to long term weather cycles, and their relationship to escapement numbers. The State of Alaska in particular uses in-season

management to ensure its pre-season escapement goals.

However, occasionally the fish do not return. For example, chum salmon runs in areas of western Alaska were at all time lows in 1997 and 1998. The low chum runs have had a devastating effect on the western Alaska economy. This exactly the type of crisis that could be alleviated by making crop insurance available to salmon fishermen. Fishermen are the farmers of the sea, and they deserve the same protections we afford to our farmers in the inland states.

Mr. LUGAR. I thank the Senator from Alaska for informing us of these aspects of fish harvests.

Mr. STEVENS. I thank the Senator from Indiana and the Senator from Kansas for their hard work on this important legislation and for addressing my request.

Mr. DASCHLE. Mr. President, the farmers and ranchers of this country have been struggling with terrible economic conditions over the past three years. They have seen their prices collapse and remain at, or in many cases below, the cost of production. Not only have farmers in my state and across the country endured these low prices, they have also been subject to the unpredictable forces of droughts, floods and crop disease.

We have before us a bill that will help farmers and ranchers survive these bad times and manage production risks. S. 2251, the Risk Management for the 21st Century Act, is a comprehensive approach to reforming and improving crop insurance for producers across the country. It will make the federal crop insurance program more affordable and effective.

Currently, the government provides subsidies for multi-peril crop insurance, but subsidies are progressively less at higher levels of coverage. This aspect of the crop insurance program often has the effect of restricting farmers from investing in the most efficient levels of coverage for their farms. This bill inverts this subsidy, so the higher levels of coverage are subsidized at the highest levels. This makes meaningful and comprehensive coverage much more affordable to farmers in this country who rely on the program to manage their production risks.

This bill also addresses another issue of critical importance to farmers in South Dakota and nationwide. Many parts of the country have suffered devastating crop losses for several years in a row. As disastrous conditions persist, farmers' eligibility under the current crop insurance program decreases—the opposite of what common sense would dictate. This bill enables producers to protect and sustain their crop insurance eligibility so that crop insurance remains an economically viable option for them for the long term.

This legislation also authorizes the Risk Management Agency (RMA) to develop insurance products on a pilot basis for livestock producers. For too

long, we have excluded our cattle ranchers, hog producers, and other livestock producers from federal agriculture programs, including crop—or perhaps we should say “commodity”—insurance. This bill expands the flexibility of the program in this way so that more producers can benefit from this important investment.

This legislation also provides great benefits for producers of specialty crops. It improves catastrophic loss insurance coverage by increasing the access specialty crop farmers have to quality crop insurance policies. Current crop insurance policies do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. This bill will promote specialty crop producer participation in the federal crop insurance program, encourage higher levels of coverage than provided by catastrophic insurance, and enable those producers to make better planning and marketing decisions. Furthermore, the bill requires that at least fifty percent of the funds dedicated to research and development for new crop insurance products are focused on specialty crop product development. This legislation also specifically provides funds to the RMA to enter into public and private partnerships to develop specialty crop insurance policies, and authorizes funds for pilot programs that would be conducted at the state, regional, and national levels.

Finally, this bill eliminates the area trigger for the non-insured assistance program, making any grower whose crop is uninsurable and who experiences a federally-declared disaster eligible for disaster funds.

Some have shared a concern that this crop insurance plan does not adequately address the range of problems across the country. They should be assured that this bill was written with the input and support of lawmakers, farmers, and agricultural organizations from all regions of the country.

The crop insurance program has grown in popularity over the last several years. This bill will significantly improve an already important and successful program. Effective and affordable crop insurance is a vital part of an improved safety net that farmers and ranchers need to protect themselves from production risks, and to survive and succeed this year and in years to come.

But make no mistake. Passage of this bill is only one part of our overall effort to improve farm policy. We must consider the many other ways in which our current policies have contributed to the poor economic conditions plaguing our farmers and ranchers. I look forward to that debate.

Mr. COCHRAN. Mr. President, I commend the distinguished chairman of the committee, Mr. LUGAR, for his work on the legislation before the Senate today. The Senators from Kansas and Nebraska deserve commendation also because of their active influence in shaping this bill.

I wish I could support this effort to reform crop insurance, but it has a built in bias against Southern agriculture. I supported the measure that was put before the Committee by the Chairman and I voted against the substitute amendment that was offered during the committee markup by the Senators from Kansas and Nebraska. Their amendment prevailed, and it is now the pending business before the Senate. The Chairman's mark offered farmers a choice between higher government contributions to their crop insurance premium or a new risk management payment that they could use for eligible activities which lower the financial risk of their farming operation.

Farmers in Mississippi preferred the Lugar bill. Mississippi has the third lowest crop insurance participation rate in the country. This bill will not increase the participation rate in my state and I don't think it will eliminate the need for Congress to provide disaster assistance in the future.

The bill now before the Senate, while including some of the programmatic changes that I have advocated and introduced in a bill with the distinguished Senator from Arkansas, Mrs. LINCOLN, falls short of the reform that we have promised agriculture producers.

Here are two specific examples. First, it contains a subsidy structure which heavily favors regions of the country which already have high crop insurance participation rates and low premiums. This bill will make premiums even lower for those producers, while at the same time, effectively raising rates for producers that purchase coverage in the middle levels. The effect of this subsidy structure is that farmers who currently purchase catastrophic coverage and want to move into higher levels of coverage will only benefit from this legislation if they buy at the lowest and highest levels of coverage. Otherwise, they would be better off under current law.

Second, farming is not a “one-size-fits-all” enterprise, but some believe that crop insurance should be. This bill fails to provide benefits for those producers that find crop insurance to be uneconomical. Certainly many of the changes that are incorporated in this bill will result in lower premiums, but for some producers in Mississippi, that will not be enough.

I am encouraged that the Committee has provided \$500 million in a pilot program that may address the needs of those who find that crop insurance is not a good business decision. However, the funds provided are significantly less than those that were included in the Lugar bill and will likely not produce a program that will be meaningful. I hope that this amount will be increased in conference so that it can provide meaningful assistance while not setting dangerous precedents for future farm bill debates. I'm hopeful this legislation can be improved in conference with the other body.

Mr. President, I will vote no on this bill, I will work with the Chairman and other committee members to resolve these concerns in conference.

Mr. KOHL. Mr. President, I am pleased that my amendment to include dairy in this \$6 billion crop insurance bill has been accepted by the bill managers and I thank them for their cooperation. In particular, I want to thank Senators LUGAR, KERREY, ROBERTS, and DASCHLE for their assistance. I look forward to working with them prior to and during conference to ensure my amendment is part of the final bill reported by the conference committee.

Dairy farmers have for too long been without any risk management tools to help them manage the risk of milk price volatility. The Dairy Options Pilot Program, authorized by the 1996 farm bill, was set to expire in 2002 and would have reached its 100 county cap at the end this year. If we had allowed that to happen, we would have taken from dairy farmers this important educational risk management program at a time when milk prices have hit their lowest levels in more than two decades. The DOPP program helps farmers pay for the out-of-pocket costs of buying "put" options on the commodity exchanges while the pilot is in effect in their county. Equally important, the program requires that farmers participate in an education and training program on the use of the futures market for risk management purposes.

My amendment extends the Dairy Options Pilot Program until 2004 and raises the number of counties that can participate to 300. Moreover, the amendment raises the number of counties in each state that can participate from six to 25. This is important to Wisconsin since, at the end of this year, Wisconsin would have hit its county cap as well.

The DOPP, on top of forward contracting through their cooperatives or other milk buyers, provides dairy farmers with an additional risk management tool. It is a tool that will be available, under my amendment, to dairy farmers throughout the nation. It is a national program, not a regional program. And I hope my colleagues from other regions will join me in looking for every possible national tool we have to help dairy farmers across the United States.

This is, Mr. President—and I cannot stress this enough—only one of the many things we need to do to help dairy farmers struggle through increased dairy market volatility. Dairy farmers in my state are hurting right now. The DOPP, while important, is not the answer to the unacceptably low milk prices. We must do more—much, much more. DOPP, even with my amendment, will still be available to farmers in only 300 counties.

That is why I am also seeking \$500 million in additional dairy market loss payments to put more money in the pockets of dairy farmers. Farmers na-

tionwide need that help right now and I hope to work to provide that assistance through my role as ranking Democrat on the Agricultural Appropriations subcommittee.

I also want to work with my colleagues to craft a national dairy policy that will provide dairy farmers with a meaningful safety net that does not distort markets or provide unfair regional advantages.

But I am pleased that S. 2251 bill will make this one tool—the DOPP—available to more farmers. It is, Mr. President, the very least we can do. And I thank the managers for working with me to include this amendment in the bill.

Mr. MACK. Mr. President, I rise to make a few remarks regarding the Risk Management for the 21st Century Act.

Floridians know all too well the impact of natural disasters on the agriculture community. While I am proud of the ability of our growers to rebuild their farms after such devastating losses, enormous disaster aid bills only serve as a band-aid fix to the problem. We must work harder to ensure that all farmers have access to the necessary risk-management tools. This bill encourages growers to purchase appropriate levels of crop insurance, hopefully avoiding the band-aid fix in future appropriation measures.

Florida is the ninth leading agricultural state in the nation, with annual farm receipts totaling \$6 billion. The industry employs over 80,000 people and generates more than \$18 billion in related economic activity. In 1998, hard working Floridians produced more than 25 billion pounds of food, and more than 2 million tons of livestock feed. I am proud to say that Florida leads the nation in production of 18 major agricultural commodities including oranges, sugarcane and fresh tomatoes. With these statistics in mind, it is imperative to ensure that federal programs work with, not against, Florida's farmers.

As an original co-sponsor of S. 1401, the Specialty Crop Insurance Act of 1999, I support the effort to reduce the dependence of the specialty crop industry on catastrophic loss insurance coverage by improving its access to quality crop insurance policies. By failing to account for the unique characteristics associated with farming specialty crops, current crop insurance policies do not include many specialty crop producers.

Through promotion of affordable crop insurance policies, S. 1401 would increase specialty crop producer participation in the Federal Crop Insurance Program. Today's legislation, S. 2251, the Risk Management for the 21st Century Act, includes many of these specialty crop provisions.

This legislation requires that 50% of the funds dedicated to research and development for the new crop insurance products are focused on specialty crop product development. At a level of \$20 million per year, the legislation au-

thorizes the Risk Management Agency to enter into partnerships with private and public entities to increase the availability of risk management tools for specialty crops. The expertise of outside agencies will most certainly help the Risk Management Agency develop sound specialty crop insurance policies.

The Risk Management for the 21st Century Act also includes an expansion of Risk Management Agency pilot authority, removal of the Non-insured Assistance Program (NAP) area trigger, incentives for growers who purchase "buy-up" coverage, and it proposes a premium refund for low-risk producers. These reforms will ease our nation's growers dependence on short sighted disaster relief bills.

This bill is the product of countless hours of negotiation, and I believe it represents an incredible opportunity to improve our Federal Crop Insurance Program. The Agriculture Committee has been extremely helpful in including the interests of specialty crop producers, and I thank them for their time and effort. I urge my colleagues to support the Risk Management for the 21st Century Act.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I commend the Chairman for moving this issue forward today. One of Georgia farmers' biggest complaints has been the inadequacies of the crop insurance program. The current program does not work and needs to be substantially reformed. Georgia farmers and ranchers continue to experience severe financial difficulties as a result of the lowest commodity prices in a decade, the devastating loss of international markets, and back to back disasters. They need a crop insurance program that provides the most economic benefits possible. While Congress helped stave off disaster in rural America by providing economic and weather related loss assistance in the fiscal year 1999 and 2000, it is evident that more needs to be done. Farmers need risk management programs that provide some protection against weather related and economic losses beyond their control. As it currently stands, crop insurance is too expensive for most farmers and has resulted in a low participation rate by many Georgia farmers.

The legislation before us today, while not perfect by any means, is a step in the right direction. I am reluctantly supporting this measure in an effort to move the debate forward. I would like to thank the Chairman for all his efforts on this important issue. While we are disappointed, of course, that the Chairman's mark did not prevail in committee. The Chairman's bill would have allowed Georgia farmers to choose whether or not traditional crop insurance was a viable risk management tool for their farms. There is \$6 billion at stake though, and we need it to reform the program. The House has passed a bill with favorable provisions

for the Southeast. We intend to fight for perfections to the bill we pass today, so our region of the country is treated fairly.

The Roberts/Kerry bill has many important reform provisions that were included in the Cochran/Lincoln bill, of which I was proud to be a cosponsor. Some of these provisions included are increased subsidy rates for farmers, affordable specialty crop insurance policies, multi-year APH adjustments, equal prevented planting for all crops, and rating methodology reform. This bill also includes over \$400 million for a risk management pilot program which we hope to tailor to the Georgia farmers' needs. All in all, this bill needs to go forward. We will ultimately arrive at a program that will be much better for our farmers than the status quo.

Mr. GRAHAM. Mr. President, members of the Senate, I am proud to offer my support for the legislation. As many before me have said, this bill is the product of extended debate and compromise on all sides of this debate.

CROP INSURANCE IS A TOOL TO REDUCE  
DISASTER AID

Over the last 3 years, we have passed large disaster aid packages to farmers. Over the last 2 years, we have spent billions of dollars in disaster relief for farmers.

Mr. President, Benjamin Franklin said it best: a stitch in time saves nine. If we invest in crop insurance, it will significantly lower the costs associated with agricultural disasters. The choice is simple: give farmers the tools they need to plan for catastrophic weather, or risk emergency, after-the-fact spending that impedes our ability to preserve social security.

Of particular interest to my state of Florida are the provisions in this legislation dealing with the needs of specialty crop producers. Agriculture in Florida has many different faces. There are 40,000 commercial farmers in the state.

In 1997, Florida farmers utilized a little more than 10 million of the state's nearly 35 million acres to produce more than 25 billion pounds of food and more than 2 million tons of livestock feed.

Florida ranks number nine nationally in the value of its farm products and number two in the value of its vegetable crops. Florida agriculture is not only valuable, but also diverse. Florida ranks number two nationally in horticulture production with annual sales of over \$1 billion. Florida grows 77 percent of U.S. grapefruits and 47 percent of the world supply. The state produces 75 percent of the nation's oranges and 20 percent of the world supply.

Florida's farmers led the Nation in the production of 18 major agriculture commodities in 1997 ranging from oranges and grapefruits, to a wide variety of vegetables, to tropical fish. Florida livestock and products sales were \$1.1 billion in 1997. Florida is the largest milk-producing State in the southeast. The bottom line for Florida agriculture is that our State has a wide variety of non-traditional crops.

On July 29, 1999 I introduced S. 1401, the Specialty Crop Insurance Act of 1999, with my colleagues Senators MACK, FEINSTEIN, BOXER, and BINGAMAN. This legislation sought to reduce the dependence of the specialty crop industry on catastrophic loss insurance coverage by improving its access to quality crop insurance policies.

Current crop insurance policies available for specialty crops do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. We need a different approach for this unique sector of U.S. agriculture.

Our legislation sought to promote the development and use of affordable specialty crop insurance policies. This action is intended to increase specialty crop producer participation in the Federal Crop Insurance Program, encourage higher levels of coverage than provided by catastrophic insurance, and encourage better planning and marketing decisions.

I am extremely pleased that the legislation we are considering today incorporates the provisions in my legislation.

(1) The biggest problem for specialty crop growers is availability of affordable policies. According to a 1999 GAO Report on USDA's progress in expanding crop insurance coverage for specialty crops, even after an expansion in policies available to specialty crops planned through 2001, the existing crop insurance program will fail to cover approximately 300 specialty crops that make up 15 percent of the market share.

To increase the availability of affordable crop insurance products, I proposed that we give the Risk Management Agency the resources and the ability to tap into expertise in the private sector during product development. S. 2251 accomplishes this goal.

The bill before us today requires that at least 50 percent of the funds dedicated to research and development for new crop insurance products are focused on specialty crop product development. Fifty percent of these funds are to be spent on outside contractors, giving those with expertise on specialty crops the opportunity to develop policies.

The legislation specifically authorizes \$20 million per year for RMA to enter into public and private partnerships to develop specialty crop insurance policies.

It also establishes a process to review new product development and ensure that crop insurance products are available to all agricultural commodities, including specialty crops.

I believe the actions taken by S. 2251 will give RMA the authority and resources it needs to use the expertise of the private sector to develop good crop insurance products for specialty crops.

(2) To further encourage development of new policies, I proposed expansion of the RMA pilot authority. This legislation authorizes funds for pilot pro-

grams. It allows pilots to be conducted on state, regional, and national basis for a period of four years to be extended if desired by RMA. S. 2251 also includes the authority for RMA to conduct a pilot program on crop insurance for timber, a provision I originally introduced on April 22 of last year in S. 868, the Forestry Initiative to Restore the Environment.

(3) Growers who do not have access to crop insurance policies depend on the Non-Insured Assistance Program (NAP). To ensure that aid from this program actually reaches farmers in need, I proposed elimination of the area trigger for non-insured assistance program, making any grower whose crop is uninsurable and experiences a federally-declared disaster, eligible for these funds. This bill does the same.

(4) My legislation took action to encourage growers to purchase buy-up coverage. The Risk Management for the 21st Century Act increases the rate for 50/100 coverage, the initial buy-up level after catastrophic coverage to 60 percent.

(5) To encourage farmers to take proactive risk management action, both my legislation and S. 2251 propose a premium refund for low-risk producers.

I believe that the provisions in the Risk Management for the 21st Century Act will ensure that specialty crop producers have access to high-quality insurance products designed to meet their needs.

I am pleased that the goals of my legislation, S. 1401, the Specialty Crop Insurance Act of 1999, are met by the legislation before us today. I commend my colleagues for their efforts to ensure that crop insurance reform passed by the 106th Congress will take into account the needs of all agriculture producers, not just one sector. I offer my support for this legislation and urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, this is an important day. Today we are finally bringing to bear over eighteen months of hard work toward reforming the Federal Crop Insurance Program. This is an issue of vital importance to Montana.

First, however, I urge my colleagues in the Senate to join me in applauding Senators ROBERTS and KERREY for their hard work in bringing a comprehensive solution to the table as well as Chairman LUGAR for helping us work quickly to pass this important legislation. We can all be proud of a job well done.

The bill before you to day, the Risk Management for the Twenty First Century Act, is a fine example of what can be done when we work on a bipartisan basis to solve a difficult problem. I am pleased that Montana producers and crop insurance providers also contributed largely to this effort.

Last spring, I held a crop insurance community hearing in Shelby, MT. Ken

Ackerman, director of the Risk Management Agency, flew out for that hearing and got quite an earful. Montana farmers told us they wanted a program they could count on. A risk management tool that would be more efficient, more cost effective, more responsible, and more accountable. A program that encourages farmers to try new and innovative crops. And a reliable system that moves us away from the annual ad hoc disaster band-aids. I would like to extend a personal thank you to Ken Ackerman and his agency for listening to our concerns and helping draft them into this legislation.

Today, I am optimistic that we in the Senate are soon to make those goals a reality. The \$6 billion legislative package before us today will amend the Federal Crop Insurance program in several specific ways. The measure will:

- Make crop insurance more affordable and broaden coverage to encourage producers to purchase the highest levels of coverage;

- Create more realistic production history so that producers won't be penalized for losses over several years;

- Encourage producers to plant new specialty crops;

- Require producer input on the federal crop insurance program board of directors to ensure that the program works for the people who are buying the insurance product; and

- Make it easier for producers to get disaster assistance for crops that have no production history.

I would like to highlight one particular section in this bill—that is the provision that at long last addresses the fact that during previous farm programs, Montana specialty crop producers have had little or no safety net. This is important since traditional crop prices have collapsed and farmers have ventured into specialty markets to survive. But because they have little or no production history, they are not eligible for traditional crop insurance coverage. Instead they are subject to the Non-Insured Agriculture Program.

Unfortunately, the NAP program does not work. I have been told that in order for a farmer to be indemnified, she must be a "very lucky person." A loss suffered per se does not trigger payments. Instead, at least five other producers in a defined 320,000 acre area must also suffer severe losses in order to trigger NAP coverage. Clearly, unless all the pieces fall together in a perfect puzzle, it is likely that the producer will not be paid.

Last year, I offered legislation that will help Montana farmers try new and innovative crops by streamlining the NAP. Among other provisions, our proposal eliminates the area trigger. That way if disaster strikes, the producer will be covered. Plain and simple. Senator LARRY CRAIG joined me in that effort, and I am pleased that our legislation is included in the Senate bill that we are currently considering.

Folks at home want to farm. They can not control the weather, but they

should be able to invest in a program that helps them manage nature's unpredictable whims. With an improved crop insurance program, Montana farmers will be able to diversify, take risks and move beyond our traditional way of thinking.

We have before us the perfect opportunity to do what is right for Montana and rest of rural America—pass comprehensive crop insurance reform. I thank everyone who contributed to this effort and look forward to passage in the Senate, a successful conference and President signing the bill into law in the very near future.

Mr. JOHNSON. Mr. President, I am extremely pleased to support legislation on the Senate floor today that improves and expands the crop insurance and risk management tools available to farmers in the United States. After months of uncertainty on this issue it is my hope that farmers desiring enhanced crop insurance and risk management options will be reassured that Congress will take a positive step and enact reform this year.

Beyond the day-to-day uncertainties facing family farmers and ranchers, matters are complicated today by current economic conditions in rural America. Collapsed crop and livestock prices, weak export demand, and agribusiness concentration continue to threaten the viability of our independent family farmers and ranchers. Crop insurance provides many agricultural producers with a risk management tool, but Congress needs to reform the current program at this time to avoid allowing both low prices and an inadequate safety net to force farmers out of business.

Nonetheless, I must caution that no matter how well crop insurance is improved, it is not a substitute for a sound farm policy or safety net. Instead, crop insurance is an important part of that farm safety net. It is my desire to also participate in a farm bill debate this year so Congress can reform the underlying farm bill. But, we must take advantage of this day to act on crop insurance.

In 1994, I chaired the House of Representatives subcommittee charged with reforming crop insurance. At the time one of our goals was to improve insurance to a point where the government would not need to develop ad hoc disaster programs. Ad hoc disaster programs are difficult to create, difficult to administer, and are politically unpopular. While I am pleased with many of the reforms we made in 1994, action in Congress to pass crop loss disaster programs in the last two years reminds us that crop insurance has not fully replaced the need for ad hoc disasters.

Crop insurance is critical to the farmers of South Dakota. Nearly twenty South Dakota grown crops are currently eligible for crop insurance, and among our major commodities, participation in the crop insurance program is high. Ninety-five percent of our corn acreage is enrolled in crop insurance

while 92 percent of our soybean acres are in this program. Wheat producers in South Dakota place 76 percent of their acreage in crop insurance. After the reforms made to the program in 1994, over 10 million acres of farmland in my state have been enrolled in crop insurance.

I am pleased to co-sponsor a bipartisan reform bill that is a modification of S. 1580, the Kerrey-Roberts Crop Insurance for the 21st Century Act. Our bill clearly recognizes improved crop insurance is absolutely necessary for farmers in the future. Our underlying bill closely mirrors the crop insurance reform bill enacted in the House of Representatives last year. Finally, our bill addresses some of the most serious concerns of the current crop insurance program; affordability, dependability, and flexibility.

The major reform proposed in our bill ensures greater affordability for farmers, especially for higher levels of protection. Nearly every farmer I talk to wants the opportunity to purchase higher levels of coverage, but most have found that a threshold exists where buy-up coverage becomes cost prohibitive. The Kerrey/Roberts bill makes coverage more affordable by providing higher subsidies for higher levels of coverage. South Dakota farmers support this provision of our bill because affordability seems to be the most pressing issue facing crop insurance today.

In recent years, the issue of coverage dependability has come into serious question. Farmers in South Dakota and elsewhere have suffered under multiple years of weather related disasters.

The bill I support ensures greater coverage dependability by providing relief for producers suffering from insurance coverage decreases and premium increases due to multi-year crop losses resulting from natural disasters. The bill adjusts actual production yield history—APH—for farmers by allowing producers who have suffered under three natural disasters in five years to drop their lowest APH. It also provides APH credit to assist beginning farmers and those who are diversifying with new crop rotations.

Finally, the proposal I support authorizes the development of cost of production crop insurance policies. This should eventually be a new, useful tool for producers. It also provides livestock producers hope that the development of some type of livestock coverage is a priority. Livestock producers are the major contributor to South Dakota's agricultural economy, and risk management options are essential for these producers.

However, our proposal, S. 2251, differs somewhat from our underlying bill, S. 1580, as well. Months of debate between members of the Senate Agriculture Committee has resulted in a certain degree of compromise on the overall issue of crop insurance and risk management. Some in our Committee believe a lump sum risk management payment

is preferred by farmers in parts of the United States. While I am very concerned that a de-coupled, lump sum payment is the wrong approach to take for several reasons, I understand the need to have comity and reasonable compromise in the Senate. Therefore, our proposal includes a pilot project to give farmers a choice between either crop insurance coverage or a risk management payment on a commodity by commodity basis. Yet, there are differences between the two risk management pilot programs offered by our coalition and those supporting large direct lump sum payments.

I am concerned the de-coupled payment alternative offered by others of the Committee is flawed. First, dividing a limited amount of money among many producers with a risk management payment fails to ensure the need for ad hoc disaster programs is eliminated. These direct lump sum payments will also be capitalized in land values and make it difficult for small and beginning farmers to compete for land.

Moreover, the alternative bill pushed by others in the Committee allows "double dipping" of benefits which I oppose. Those who choose a risk management payment are then also eligible for crop insurance under the current premium subsidy structure in the alternative supported by others today. This leads to a problem of complexity in terms of administration because crop insurance agents would be required to be able to quote two sets of premium rates available for farmers.

Nonetheless, members of the Senate have every right to propose risk management alternatives that they believe suit the interests of the farmers they represent. So with caution, I understand the need to offer a compromise bill with my colleagues on the floor today that offers some degree of "choice" and compromise. So, while the bill I support today also includes a risk management payment choice, it requires a more rigorous set of conditions through certification and random auditing to ensure program compliance. Therefore I believe the risk management payment in our approach is more responsible. That said, I would be remiss if I did not state, unequivocally, that I deeply appreciate the chairman's leadership in the Senate Agriculture Committee, and I respect the fashion in which he allowed the mark-up hearing to take place on March 2.

I want to mention one final issue very critical to the overall acceptance and viability of a taxpayer funded program like crop insurance. The issue of potential abuse in the insurance program was discussed in Congressional hearings on crop insurance reform last year. I do not believe fraud or abuse is of epidemic proportion in the crop insurance program. In fact, I believe the lion's share of interests (farmers, agents, loss adjusters, industry, and government) working in and around federal crop insurance are doing so

with the highest degree of integrity. However, I am cognizant that questionable claims and potential abuse were of great concern last year. That said, unless steps are taken to bolster compliance and oversight the public support for this vital program may diminish.

I am pleased to learn that earlier this month the risk Management Agency announced a major commitment to work with the private insurance industry to strengthen the integrity of crop insurance. I am hopeful this joint effort begins to end the concerns of this important program. I commend those involved in taking this positive step.

Mr. LUGAR. Mr. President, I ask unanimous consent that the vote in relation to the pending amendment No. 2888 occur at 11 a.m. Thursday morning, with 2 minutes equally divided for closing remarks prior to the vote. I further ask consent that following that vote the bill be read the third time, under the previous consent, and the Senate proceed to vote on passage of H.R. 2559, the crop insurance risk management bill, as amended, with no intervening action or debate.

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

#### MORNING BUSINESS

Mr. LUGAR. Mr. President, I note the presence of two distinguished Senators and perhaps more will come to the floor to offer comments on this bill or other bills.

On behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. LUGAR. Mr. President, Senators may then speak on crop insurance or other subjects. The unanimous consent request I have stated on behalf of the leader will permit that debate to continue.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

#### CROP INSURANCE

Mr. GRAMS. Mr. President, I want to address the crop insurance reform proposal. I thank you for the opportunity to address this legislation that I think is so crucial to the economic health of farmers in Minnesota and across the country. I have appreciated the hard work and effort put into this bill, and I believe it is one of the key reform issues the Congress must address this year to create an economic climate that will enable America's farmers to thrive.

As a sponsor of crop insurance legislation in both the 105th and 106th Congress, I am certainly no stranger to this issue. Working with producers, rural lenders, economists, and other stakeholders, I think we have fash-

ioned a bill that would encourage more participation in the program, help encourage producers to buy higher levels of coverage, and will also reduce the instances of "moral hazard" to keep everybody's premiums lower, and also help maintain the integrity of the program.

Mr. President, I first introduced my crop insurance bill in the 105th Congress, and I am pleased that much of my own legislation has now been incorporated into the Roberts-Kerrey measure, including pilot programs that would offer farmers premium discounts for using whole farm units or one crop units of insurance, and allowing producers to cross State and county boundaries to form insurable units, plus a pilot program permitting producers to ensure their crops are based upon a future price. Also, I am pleased that this bill will now also include an expansion of the dairy options pilot program. I think this is also a very important tool for producers who are attempting to weather the ups and downs in the dairy market. So I think it is great that we have included this provision that is going to help dairy farmers in the Midwest and across the country as well.

Participation in the Federal Crop Insurance Program has increased from 10 percent of the eligible acres in 1980 to about 70 percent of eligible acres last year, 1999. I think that is encouraging, but we still need higher levels of participation if our farm is to successfully manage its risk in the face of ever-changing global markets. Like almost no other form of employment, producers are subject to a host of variables that impact their bottom line, including weather, disease, production levels in other countries, foreign trade, increasing production costs, and changing consumer demand. All are out of the control of the producer.

As most of you know, America's farmers are fiercely independent and ever optimistic and were glad to get the freedom to make their own production decisions that came with the 1996 farm bill. However, part of the promise of Freedom to Farm was that there would be accompanying efforts to bring about trade negotiations to reduce barriers, regulatory reform, and improvements to the Crop Insurance Program to help producers manage the risk in open markets. Unfortunately, the administration has not eased the regulatory burden on farmers, and we have not initiated new WTO talks or negotiations. I am confident this crop insurance reform legislation remains one of the most important pieces of the farm prosperity puzzle. Tax relief and tax reform for our farmers across the board is also very important because it directly impacts the bottom line, the net income of our farmers and the ability of our farmers to pass farms from one generation to another.

Again, I am proud to be one of the early advocates for reform and that the basic concepts of my proposal again were carried into this reform bill.



I strongly urge my colleagues to speedily approve this bill so it can be reconciled with the House bill and be completed as soon as possible.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

#### RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. CRAIG. Mr. President, I am pleased to join many of my colleagues today in support of S. 2251, the crop insurance reform bill. Senator GRAMS spoke most eloquently on the issue and of its importance. He has certainly led the issue, along with a good many other of our colleagues who brought us to this point of shaping the legislation and bringing it to the floor.

I thank the chairman of the Agriculture Committee, Senator LUGAR, for recognizing the issue and the need for the legislation. While he didn't agree with all that is in S. 2251, he recognized its importance. He recognized the importance of building a compromise, as we were able to do in the committee.

At this time, I am proud to join not only the chairman but certainly my good friend, Senator ROBERTS, and Senator KERREY, who really led the issues that are found and embodied in S. 2251.

There is no question that reform of the Federal Crop Insurance Program was not only a necessity but it was an obligation. It was a promise that we in the Senate and the House made to America's production agriculture when we moved to the new agricultural policy embodied in the current farm bill, Freedom to Farm. We said not only would we free up individual farmers to produce for the market absent specific Federal programs but we would provide them with the necessary tools to compete. One of them would be a risk management tool—crop insurance—so they could use it against downturns in the market or certain environmental circumstances such as drought, frost, or floods that might impede their ability to produce or destroy the very crop they planted in the ground.

We also said we would look at the trade issue, and obviously the sanctions our Government had placed against certain potential markets across the world. We addressed that last year in the Senate. We will address it again this year. If we can pass the sanctions legislation and it becomes law, and if S. 2251 becomes law, then we will have completed a package that was promised a good number of years ago to our farmers and ranchers across this country.

The bill before us addresses several concerns farmers in my State and I have had about crop insurance. The bill provides increased subsidies for a greater buy-up of the crop insurance; funding for research and development of specialty crop insurance, which is critically important; removal of the noninsured assistance program, better

known as NAP, area trigger which was a true impediment in past Federal crop insurance programs; and several other items.

Let me explain the uniqueness of Idaho agriculture.

There are sometimes two or three crop components to our large Midwestern agricultural producing areas. Idaho's great agricultural economy is based on minor crops and nontraditional crops. We know about Idaho's potatoes. But we oftentimes don't know about Idaho's winter peas, or our trout, or our seed peas, or our lentils, or our sugar beets, or our barley, or our mint.

Many people don't recognize that I have one of the most diverse agricultural counties in the Nation that produces large quantities of seeds for sweet corn, carrots, onions, celery, and all of those kinds of things you would not expect a State such as Idaho to grow, but we do because of our unique environment and our ability to control moisture through irrigation, and, as a result, creating the ideal situation for the growing of some of these seed crops. These are all minor crops and high-value crops that are sensitive to certain environmental or market downturns.

Current Federal crop insurance does not always provide for them. This legislation not only provides for the research to move us in that area, but it removes the NAP area trigger that was very prohibitive.

That is why I have worked with Senator KERREY and Senator ROBERTS to include a provision to reform the Noninsured Assistance Program, or NAP, in this amendment. NAP is used by farmers who grow these "specialty" or "minor" crops across our Nation. This legislation removes the area trigger and makes it a much more workable proposition for farmers in my State.

I often hear from farmers who are frustrated that crop insurance does not exist for our many specialty crops. It is why my farmers don't use it at the rate other producers across the country do.

This legislation should move us in the direction of creating another risk management tool for Idaho's agricultural production. I hope we can accomplish that. This legislation specifically encourages the development of specialty crop produce and allows the risk management agency to partner with entities to develop new crop insurance products. The bill also inverts the subsidy formula to make higher levels of coverage more affordable to farmers. These changes will speed new products to the market and make crop insurance a real risk management tool. These changes will help farmers protect crops against the disasters that oftentimes hit.

I once farmed and ranched. I remember one day standing at the window of my farm and ranch home watching a hailstorm wipe out 200 acres of the most beautiful barley crop I had ever raised. But I was fearful that year that

we were going to have hailstorms, and this was a unique crop. This was a seed crop, and a high-volume crop because it was a new, hydrosized barley. I had it insured. While I was rather fearful of the destruction of crop, as I watched it, I also knew I had protected my investment. I had done the right thing. It was a tool that was available in the market at that time, and it was affordable.

That was 25 years ago. Today, that tool doesn't exist at the level of affordability that it did in those days. As a result, farmers have walked away from crop insurance and have oftentimes during disastrous circumstances simply turned toward Washington to say to those of us who serve here: Help us.

What we are saying today with this legislation on the floor of the Senate is: Agriculture, help yourself. We are providing you with the ultimate of risk management tools, so you should not have to rely on a Federal Government to bail you out of a circumstance that is beyond your control. We give you the option, and we want you to use the option, providing for yourself as a stand-alone, private entrepreneurial entity of this economy.

This bill, however, provides a provision that concerns me, and it concerns the cattle producers of my State. The provision is federally-subsidized revenue insurance for livestock production. This could disrupt markets by masking market signals and create dependency on subsidies that could stimulate overproduction and create perverse incentives for producers who are striving to make sound, market-oriented management decisions.

The livestock industry of our Nation has never turned to the Federal Government to help them. They have received in situations of drought sometimes feed assistance, but there has been no program in the past that simply provided a level of stability to their income as has been true of other commodities produced by the agricultural sector. They are inherently worried about a Federal program that might create or cause market incentives that are not true to the livestock or beef industry market.

The beef industry is recovering now from a market downturn of the past few years. Relative to other segments of agriculture, the beef industry works unobstructed by Government pricing and direct payments to producers and other controls. This allows beef producers to make decisions about their own enterprises without having to worry about what Congress will do about the program or to the program. Cattle ranchers tell me they like it that way although it is sometimes very tough. I would like to see the beef industry continue down the path toward an open market approach, unstifled by any form of government involvement in their situation.

I hope in conference with the House we might work out this livestock provision in a way that will not create a preferred market incentive.

In my view, S. 2251 does the most for specialty crops and minor crop insurance of any proposal I have seen to date. Once again, I want to thank Senator ROBERTS, Senator KERREY, Senator LUGAR, and others who have directed a tremendous amount of their energy to resolving the issue of Federal crop insurance by presenting the legislation now before the Senate. I hope we will have a sizable vote on it tomorrow and that we can move it to conference with the House to work out our differences and put it on the President's desk at the earliest possible date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### ICAO NOISE STANDARDS

Mr. INHOFE. Mr. President, I don't think there has been anyone in this body who has been more critical of the administration for the things that have taken place, for what has happened to our defense industry, for what has happened in many other problem areas that have come up, but I have to rise today to actually compliment the administration for an action that they took on March 14 of this year when they filed an article 84 action with the International Civil Aviation Organization, usually referred to as ICAO.

ICAO was put together as an organization where all of the nations that with aviation and commercial aviation would agree to certain standards so there is some degree of uniformity. They got together and determined we would have a noise standard that was classified as chapter 3.

The European Union, and I hate to say this, has demonstrated much arrogance. I guess they think that all of a sudden they have gone from a small fish in the pond to the big fish in the pond and they have totally disregarded agreements they have made. They signed an agreement, a trade agreement, an ICAO agreement with all of the other countries saying that by a certain date they would have to have chapter 3 noise level.

Then, not too long ago, they unilaterally decided they were going to abrogate that treaty and unilaterally say that they are going to not allow chapter 3 noise level unless it is done through new airplanes or re-engining, so a muffling system that takes it to the same noise level would not comply.

This means we in the United States are discriminated against. I think everyone is aware the big competition worldwide now is Boeing aircraft in the United States and Airbus in Europe. As a result of this, it gives a tremendous advantage to Airbus over Boeing. They would be financially discriminating against the U.S. in a way that would cost the United States and depreciate the value of the inventory of many of our Boeing aircraft.

The "hush" industry is a huge industry in the United States. They have been able to use this technology to

bring down the noise level of existing aircraft to chapter 3 standards, and it shouldn't make any difference how we get to this level.

The administration has taken this into consideration when on March 14 they passed an article 84 against the European Union with ICAO. I think it is very significant. I know it will be a long and drawn out process, but I hope and I admonish the administration not to use the fact that it will be a long and drawn out process to go sideways or to cave in on this very critical issue to American workers and American manufacturers.

I can assure the administration that we will be working with them very closely to correct this action to be able to use any method that can be used that is on the market today in order to reach the chapter 3 noise standards.

I yield the floor.

#### CROP INSURANCE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I come to the floor to stand in support of S. 2251, the crop insurance reform bill. I thank all of my colleagues on the Senate Agriculture Committee for the tremendous work they did in getting this bill to the floor. First and foremost, thanks goes to the chairman of the committee, Senator LUGAR, for his willingness to bring this issue up in a timely fashion, so we could get this legislation out of committee and to the floor to get some meaningful support for our Nation's farmers, particularly those farmers who are not participating in the current Crop Insurance Program.

Congress is reaching out to farmers, encouraging them to participate in the Crop Insurance Program to give them the kind of risk management tools they need to deal with the uncertainties of weather conditions, prices, et cetera, experienced in the past several years in agriculture.

I thank the chairman for his good-faith adherence to moving this bill in a prompt fashion. I thank in particular also Senator PAT ROBERTS of Kansas and Senator BOB KERREY of Nebraska for their incredible work with me as one of two Senators from the Northeastern part of the United States on the Agriculture Committee. They reached out to see what we could do in crafting a piece of legislation which would broaden the base of the Crop Insurance Program to include many areas of the country that have not participated in the old Crop Insurance Program, basically because it wasn't tailored to meet the needs of many regions of the country, particularly the Northeast.

Believe it or not, agriculture is the No. 1 industry in the Commonwealth of Pennsylvania. Most people don't realize that, but we also have the largest rural population of any State in the country. Agriculture is very important

to the way of life for the millions in Pennsylvania who do not live in Pittsburgh or Philadelphia, who live in between those two cities in the great rural areas of our commonwealth.

We have the third lowest participation rate in crop insurance in the country. We are anywhere from single digits to reaching a high of about 20 percent participation of our farmers. It is a very small rate of participation. We need to encourage our very diversified farmers to get into this program to provide a safety net for them in the event of drought, floods, or other problems they may encounter in producing their crops.

There is an opportunity for them now with this bill. With about a third of the money in this bill devoted to specialty crops, it is a real opportunity for our fruit growers and for our vegetable growers—truck farmers, we call them—folks who produce potatoes up in the great northwestern part of our commonwealth, and a variety of other producers, as well as nursery men and women. Those are the folks who now cannot get any kind of help or support. We have provisions included for them in pilot programs. There is a real opportunity for risk management tools that many farmers in our States have not had the opportunity to enjoy.

Special thanks, again, go to Senator ROBERTS and Senator KERREY. They come from the bread basket, Nebraska and Kansas. Frankly, they understand very well the issues of agriculture. To their credit, they understood that if we were going to move forward with agriculture policy under Freedom to Farm, we would have to make sure that all areas of the country had the kind of tools necessary to be able to farm successfully. This legislation will go a long way in providing government aid to an area of the farming country that has been left behind in the past.

I heard Senator ROBERTS and I thank him for his kind comments. Senator ROBERTS talked about the battle we had on the floor of the Senate last year with respect to the agricultural supplemental.

There was a record drought, a 100-year drought in Pennsylvania, which caused about \$1 billion in crop losses. It was a frustration to me in that there was a very small part of that bill which was designated to help farmers who had suffered as a result of that nonprogram crop, former program crop farmers. We have a very small percentage of those in Pennsylvania.

As a result, a lot of the help in that bill was in the form of AMTA payments. A very small percentage of our farmers in Pennsylvania receive any AMTA payments. As a result, the bill was of minimal help to our farmers. We tried to include some things for dairy and livestock and some things for specialty crops, and we were successful—I thank the Senator from Mississippi for including that—but it highlighted the concern that many of us in the Northeast have with the direction of farm

policy in the Senate and in the Congress generally.

In this legislation, for the first time in quite some time, we have seen a nod to the Northeast, saying what goes on up there is not insignificant. Pennsylvania, for example, is the fourth largest dairy-producing State in the country. New York is the third largest dairy-producing State in the country. We have real production agriculture in many States in the Northeast and that production agriculture needs to have the same tools available to be able to survive through the difficult times as other areas of the country. We may not have the frequency of disasters as in other areas of the country, and I understand that and respect that, but it does not mean we should have any fewer tools to be able to deal with the vagaries of the marketplace or the vagaries of the weather.

This bill does that. It does it in a very fair way, reaching out to farmers who have not participated in the program in the past. It eliminates some of the hurdles and obstacles which have limited our access in the past and I think will create a much stronger backbone for agriculture in Pennsylvania which we desperately need.

Rural Pennsylvania is lagging behind economically from the rest of the Commonwealth. We have record employment rates in metropolitan areas, but, still, some rural counties in Pennsylvania have double-digit unemployment rates where the principal economy is either mining or agriculture.

These kinds of tools to support farmers who are the backbone of that economy are very important to keep these farms operating through very difficult weather disasters. It is very important to have these tools available to our farmers at an affordable rate and to provide real coverage for these losses, not as we have seen in the past.

I again thank Senator LUGAR and particularly Senator ROBERTS and Senator KERREY for their outstanding work on this legislation. I hope we can move on this bill rather quickly, get this passed, and move forward to join with the House in a conference that can result in a strong, bipartisan piece of legislation to be sent to the President. I am enthusiastic about the product we have on the floor and hope we can take care of that quickly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I rise in support of the legislation before us. I think the crop insurance legislation before us this evening is very important. It is one of the pieces of legislation that should have been passed in

1996 when we passed the current farm bill. We promised farmers we were not only going to provide a safety net for them, we were also going to do what we could to expand trade, change the tax laws so they could better manage the highs and lows associated with on-farm income, spend more money for research, and provide a crop insurance program that provided a more opportunities to managing risk.

We still have not passed the necessary tax legislation. We have not done all we can do to promote trade in American agricultural products. And we have not done all we can to tear down the barriers to trade around the world. There is still a lot that should have been accomplished in 1996 that has not been done, but finally we are able to add one more thing that was promised in 1996. Now 4 years later, we are finally getting it done. What I am referring to is the ability of farmers to protect themselves from natural disasters over which they have no control by insuring for the productivity that they would normally experience in a good year.

This legislation will provide farmers in Iowa and across the country sound risk management opportunities that were promised in 1996. As everyone involved in agriculture knows, the weather is an unavoidable risk farmers must deal with every day. The Federal Crop Insurance Program was established to protect farmers from unavoidable risks such as adverse weather, plant disease, and insect infestation. There are two ways to respond. One is through a crop insurance program that farmers can manage and make their own participation decisions. This would be their decision, not my decision. The other way is through disaster relief. The farmer has little control over whether Congress will provide, at the time of a natural disaster, some disaster relief for him.

In most instances, Congress has responded. But that makes the individual family farmer a pawn of Washington. His welfare is based upon decisions that Members of Congress might make, which might not provide the relief that is needed.

Once again, the 1996 farm bill was meant to give farmers more control over their own destiny, with the proper tools. Crop insurance is one of those proper tools.

The agricultural community has recently been subjected to more than just unavoidable natural disasters. My neighbors in Iowa, where my son and I have a family farm have felt the brunt of the world economic crisis and its increased foreign competition and poor trade diplomacy. These factors have led to significant reductions of farm income.

Just last year, it was necessary for Congress to provide \$8.7 billion in additional assistance to farmers. This was only a short-term fix, not a long-term solution. But it did keep a promise to the family farmers of America that we

made in 1996 when we passed a 7-year farm bill. We set aside \$43 billion to meet the obligations of the safety net in that farm bill because we thought \$43 billion was enough. But nobody anticipated 4 good crop years with record yields, reduced prices, and the Far East financial crisis that reduced our exports.

The \$43 billion that was set aside for the 7 year farm bill in 1996 was not enough to meet our promise of a smooth transition for farmers and the maintenance of a safety net. Consequently, we had to provide more money. In doing so we kept our commitment to the farmers of America to provide a strong safety net.

With the farm economy in the tank and the price of multiple commodities hitting 20-year lows last year, many individuals have decided to lash out against the 1996 farm bill.

I would be the first to admit that Government policy was partly responsible for the instability within the agricultural community. But that is not the farm bill. That is a lack of wise International Monetary Fund policy regarding loans to countries whose banks went in the tank, a seemingly passive pursuit of trade opportunities for agriculture, and Congress, for that matter, not giving the President the authority to negotiate. While I have found fault in the past in our inability to pass a substantive crop insurance bill and the administration's failed efforts to open markets for our agricultural commodities, I hope this bill remedies one of those shortcomings. This legislation provides a long-term solution to the agricultural community for risk management which better mediates the unavoidable risks farmers experience.

The Congress can do disaster relief with the political exigencies that are involved with that or it can promote risk management. Through this legislation, we are promoting risk management, giving farmers the tools to respond to and control their destiny rather than having Congress involved in the family farmers destiny.

This legislation is entitled the Risk Management for the 21st Century Act. It is bipartisan. It will accomplish many of the most important goals requested by my farm constituency.

This has been a bipartisan cooperative effort from the beginning because those of us who understand agriculture know this is the right thing to do. Senators PAT ROBERTS and BOB KERREY wrote an excellent piece of legislation. Senator CONRAD of North Dakota and I, along with Senator ROD GRAMS and Chairman DOMENICI of the Budget Committee, worked hard 12 months ago to provide sufficient budgetary authority to fund this blue ribbon reform proposal that is now before us.

By adopting this legislation, we will increase the affordability of crop insurance, make the program more flexible and more responsive to changing demands, improve the public-private

partnership, provide opportunities for livestock coverage—so that livestock farmers will have the same opportunity to better manage risk as crop producers have had in the past—and last, but certainly not least, equalize subsidies for revenue-based products.

This means a lot for my State of Iowa. Eighty-one percent of all corn and soybeans are insured in the State of Iowa; in other words, meaning 81 percent of the acreage that is planted to corn and soybeans is insured. 85 percent of the insured acres are covered by buy-up policies. And 65 percent of the insured acres in Iowa are covered by a revenue insurance product.

Iowa has the highest percentage of revenue coverage in the United States. This might reflect the idea that farmers in my home State of Iowa distrust Congress to respond with disaster relief more than farmers in any other State in the Nation. My farmers are taking the bull by the horns, making the independent judgment that each one of the 97,000 farmers in my State has an opportunity to make. They are managing their own risks by purchasing crop insurance and not relying upon the Congress to cover their losses.

This bill makes crop insurance more affordable, especially when it comes to revenue products. Iowa farmers will use the improved subsidy formula to benefit from the highest subsidy at the highest level of coverage. The higher levels of coverage will help to support family farmers in poor years and alleviate some of the need for what is becoming an annual economic relief payment. Economic relief payments will only end when we stop losing our foreign market share and increase agricultural exports for the one-third of our agricultural products that we produce beyond the necessity of domestic consumption.

If we do not export, we will shut down one-third of our production. By shutting down one-third of our production, we would not only be hurting farm income but obviously endangering our manufacturers. We would be manufacturing fewer John Deere tractors with fewer jobs at "John Deeres," having less market for feed, for seed, fertilizer, and chemicals. There would be less income for farmers to buy products from the retail merchants of the small towns of America, and more of those small businesses in the small towns of America would go out of business.

When we talk about the necessity of exporting one-third of our products—because that is what we produce in excess of domestic production—we are talking not only about enhancing the income of the family farmers of America, but we are also showing the ripple effect that positive cash-flow has through the economy of rural America. We must reverse this trend to preserve small businesses and preserve numerous other enterprises in America, including the union jobs at John Deere and other farm manufacturers.

This program we have before us won't open new markets abroad for

new commodities, but it will stabilize the potential losses my friends and neighbors could experience due to poor exports. This legislation will provide the security necessary to help farmers through lean years so they will be around to experience better prices and increased revenue in the future.

We have an opportunity tomorrow at 11 o'clock, when we vote on this bill, to provide the agricultural community with a tool, a very important tool to better manage the risks inherent in farming. Improving the Crop Insurance Program and ensuring that quality coverage is more affordable and better suited to the needs of farmers will only serve to provide much needed stability in rural America, not just stability among the family farms.

While we have more to accomplish to guarantee stability for the family farmer, this is a very important first step, a step that should have been accomplished in 1996 but wasn't. In so doing, it would have provided the farm bill more of the safety net as we promised. Today we are taking an important additional step. I appreciate the opportunity of fulfilling some of the unfulfilled promises made in 1996, to make the 1996 farm bill the landmark measure it was meant to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### TWO-YEAR ANNIVERSARY OF JONESBORO

Mr. LEVIN. Mr. President, this week we remember another tragedy in America's history, the 2-year anniversary of the school shooting in Jonesboro, AR. Two years ago this Friday, the Nation watched two boys, ages 11 and 13, open fire on their classmates, killing four young people and a teacher.

At the time the school shooting in Jonesboro had the distinction of being one of the Nation's bloodiest. We were stunned that two boys so young had so much anger in them, anger that was made deadly by access to more than a half a dozen guns and 3,000 rounds of ammunition. In 1998, the pastor of a church attended by one of the four children shot to death in Jonesboro said:

Nothing touches us more than when our children are hurt. There's never been anything you could possibly compare this to.

He didn't know that over the next 2 years there would be school shootings in Georgia, Colorado, Oregon, Pennsylvania, and recently in my own home State of Michigan.

Sadly, these tragedies have not convinced Congress to act to try to take guns out of the hands of children. In the aftermath of Columbine, almost a year ago, the Senate passed a juvenile justice bill with moderate gun safety amendments designed to reduce juvenile access to guns. That bill has been stuck in conference committee for months, and legislative proposals to prevent juvenile access to guns has been stymied by this Congress.

Americans cannot understand why Congress has done nothing to prevent the tide of shootings in our schools and public places. Americans do not believe the National Rifle Association's rhetoric—the argument that guns don't kill people, people kill people. They are absolutely and utterly appalled by the most recent statement of the NRA that the President is "willing to accept a certain level of killing to further his political agenda."

I believe the NRA owes an apology to the American people for those incendiary comments by Wayne LaPierre, its executive vice president. His words represent the lowest level of personal attack that has been hurled against any President that I can remember. They cross the line of acceptable political debate. There should be an outpouring of revulsion, not just from persons who disagree with policies supported by the NRA but from the NRA's own members and from those who agree with its positions.

Americans may be divided on the need to pass gun-related legislation but are surely united when it comes to protecting the lives of our fellow citizens and our children.

I yield the floor.

#### TRIBUTE TO HERMAN WELLS

Mr. LUGAR. Mr. President, a beloved gentleman, Herman Wells, the former president of Indiana University, has passed away. We are thoughtful about Herman Wells in our State of Indiana, as are all Americans who were touched by this remarkable man.

I have mentioned the legion of Hoosiers who have talked about the profound and inspirational influence of Herman Wells on Indiana University and on individual student lives. Herman Wells made a big difference in my life. He chaired the Indiana Rhodes Scholar Selection Committee in 1953, which included, at the same time, President Fred Hovde of Purdue and Byron Trippett, the president of Wabash. This committee sent me to the scholarship finals in Chicago, where ultimately I was successful.

During the past 46 years, I visited frequently with President Wells about that selection committee, about our first meeting. He wrote about it in his memoirs. He has been extraordinarily supportive throughout that period of time in all of my aspirations.

I thank President Wells for all the opportunities we had to work together for Indiana University and for my State. I thank him for the extraordinary vision he had for this country. I counted on his counsel and his generous enthusiasm. I will miss him very much, as will all Hoosiers.

TRIBUTE TO CAPTAIN LOUIS V. MARCHETTE CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Captain Louis V. Marchette, upon his retirement from the Navy at the conclusion of more than 24 years of commissioned service. Throughout his distinguished career, Captain Marchette has truly epitomized the Navy core values of honor, courage, and commitment. It is my privilege to commend him for a superb career of service he has provided the Navy and our great Nation.

Captain Marchette was born in Ogden, Utah and grew up in a Marine Corps family. After graduating from the University of South Carolina with a Bachelor of Science degree in mechanical engineering, he was commissioned an Ensign in the Navy in 1976. Captain Marchette began his career as a line officer but soon found his true calling and transferred to the staff corps as a Civil Engineer Corps officer. His first assignment was with the Seabees of Naval Mobile Construction Battalion FORTY, homeported in Port Hueneme, California. In subsequent assignments, Captain Marchette was given some of the most challenging assignments the Navy Civil Engineer Corps had to offer.

As a junior officer, he served as Staff Civil Engineer, Naval Technical Training Center Corry Station, Pensacola, Florida; Assistant Public Works Officer, Naval Air Station Key West, Florida, and; Resident Officer in Charge of Construction, Barksdale Air Force Base, Louisiana. In recognition of his exemplary performance and construction engineering expertise, he was then assigned as Operations Officer, Naval Mobile Construction Battalion SEVENTY-FOUR, homeported in Gulfport, Mississippi. In this assignment, he directed contingency construction and military operations throughout Japan, Korea, the Caribbean, and Central America. He followed this tour with assignment as the Civil Engineer Corps Lieutenant Commander Assignment and Placement Officer, Bureau of Naval Personnel, his only tour within the "Beltway."

At this juncture, Captain Marchette had developed a truly outstanding reputation as a naval officer and engineer and he was rewarded with a variety of leadership opportunities to include, Public Works Officer, Naval Station Roosevelt Roads, Puerto Rico; Commanding Officer, Naval Mobile Construction Battalion ONE, homeported in Gulfport, Mississippi, and; Chief Staff Officer, 20th Naval Construction Regiment, Gulfport, Mississippi. On October 30, 1997, Captain Marchette took command of Naval Construction Battalion Center Gulfport, Mississippi, assuming the dual responsibility of Commanding Officer, 20th Naval Construction Regiment, the pinnacle of a most outstanding career.

In this capacity, Captain Marchette has spearheaded development of a world class mobilization complex capable of mobilizing Seabees for deployment anywhere in the world within 48 hours. Selfless commitment, exceptional technical prowess, and extraordinary accomplishment have been the hallmarks of this most outstanding professional. Whether restoring order for the Mississippi Gulf Coast in the aftermath of hurricanes, responding to military contingencies throughout the world, or maneuvering through periods of severe budget constraints, he provided unparalleled leadership, innovative concepts, and overall brilliant managerial insight in accomplishment of the Navy and our Nation's objectives. Under his dynamic leadership the Naval Construction Force has experienced dramatic improvements in comprehensive readiness, training attainment, mobilization, and manpower/equipment resourcing. In short, Atlantic Fleet Seabees are now better trained and better equipped to accomplish the mission as a direct result of Captain Marchette's efforts.

Captain Marchette holds a Master of Science degree in engineering from the University of Florida. He is a registered Professional Engineer in the State of Louisiana and a member of the Louisiana Society of Professional Engineers and the Society of American Military Engineers. He is a Seabee Combat Warfare Officer whose personal decorations include the Legion of Merit, five Meritorious Service medals, the Navy/Marine Corps Commendation medal, and Navy Humanitarian Service medal.

Captain Marchette's visionary leadership, exceptionally creative problem solving skills, and uncommon dedication have created a legacy of achievement and excellence. Having spent half his 24-year career in the great State of Mississippi, Captain Marchette and his lovely wife, Fran, are true Mississippians who have brought great honor and praise to our State. Captain Marchette will retire on July 1, 2000 after 24 years of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Captain Marchette fair winds and following seas. Congratulations on completion of an outstanding and successful career.

CHANGES TO H. CON. RES. 68  
PURSUANT TO SECTION 204

Mr. DOMENICI. Mr. President, section 204 of H. Con. Res. 68 (the FY2000 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, providing certain conditions are met.

Pursuant to section 204, I hereby submit the following revisions to H. Con. Res. 68:

(Dollars in millions)

Current Allocation to Senate Agriculture Committee:	
FY2000 Budget Authority .....	\$10,843
FY2000 Outlays .....	7,940
FY2000-2004 Budget Authority .....	40,012
FY2000-2004 Outlays .....	24,704
FY2000-2009 Budget Authority .....	75,410
FY2000-2009 Outlays .....	45,523
Adjustments:	
FY2000 Budget Authority .....	
FY2000 Outlays .....	
FY2000-2004 Budget Authority .....	5,997
FY2000-2004 Outlays .....	5,227
FY2000-2009 Budget Authority .....	5,637
FY2000-2009 Outlays .....	5,667
Revised Allocation to Senate Agriculture Committee:	
FY2000 Budget Authority .....	10,843
FY2000 Outlays .....	7,940
FY2000-2004 Budget Authority .....	46,009
FY2000-2004 Outlays .....	29,931
FY2000-2009 Budget Authority .....	81,047
FY2000-2009 Outlays .....	51,190

FAA REAUTHORIZATION

Mrs. HUTCHISON. Mr. President, on March 7, 1959, history was made when the first aviator charted over a million miles in a jet. Although it seems commonplace today, at the time, traveling a million miles was indeed, an aviation milestone. Well, today, more than forty years later, we are considering another aviation milestone of sorts: a reauthorization of the Federal Aviation Administration which will be of significant benefit to our nation's communities, our air infrastructure and the flying public.

I represent a state that has an enormous amount of aviation. Texas is home to one of the Nation's busiest airports, DFW, but we also have 27 other primary airports, 21 designated reliever airports and more than 1600 other small airports that Texans depend upon to get from one place to another. Therefore, I recognize the importance of aviation to my state, the critical role my state plays in the national aviation system and the important of Airport Improvement Program funding in maintaining it.

This bill provides a framework and the necessary tools to responsibly and substantially fund our nation's air infrastructure as we have never done before. For the first time we will guarantee that all receipts and interest in the Air Trust Fund—totaling more than \$33 billion—will be spent over the next three years for only aviation purposes. We will enhance air safety, allow local areas to provide for their financial needs, and assist our traffic controllers in watching our skies and protecting the flying public.

The Airport Improvement Program, on which so many of our airports rely, will see an increase of \$1.9 billion this year alone. It will increase to as high as \$3.4 billion over the next four years. This funding will allow our airports to make necessary improvements to their existing facilities and expand to accommodate the amazing growth that all of our nation's airports have seen in recent years. Additionally, the Military Airport Program, which helps to assist our current and former military airports by providing funds for needed structural improvements, will see a boost from twelve airports to fifteen designated and eligible this year, and 20 designees, thereafter.

In Texas, we are affected by both national and international air traffic growth. Traffic to Latin America in the next few years is set to exceed capacity and place an even larger burden on neighboring air route systems. This will affect traffic in the Gulf of Mexico, in particular, where traffic is controlled in large part by the air traffic control center in Houston.

In fact, this is one important area where improvements are greatly needed. A large portion of the Gulf of Mexico remains without visual communication on radar, nor sufficient two-way communication, in general. Traffic in much of the gulf is controlled solely by one-way radio communications. The Gulf of Mexico airspace accommodates passenger airlines serving destinations worldwide, cargo and general aviation traffic engaging in air commerce, and heavy helicopter traffic serving the offshore petrochemical industry. It also serves important users such as our armed forces, Coast Guard, Customs Service, and the Drug Enforcement Agency. All aircraft, from large commercial planes, to military aircraft, to helicopters need to have direct two-way communication to protect the safety of all those who fly these skies.

Currently, if a craft hits turbulence due to poor weather and seeks to ascend or descend the pilot must radio in to a controller, who must check the frequency and the surrounding traffic and then dial and pilot back and advise him on altering his position. One-way communication alone simply to reach the controller can take as long as seven minutes, and as long as fifteen minutes total to relay back to the controller. This is unacceptable for a pilot who needs to respond immediately to escape violent turbulence and blindly must change his altitude. This frightening scenario could be all too real and common as air traffic grows.

The FAA Gulf of Mexico Task Force was formed to highlight the problems in the gulf and recommend solutions. More than 100 individuals representing the Federal Aviation Administration, airlines, the military, and others in the industry have come together to address this problem and seek an expeditious and thorough remedy. We can wait no longer to let this safety hazard go unaddressed. This bill gives the FAA the tools to begin to remedy this situation.

This bill is a step in the right direction to provide for our aviation needs, both on the ground and in the sky. By putting our Aviation Trust Fund dollars to work we can help all airports large and small provide for their needs. We can ensure that our skies are safe, our airports are secure and that our controllers have modernized tools to accommodate the growing air traffic demand.

I am pleased that the Senate has decided to pass this important legislation.

#### EDUCATION BLOCK GRANTS

Mr. KENNEDY. Mr. President, on Saturday, March 11, an editorial in the New York Times emphasized the significant concerns about the Republican education block grant proposal which was recently approved by the Health, Education, Labor and Pensions Committee. As this editorial points out, education block grants to states would not be the most effective use of public tax dollars. Block grants do nothing to ensure change and reform through proven effective methods such as a: well-qualified teacher in every classroom; reduced class sizes to give children the individual attention they need and allow teachers to maintain order and discipline; helping all children to meet high standards; and holding schools accountable for improving student achievement and giving the neediest children the extra help they need. Education is a high priority for states, communities, teachers, parents, and students throughout the country, and it is important that we listen to them as we consider the reauthorization of the Elementary and Secondary Education Act in the full Senate in the weeks ahead.

I believe that the editorial will be of interest to all of us concerned about this issue, and I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, Mar. 11, 2000]

#### MISDIRECTED EDUCATION MONEY

Congressional Republicans, who in 1995 wanted to abolish the federal Department of Education, now acknowledge that federal support for education is necessary. But their misguided insistence on sending federal education aid to the states in the form of large, unfocused block grants threatens to undermine services for disadvantaged students in the poorest districts.

The federal government currently contributes less than 10 cents of every dollar spent on public schools. That contribution, though small, is crucial because much of the money is directly aimed at especially needy schools in poor communities. The Senate is now in the process of reauthorizing the 1965 Elementary and Secondary Education Act, the law that governs how more than \$15 billion in annual federal aid to public schools is spent. The House has been working through similar legislation in several smaller bills.

The Republicans in both the Senate and House want to roll a number of aid programs, including the Title I program that provides \$8 billion a year for instructional support for disadvantaged children, into a single general block grant that would allow states to spend the money with less accountability and less focus on the neediest students.

Last October the House passed the "Straight A's" block-grant bill that creates a 10-state pilot project. This week the Senate Health, Education, Labor and Pensions Committee approved a broad measure that would allow all states to receive most of their federal school aid in the form of a block grant. Although the measure would require that states allocate Title I money in the block grant to school districts on the basis of poverty, it would also make available more than \$3 billion of block grants without targeting

high-poverty areas. State governors could direct the money toward any "educational purposes," including private school vouchers.

The Senate committee also approved an amendment sponsored by Judd Gregg, Republican of New Hampshire, that would allow 15 states to join a separate pilot project that would make available a higher level of block grants with even less federal oversight.

The Republicans want to give states flexibility. But their proposals do not create adequate mechanism to ensure that funds are spent effectively or where they are most needed. Block grants could also become targets for cuts because they are unfocused and susceptible to misuse. The Democrats and the Clinton administration are right to oppose them. Congress should be guiding the states in education reform by asking them to focus on specific targets—better teachers, smaller classes and higher standards—for all students, but particularly for the most disadvantaged. The Republican approach runs counter to that purpose.

#### PRESIDENT'S TRIP TO INDIA

Mr. GRAMS. Mr. President, I rise to speak in support of President Clinton's trip to India. For too long, the cold war, and India's leadership of the non-aligned movement, strained what should have been the natural bond between our two great democracies. The end of the cold war has now brought us together. India is a true friend to the United States in a region where respect for democracy is rare.

India has made great strides since achieving independence. Literacy has doubled, life expectancy has doubled, and infant mortality has been more than halved. However, India recognizes that commitment to democracy must be accompanied by free-market principles in order for prosperity to flourish. India's initial pursuit of socialist economic policies, including nationalizing production, subsidizing industries, and raising tariffs and other trade barriers, while imposing high taxes, caused its economy and its people to suffer.

With the end of the cold war, India's experiment with a centralized economic system is waning. India is starting to liberalize the economy, prompting foreign investment and reducing barriers to trade. The results are encouraging: India's growth rate, which had been stuck at 3 percent, is now exceeding 6 percent, and the outlook is promising for further improvement. While a commitment to socialism may still be enshrined in its Constitution, the economic reforms India is embracing are clearly leading the nation in a positive, new direction. For example, India's prowess in the high-technology sector makes it an able partner in that area. The recent decision to open its insurance and telecommunication sectors to foreign investors is emblematic of the kind of changes that will enable India to achieve its potential.

Mr. President, the only shadow over President Clinton's visit is the eruption of violence in Kashmir. Indian and Pakistani troops started exchanging

heavy artillery fire along the disputed border a day ahead of his arrival in the region. While Kashmir has been a source of conflict between India and Pakistan for nearly a half century, the recent nuclear and ballistic missile tests by India and Pakistan have compelled the international community to increase pressure on the parties to resolve this dispute. There has been a recognition of the very real danger that Kashmir could become the "flashpoint" which sparks a wider regional war. I hope President Clinton uses this visit to encourage officials of India and Pakistan, and representatives of the people of Jammu and Kashmir, to begin an official dialogue.

Mr. President, there is an Indian saying that, "it is the spirit of the quest that determines its outcome." The President's trip is an important symbol of the renewed spirit of cooperation between the United States and India. I look forward to the achievements we will reach together, as both partners and friends, in the next half century.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 21, 2000, the Federal debt stood at \$5,728,846,067,846.82 (Five trillion, seven hundred twenty-eight billion, eight hundred forty-six million, sixty-seven thousand, eight hundred forty-six dollars and eighty-two cents).

Five years ago, March 21, 1995, the Federal debt stood at \$4,843,694,000,000 (Four trillion, eight hundred forty-three billion, six hundred ninety-four million).

Ten years ago, March 21, 1990, the Federal debt stood at \$3,020,865,000,000 (Three trillion, twenty billion, eight hundred sixty-five million).

Fifteen years ago, March 21, 1985, the Federal debt stood at \$1,709,314,000,000 (One trillion, seven hundred nine billion, three hundred fourteen million).

Twenty-five years ago, March 21, 1975, the Federal debt stood at \$505,306,000,000 (Five hundred five billion, three hundred six million) which reflects a debt increase of more than \$5 trillion—\$5,223,540,067,846.82 (Five trillion, two hundred twenty-three billion, five hundred forty million, sixty-seven thousand, eight hundred forty-six dollars and eighty-two cents) during the past 25 years.

#### ADDITIONAL STATEMENTS

##### EDUCATION REFORM

• Ms. LANDRIEU. Mr. President, I thank my colleagues, Senator LIEBERMAN and Senator EVAN BAYH, for their leadership on this important issue. I am proud to stand with them and several others in support of an outstanding piece of legislation, one which calls for us to reinvent the federal funding stream, reinvest in our children's education and, perhaps most im-

portantly, hold the system responsible when it fails to work for our kids. Over the past year, we have worked together with individuals and organizations from all fifty states, in an effort to craft a bill which reflects the concerns of all those involved in elementary and secondary education in America. We spoke with parents, teachers, principals, administrators and, most importantly, the students. In doing so, we came to this rather simple conclusion, we owe our children more than we are giving them. The future of this country depends on how well we are able to educate our children and prepare them for the changing global marketplace. In order to raise academic achievement in our public schools, we must put the priority of federal programs on performance instead of process, on delivering results instead of developing rules and on actively encouraging bold reforms instead of passively tolerating failure.

It is true that the Federal Government only contributes 7% to the overall spending in elementary and secondary education. But it is an important 7%, the portion which is directed to the most needy and challenged children. We must begin to use this \$13 billion annually as leverage to promote national priorities such as quality teachers, smaller schools, lower teacher pupil ratios and raising the academic performance of minority and disadvantaged students. By streamlining the many different programs and funding streams currently under ESEA, over sixty to be exact, into six goal oriented titles we put the day to day decisions of education back where it belongs, at the local level.

With this added flexibility, we propose to double our contribution to Title I schools. As many of us know, Title I funding is essential for bridging the ever increasing gap in the quality of education available for the rich and the poor. In Louisiana, this would mean a \$100,000,000 increase to support existing Title I programs as well as additional funding to develop and implement new and innovative strategies for improvement.

Of course, we all agree that those who are in the class room should be qualified and confident to teach the subjects they are assigned to teach, yet we must ask ourselves what are we doing to ensure that they are. What are we doing to attract the best and the brightest to the classroom? This bill would increase the funding available to states for the professional development of teachers to \$3 billion. With this money, states could develop and maintain programs to address the increasing national teacher shortages and retain the quality teachers. It supports efforts like Troops to Teachers and other transitional teaching programs. Most importantly, it requires that those who teach our children are competent to do so.

And finally the third and final R—Responsibility. Our proposal calls for

the Federal government to rededicate ourselves to the basic principles of accountability and consequences. In my view, accountability is an essential ingredient in any recipe for success.

As parents, how many of us would offer to pay our child a \$10 or other incentives for every F they received on their report card? As investors, how many of us would double our investment in a company that continued to show poor earnings? Yet this is exactly what we continue to do in public education at the local and state level, we continue to fund failure and we do not reward progress. It is time to change that approach, it is not working. This proposal gives local educators the freedom they need to meet their specific needs, since they know best what their students require. However, it also requires that they meet specific performance measures—with real consequences for failure.

I am proud to say that Louisiana has been a leader in the call for accountability in public education. According to a recent report on accountability, "Louisiana has one of the Nation's most comprehensive accountability systems including ratings and consequences for schools, exit tests for students to graduate from high school and monetary rewards for successful schools." By using the carrot and stick approach, Louisiana has begun to see some positive results. A recent National Assessment of Educational Progress study found that Louisiana was one of only seven states that achieved significant gains between 1992 and 1994 in the percentage of fourth graders reading at proficient level or above.

In 1994, we decided, as a nation, that states should be held more accountable. Therefore, we attached Title I funding to standards based assessments to force states to take a long hard look where improvements needed to be made. But we did not go far enough in making sure that the consequences for not meeting these assessments were real. Under Three Rs we do. Right now, regardless if a state or local agency is making the grade, they receive equal funding. We aim to change that. Like a parent, we need to encourage schools to strive to achieve. We need to begin to reward them for A's not F's.

We also make accountability mean more than statewide tests. We create a funding structure that encourages states to implement an accountability system which includes report cards that summarize the performance of individual schools; targeted assistance to help schools improve; rewards for schools with high performance and the authority to close or take over and reconstitute schools that don't get better over time. In other words, real accountability.

Also, this proposal ensures that state and local educational agencies have systems for additional or specialized



assistance for children who are struggling to perform. Implementing a policy to end social promotion before ensuring appropriate school accountability and the opportunity for all students to learn in well equipped schools with high quality teachers is fundamentally unfair and must be stopped.

In closing, I would again like to thank my esteemed colleague from Connecticut. Because of his leadership and insight, this bill promises to bring about great change in public education. It is a bold step in the right direction. A step I am happy to join him in making.●

#### RECOGNITION OF PALADIN DATA SYSTEMS' SUPPORT OF THE WESTSOUND CONSORTIUM

● Mr. GORTON. Mr. President, when I travel across Washington state, one of the first topics I hear about from local businesses and high-tech companies is their need for people with high-tech skills. A Poulsbo company, Paladin Data, has taken their efforts to find skilled employees to a new level by donating is time and resources to train teachers in some of Washington state's public schools. For its commitment to working with teachers, improving student learning and expanding their skills, I am pleased to present Paladin Data with one of my 'Innovation' Awards.

Several years ago, seven school districts in Kitsap, Mason, and Pierce Counties developed the West Sound School-to-Career Consortium which provides approximately 14,000 students with high-tech classes. This year Paladin Data will begin its first year of a three-year project that provides high-tech training to teachers involved with the West Sound School-to-Career program. Paladin data is also contributing \$50,000 in matching funds to a state grant of \$100,000 to provide needed curriculum materials and onsite teacher training in either a Paladin facility in Poulsbo or at a designated school district site. Moreover, each school district will determine what training their teachers will receive based on the needs of their district and their students.

Paladin is giving our teachers more information and skills that they can take back to their classrooms and shows teachers what skills employers are looking for in perspective employees, giving their students a leg up on the competition. Paladin's involvement is not only improving the education of our students, but also giving them an accurate picture of what skills they need well-before they enter the job market.

The Washington Software Alliance reports that over 64,000 computer-related jobs are currently unfilled in the State of Washington—all for lack of properly trained workers. I find it encouraging to see companies like Paladin Data, that are contributing to our

booming economy, are taking an active role in ensuring the quality education of our children. I am proud to acknowledge Paladin Data System Systems Corporation's commitment to education and I look forward to hearing about more companies making a contribution to our children's future.●

#### THE U.S. DEPARTMENT OF ENERGY'S UNDERGROUND NUCLEAR WEAPONS TESTING ORIENTATION PROGRAM CELEBRATES ANNIVERSARY

● Mr. BRYAN. Mr. President, as Vice Chairman of the Senate Select Committee on Intelligence, it is my great pleasure to congratulate the men and women of the U.S. Department of Energy, Nevada Operations Office, the National Laboratories, and affiliated contractors who celebrate the 20th anniversary of the Underground Nuclear Weapons Testing Orientation Program this year. This proliferation training course based at the Nevada Test Site has trained over 500 U.S. Government policy makers and analysts from the arms control, intelligence, and defense communities since its inception in 1980.

This course provides briefings by subject matter experts from DOE and the Labs, to include an overview of how the U.S. historically conducted atmospheric and underground nuclear weapons tests and effects tests, the basis for diagnostic experiments, the challenges of stockpile stewardship, and the process for executing subcritical experiments. Through lectures, discussion, and orientation visits to underground facilities, control rooms, former ground zeros, equipment yards, and nuclear test artifacts, the course provides hands-on experience that goes to the core of nuclear weapons testing. The course also provides essential information suitable to contrast with foreign nuclear weapons testing programs.

The efforts of the DOE staff in Nevada are to be commended. It is their dedication in the planning and execution of this course that will train the next generation of intelligence analysts, collectors, managers, consumers and policy officials with responsibility for nuclear programs, proliferation, arms control, and related disciplines. It is my hope that they will continue this essential training course for many years to come.●

#### FILING OF ARTICLE 84 WITH ICAO

● Mr. INHOFE. Mr. President, I am pleased that the State Department has filed an Article 84 petition with the International Civil Aviation Organization (ICAO). This will provide the basis for the United States to demonstrate that the European Union's (EU) hushkit regulation is not in accordance with international noise standards set by ICAO and is essentially targeting U.S. aerospace. Already this unfair regulation has hurt U.S. aerospace companies and workers because of the uncer-

tainty it has introduced into the marketplace. Accordingly, it is imperative that the Administration pursue this Article 84 forcefully to show that we will not stand for discriminatory rules that hurt U.S. interests. If we do not make this point clearly, strongly, and now, we will have done nothing to prevent future efforts by the EU to act without regard to international standards and in ways designed to harm the United States' longstanding primacy in aerospace.

Filing an Article 84 is the beginning of what may be a long process. The mere fact that it may take a period of time should not serve as an inducement to the Administration to seek to shortcut the ICAO process by entering into a negotiated settlement that does not fully protect our aerospace industry and workforce. Further, we must make clear that the principle of adhering to international standards is essential in an industry as global as aviation. If we fail to demonstrate the seriousness with which we take this matter, we will inevitably have done nothing more than encourage the EU to try such incursions in the future.

I can assure you that I and many others will be working to see that the right message is delivered on this critical matter.●

#### 44TH ANNIVERSARY OF TUNISIA'S INDEPENDENCE

● Mr. INOUE. Mr. President, I rise today in recognition of Tunisia, an old and devout friend and ally to the United States. March 20, 2000 marked Tunisia's 44th anniversary of Independence.

In 1797, Tunisia and the newly independent United States signed a "treaty of Amity, Commerce and Navigation." The pact provided for "perpetual and constant peace" between the parties. For more than 200 years, our two nations have enjoyed such a relationship. During World War II, Tunisia suppressed nationalist sentiment to join the ranks of the Allied Forces and then supported western democratic ideals during the Cold War proving the U.S. could count on Tunisia. If all our foreign relationships were as faithfully observed as this one, our foreign relations would be more serene.

In the face of the ever-present strife that surrounds Tunisia, with its location between Algeria and Libya, the country has managed to maintain internal stability. With its steadily increasing economic growth, Tunisia has built a stable middle class society. This growth has allowed Tunisia to become a strategic partner in the growing African market.

The United States has benefitted greatly from its strong and prosperous relationship with Tunisia. We can not forget our friend in Africa who has stood by our side throughout our country's history.●

TRIBUTE TO WILLIAM J.  
CRAWFORD

• Mr. ALLARD. Mr. President, yesterday in Colorado, at the chapel of the United States Air Force Academy, our country buried a hero.

William J. Crawford, a recipient of the Congressional Medal of Honor, passed away March 15th at the home he built himself in Palmer Lake, Colorado. And while Mr. Crawford won the Congressional Medal of Honor—our nation's highest award—specifically for his actions during World War Two on a hill in Italy, he showed that the medal was well deserved by the actions of each and every day of his life.

On September 13th, 1943, Private Crawford and his 3rd Platoon, 1st Company, 36th Infantry Division were attacking Hill 424 near Altavilla, Italy. The platoon was pinned down by intense machine gun fire. Private Crawford, without orders and on his own initiative, singlehandedly destroyed the machine gun and allowed the rest of his platoon to advance. Later, the platoon was again blocked, this time from two enemy machine gun positions and small arms fire. Private Crawford once more went into action, destroyed both gun positions, and turned a captured German weapon on the withdrawing enemy, facilitating the company's advance.

As his Medal of Honor citation says, this was an act of "conspicuous gallantry . . . above and beyond the call of duty." But Mr. Crawford's sacrifice for his country went further. He was captured during the same battle later that day, and eventually served 19 months in a German POW camp. The Army thought he had been killed, and actually awarded his Medal posthumously to his father. It was not until 1984 that a ceremony was held presenting the Medal to William himself. President Ronald Reagan had that honor, at the annual commencement ceremony held at the Air Force Academy.

Every year, Mr. Crawford attended that graduation to present the Outstanding Cadet award. Because Private Crawford, even after his bravery, even after 19 months in a POW camp, and even after an additional 22 years of post-war service to his country, continued to serve his nation. After his retirement in 1967, Mr. Crawford took a job as a janitor at the Air Force Academy. It let him supplement his retirement pay, and—more importantly—kept him around the armed forces life, and in contact with the future leaders of our military, young officers who can always use a outstanding role model of sacrifice, service, and modesty. In his last years he was very active with children, speaking to and teaching them about WWII, and serving as a shining example of dedication and patriotism.

Mr. Crawford's life was one of service: from the gallantry in combat to the less intense but also important roles as mentor, community volunteer, scoutmaster, and role model. As that

life ends, as we honor a departed hero, we also recognize the continuance of the memory and legacy of a life well lived. Thank you, Mr. Crawford.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Sherman 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.)

THE ANNUAL REPORT FOR FISCAL YEARS 1996, 1997, AND 1998 OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

*To the Congress of the United States:*

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1996–1997, and the annual report for fiscal year 1998.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, March 22, 2000.

THE ANNUAL REPORT FOR 1998 OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

*To the Congress of the United States:*

I am pleased to transmit the 1998 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing knowledge and public education in the humanities. Throughout 1998, the agency provided crucial support to hundreds of research and educational projects throughout the United States and its territories. The Endowment also provided grants to innovative educational projects employing the latest computer technologies, as well as to efforts to preserve library and archival resources and make such resources available to schools, scholars, and citizens.

In 1998, the NEH continued to exercise leadership in applying technology to the humanities. The Endowment launched Schools for a New Millennium, a program that provides funding to schools to further humanities education through the creative use of new technologies. In Lawrence, Kansas, one Schools for a New Millennium project is digitizing photographs and historical documents for use in junior high classrooms. The Endowment also extended its Internet strategy by expanding its EDSITEMent project in partnership with the Council of Great City Schools and MCI WorldCom, more than doubling the number of high quality humanities sites available to students and teachers.

I am especially pleased by another of the agency's partnerships employing both the Internet and traditional broadcasting. The Endowment is partnering with the White House Millennium Council on the presentation of "Millennium Evenings at the White House," a series of showcase events that explore the ideas and creativity of the American people on the eve of a new millennium. These programs feature prominent scholars and creative thinkers and are accessible to the public by satellite and cable broadcasts, and many State humanities councils are coordinating local downlink sites. With support from SUN Microsystems, these lectures and discussions are cybercast live from the East Room in the White House. Viewers can submit questions via the Internet to the guest speaker or to the First Lady and me.

The NEH is well-known for its support of documentary films based on a collaboration between filmmakers and humanities scholars. In 1998, the Endowment maintained this tradition of excellence with its support of "Eleanor Roosevelt," which drew upon outstanding new historical scholarship, archival films, photographs, and firsthand testimonies to paint a vivid portrait of one of America's most outstanding women.

The Endowment's grants also addressed the long-term needs of the Nation's cultural and academic institutions. In 1998, the NEH created a special program designed to aid the Nation's public libraries in serving the public with humanities programming. Among the institutions aided in 1998 by Challenge Grants was the African American Research Library and Cultural Center, a new facility created by the Broward County Public Library to serve Broward County's growing and diverse population.

Through its Preservation Programs, the NEH is preserving the content of hundreds of thousands of brittle books, periodicals, and American newspapers—priceless sources for present and future historians and scholars. The Endowment's initiative to save such materials is now entering its tenth year, and will preserve nearly a million books and periodicals by the time it is completed. The U.S. Newspaper

Project, an equally important effort to microfilm historic newspapers, is creating a comprehensive national database for scholars, students, and citizens who wish to research their community's history.

In November 1998, the First Lady and I joined the Endowment in honoring at the White House nine distinguished Americans with the National Medal of the Humanities. Through these awards and its grants programs, the National Endowment for the Humanities recognizes and promotes outstanding efforts to deepen public awareness and understanding of the humanities.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, March 22, 2000.

#### MESSAGE FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 1680. An act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

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. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day.

The message further announced that pursuant to section 8162(c)(3) of Public Law 106-79, the Speaker has appointed the following Members of the House to the Dwight D. Eisenhower Memorial Commission: Mr. THORNBERRY of Texas, Mr. MORAN of Kansas, Mr. MOORE, and Mr. BOSWELL.

The message also announced that pursuant to section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170), the Minority Leader has appointed the following individuals on the part of the House to the Ticket to Work and Work Incentives Advisory Panel: Mr. Jerome Kleckley of New York, to a 4-year term and Ms. Frances Gracechild of California, to a 2-year term.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office"; to the Committee on Governmental Affairs.

H.R. 1680. An act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 2262. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2263. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

#### MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3081. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8044. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the implementation of the Age Discrimination Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

EC-8045. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health AIDS Research Loan Repayment Program for FY 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-8046. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institute of Child Health and Human Development Contraception and Infertility Research Loan Repayment Program for FY 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-8047. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human); Confirmation in Part and Technical Amendment" (Docket No. 98N-0608), received March 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8048. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services,

transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 99F-0461), received March 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8049. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the FY 1999 annual performance report; to the Committee on Health, Education, Labor, and Pensions.

EC-8050. A communication from the General Counsel, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled "Final Rule on Business Practice Standards for Open Access Same-time Information Systems (OASIS) Transactions" (RIN1902-AB78), received March 20, 2000; to the Committee on Energy and Natural Resources.

EC-8051. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service; The Career Conditional Employment System; Promotion and Internal Placement" (RIN3206-A151), received March 20, 2000; to the Committee on Governmental Affairs.

EC-8052. A communication from the General Counsel, Cost Accounting Standards Board, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Cost Accounting Standards Board; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage; Interim Rule", received March 15, 2000; to the Committee on Governmental Affairs.

EC-8053. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of the District of Columbia Sports and Entertainment Commission for Fiscal Years 1996 through 1998"; to the Committee on Governmental Affairs.

EC-8054. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for February 2000; to the Committee on Governmental Affairs.

EC-8055. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report on the accomplishments of the Office for Victims of Crime for fiscal years 1997 and 1998; to the Committee on the Judiciary.

EC-8056. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Nutrient Content Claims, Definition of Term: Healthy" (RIN0583-AC65), received March 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8057. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation and Interstate Movement of Certain Land Turtles" (Docket #00-016-1), received March 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8058. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Modification of the 'Vegetable Protein Products' Requirements for the National School Lunch Program, School Breakfast Program, Summer Food Service Program and Child and Adult Care Food Program" (RIN0584-AC82), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8059. A communication from the Acting Executive Director, Commodity Futures

Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Electronic Signatures by Customers, Participants and Clients of Registrants" (RIN3038-AB47), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8060. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption from Registration as a Commodity Trading Advisor" (RIN3038-AB48), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8061. A communication from the Inspector General, Department of Agriculture, transmitting a report of the Audit of the Management of USDA Program Complaints by the Department's Office of Civil Rights; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8062. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health Clinical Research Loan Program for Individuals from Disadvantaged Backgrounds; to the Committee on Health, Education, Labor, and Pensions.

EC-8063. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Devolution of Corporate Governance Responsibilities" (RIN3069-AA96), received March 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8064. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Membership Regulation Advances Regulation" (RIN3069-AA94), received March 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8065. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control); Capital Adequacy Guidelines" (Docket No. R-1067), received March 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8066. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control); Conduct of Merchant Banking Activity" (Docket No. R-1065), received March 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8067. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation H (Membership of State Banking Institutions in the Federal Reserve System)" (Docket No. R-1066), received March 16, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8068. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control); Financial Holding Companies" (Docket No. R-1057), received March 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8069. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Coverage of, and Pay-

ments for, Paramedic Intercept Ambulance Services" (RIN0938-AH13), received March 20, 2000; to the Committee on Finance.

EC-8070. A communication from the Chief, Regulations Unit, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority (T.D. ATF-425)" (RIN1512-AB98), received March 16, 2000; to the Committee on Finance.

EC-8071. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of Revenue Procedure 80-18 to Reflect Repeal of U.K. Act" (Rev. Proc. 2000-13) (RP-105329-99), received March 15, 2000; to the Committee on Finance.

EC-8072. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Prevailing State Assumed Interest Rates" (Rev. Rul. 2000-17), received March 15, 2000; to the Committee on Finance.

EC-8073. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Quarterly Interest Rates—April 2000" (Rev. Rul. 2000-16), received March 15, 2000; to the Committee on Finance.

EC-8074. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeal Settlement Guidelines Excess Moisture" (UIL:4121.01-01), received March 15, 2000; to the Committee on Finance.

EC-8075. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 817(h) Diversification Requirements for Variable Annuity Contracts" (Notice 2000-9), received March 15, 2000; to the Committee on Finance.

EC-8076. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Waiver of Form SS-4 Signature Requirement" (Notice 2000-19), received March 15, 2000; to the Committee on Finance.

EC-8077. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Penalty Mail in the Location and Recovery of Missing Children" (TD 8848), received March 15, 2000; to the Committee on Finance.

EC-8078. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Air-Carrier Pilot Pre-Employment Screening Standards and Criteria Study"; to the Committee on Commerce, Science, and Transportation.

EC-8079. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plans" (RIN0648-AM52), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8080. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; A Cost Recovery Program for the Individual Fishing Quota

Program" (RIN0648-AJ52), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8081. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Directed Fishing for Pacific Cod for Inshore Processing Component in the Western Regulatory Area of the Gulf of Alaska", received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8082. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Directed Fishing for Species in the Rock sole/Flat-head sole/Other flatfish' Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area", received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8083. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Cod Fishery by Vessels Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area", received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8084. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area", received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8085. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Hook-and-Line Gear Groundfish Except for Sablefish or Demersal Shelf Rockfish in the Gulf of Alaska", received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8086. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Area Off Alaska—Pollock Closure in Statistical Area 620 Outside the Shelikof Strait Conservation Area in the Gulf of Alaska", received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8087. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Juan Harbor, PR" (RIN2115-AA97) (2000-0004), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8088. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength; Final Rule; Technical Amendment; Response to Petition to Delay Effective Date" (RIN2127-AH84), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8089. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (RIN2127-AH46), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8090. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Devices; 3 Year Old Child Crash Test Dummy" (RIN2127-AG77), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8091. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Safety Fitness Procedures; Safety Fitness Rating Methodology" (RIN2126-AA43), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8092. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of a Single Individual Contemporaneously Acting as the Qualifying Individual for Both an Ocean Freight Forwarder and a Non-Vessel-Operating Common Carrier" (FMC Docket No. 99-23), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8093. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Grant Minority Serving Institutions Partnership Program: Request for Proposals for FY 2000" (RIN0648-ZA80), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8094. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (4); Amdt. No. 421 (3-17/3-20)" (RIN2120-AA63) (2000-0002), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Three Jet Routes; Bellingham, WA; Docket No. 00-ANM-04 (3-10/3-16)" (RIN2120-AA66) (2000-0066), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Estherville, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-54 (3-20/3-20)" (RIN2120-AA66) (2000-0070), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshall, MO; Correction; Direct Final Rule; Confirmation of Effective Date and Correction; Docket No. 99-ACE-51 (3-10/3-16)" (RIN2120-AA66) (2000-0068), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Whitesburg, KY; Docket No. 99-ASO-1 (3-10/3-16)" (RIN2120-AA66) (2000-0067), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8099. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Bonham, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-34 (3-20/3-20)" (RIN2120-AA72) (2000-0072), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fort Stockton, TX; Direct Final Rule; Request for Comments; Docket No. 2000-ASW-09 (3-20/3-20)" (RIN2120-AA66) (2000-0073), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8101. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (71); Amdt. No. 1978 (3-14/3-20)" (RIN2120-AA65) (2000-0016), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8102. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (16); Amdt. No. 1980 (3-14/3-20)" (RIN2120-AA65) (2000-0015), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8103. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (81); Amdt. No. 1979 (3-14/3-16)" (RIN2120-AA65) (2000-0014), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8104. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes; Docket No. 98-NM-57 (3-15/3-16)" (RIN2120-AA64) (2000-0141), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8105. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 99-NM-73 (3-20/3-20)" (RIN2120-AA64) (2000-0157), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8106. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes; Docket No. 98-NM-58 (3-20/3-20)" (RIN2120-AA64) (2000-0161), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8107. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99-NM-22 (3-20/3-20)" (RIN2120-AA64) (2000-0162), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8108. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A, and -300A Series Airplanes; Docket No. 99-NM-237 (3-20/3-20)" (RIN2120-AA64) (2000-0163), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8109. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 140-a00A, -200A, and -300A Series Airplanes Equipped with Allied Signal ALF502R Series Engines; Docket No. 98-NM-174 (3-20/3-20)" (RIN2120-AA64) (2000-0158), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8110. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC 120B Helicopters; Docket No. 99-SW-85 (3-15/3-16)" (RIN2120-AA64) (2000-0142), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8111. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS355N Helicopters; Request for Comments; Docket No. 99-SW-87 (3-15/3-20)" (RIN2120-AA64) (2000-0154), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8112. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS355N Helicopters; Request for Comments; Docket No. 99-SW-87 (3-17/3-20)" (RIN2120-AA64) (2000-0164), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8113. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300-600 Airplanes; Docket No. 98-NM-211 (3-20/3-20)" (RIN2120-AA64) (2000-0156), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8114. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes; Docket No. 99-NM-241 (3-8/3-16)" (RIN2120-AA64) (2000-0146), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8115. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319 and A321 Series Airplanes; Docket No. 99-NM-353 (3-8/3-16)" (RIN2120-AA64)

(2000-0148), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8116. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes; Docket No. 99-NM-337 (3-8/3-16)" (RIN2120-AA64) (2000-0147), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8117. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050, 200, 500, and 600 Series Airplanes; Docket No. 98-NM-186 (3-8/3-16)" (RIN2120-AA64) (2000-0149), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8118. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model 400A and 400T Series Airplanes; Docket No. 99-NM-334 (3-8/3-15)" (RIN2120-AA64) (2000-0151), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8119. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Fan Jet Falcon Series Airplanes; Model Mystere-Falcon 20, 50, 200 and 900 Series Airplanes, and Model Falcon 10, 900EX, and 2000 Series Airplanes; Docket No. 99-NM-319 (3-14/3-16)" (RIN2120-AA64) (2000-0143), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8120. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235-100 and CN-235-200 Series Airplanes; Docket No. 99-NM-261 (3-8/3-16)" (RIN2120-AA64) (2000-0144), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8121. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Ayres Corporation S2R Series Airplanes; Docket No. 99-CE-57 (3-20/3-20)" (RIN2120-AA64) (2000-0160), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8122. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Luftfahrt GmbH 228 Series Airplanes; Docket No. 99-CE-43 (3-20/3-20)" (RIN2120-AA64) (2000-0165), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8123. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc 524 Series and Trent 768-60 and 772-60 Turbofan Engines; Request for Comments; Docket No. 99-NE-59 (3-8/3-16)" (RIN2120-AA64) (2000-0152), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8124. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines; Request for Comments; Docket No. 2000-NE-02 (3-16/3-20)" (RIN2120-AA64) (2000-0155), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8125. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 98-SW-70 (3-8/3-16)" (RIN2120-AA64) (2000-0145), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8126. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Model S-61 Helicopters; Request for Comments; Docket No. 99-SW-61 (3-10)" (RIN2120-AA64) (2000-0140), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8127. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International, Inc. KAP 140 and KFC 225 Autopilot Systems; Request for Comments; Docket No. 2000-CE-11 (3-20/3-20)" (RIN2120-AA64) (2000-0159), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8128. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International 36-300A, 36-280B, and 36-280D Series Auxiliary Power Units; Docket No. 99-NE-34 (3-8/3-16)" (RIN2120-AA64) (2000-0150), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

## 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-440. A joint resolution adopted by the Legislature of the State of Washington relative to pipeline safety; to the Committee on Commerce, Science, and Transportation.

### SENATE JOINT MEMORIAL 8017

Whereas, Ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the oversight of interstate pipelines has been largely preempted by federal law; and

Whereas, Several significant pipeline spills have occurred in Washington State in recent years, including a major petroleum spill in the City of Bellingham, resulting in a fire which killed three people and destroyed much of a city park; and

Whereas, Washington Governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, Washington State through its Legislature and Governor are developing a

strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such a program cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support: Now therefore,

Your Memorialists respectfully pray that:

(1) The Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce;

(2) Such Act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards;

(3) As an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to states that qualify to enforce federal standards; and

(4) The Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations, be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-441. A joint resolution adopted by the Legislature of the State of Washington relative to the environmental clean-up project at the Hanford site; to the Committee on Appropriations.

### HOUSE JOINT MEMORIAL 4022

Whereas, the United States government in the throes and peril of World War II and the following cold war did confiscate and use five hundred sixty square miles of desert on the banks of the Columbia River in Washington State, which came to be known as the Hanford site, to produce plutonium for use in nuclear weapons, which did not contribute to bringing both wars to conclusion; and

Whereas, The peace and well-being of the citizens of the United States was furthered for over forty-five years by the work done at the Hanford site; and

Whereas, The Hanford site is now the nation's biggest environmental clean-up project; and

Whereas, Sixty percent of the nation's defense nuclear waste is stored at Hanford in one hundred seventy-seven underground storage tanks, most of which are beyond their design life, and one-third of which have leaked one million gallons to the ground; and

Whereas, The tanks are seven miles south and ten miles west of the Columbia River, the largest river in the Pacific Northwest and a national treasure; and

Whereas, The site is currently in the process of cleaning up the legacy left by the above stated work, which was in the best interests of the American people; and

Whereas, The Hanford site is the only one of the United States Department of Energy sites without a waste treatment facility; and

Whereas, The Department of Energy Office of River Protection was created by Congress



in 1998 to manage all aspects of the tank waste remediation project; and

Whereas, Full funding of this environmentally necessary clean-up effort is imperative and overdue: Now, therefore

Your Memorialists respectfully pray that, with due respect for other clean-up projects' needs, full funding as necessary to build a vitrification treatment plant, retrieve waste from the tanks, feed waste into said vitrification treatment plant, and dispose of resulting glass logs be forthcoming on schedule to meet the negotiated dates contained in the Tri-Party Agreement between the Washington State Department of Ecology, the United States Environmental Protection Agency, and the United States Department of Energy, be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes (Rept. No. 106-247).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon (Rept. No. 106-248).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BYRD, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the

programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 2267. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes; read the first time.

By Mr. SMITH of New Hampshire:

S. 2268. A bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 2273. A bill to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, Mr. REED, and Mr. MOYNIHAN):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children; to the Committee on Finance.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BYRD, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

#### THE 2002 SALT LAKE OLYMPIC WINTER GAMES COMMEMORATIVE COIN ACT

Mr. BENNETT. Mr. President, I rise to introduce legislation that would direct the Secretary of the Treasury to mint coins commemorating the 2002 Salt Lake Olympic Winter Games.

The first modern Winter Olympic Games were held in Chamonix, France in 1924. Since then, the Winter Olympics has been held every four years to recognize outstanding accomplishments of athletes throughout the world. Salt Lake City, Utah is proud to be hosting the 2002 Winter Olympic Games, the first Olympic Winter Games of the new Millennium.

While it is a great honor for us to host the 2002 Winter Olympic Games, our state will have a tremendous financial burden placed upon us. The proceeds from these commemorative coins are greatly needed to help us support these events and train future Olympic athletes. I would like to stress that minting these commemorative coins will have no net cost to the Federal Government, and that the proceeds will be distributed equally to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 and the United States Olympic Committee.

Mr. President, this is the smallest Olympic coin program ever, containing



only two coins. Additionally, the program has been developed in consultation with the Mint and the numismatic community to address concerns over previous commemorative coin programs.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2266

*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 "2002 Winter Olympic Commemorative Coin Act".

#### SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 80,000 \$5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 400,000 \$1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year "2002", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

#### SEC. 4. SELECTION OF DESIGN.

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts; and  
(B) the United States Olympic Committee;

(C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereafter in this Act referred to as the "Olympic Properties of the United States"); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this

Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2002.

#### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) MARKETING.—The Secretary, in cooperation with the Olympic Properties of the United States, shall develop and implement a marketing program to promote and sell the coins issued under this Act both within the United States and internationally.

#### SEC. 7. SURCHARGE.

(a) SURCHARGE REQUIRED.—All sales of coins issued under this Act shall include a surcharge of \$35 per coin for the \$5 coins and \$10 per coin for the \$1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) UNITED STATES OLYMPIC COMMITTEE.—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee, as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

#### CAMPAIGN FINANCE REFORM LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation which I hope might move the Senate closer to the passage of meaningful campaign finance reform. I have voted for versions of the McCain-Feingold reform legislation at least six times in the past 4 years. I continue to support passage of that bill, and I will vote for it in the future.

I am concerned, however, that this legislation might not come up for a vote again in this Congress. Earlier this morning, the Rules Committee, of which I am a member and which Senator MCCONNELL chairs, began a series of hearings on the constitutionality of campaign finance reform. At that time, I indicated that what I wished to do

was submit a bill which might have an opportunity to break the gridlock surrounding campaign finance reform, and develop some kind of consensus.

So if I may, on behalf of Senator TORRICELLI and myself, I send a bill to the desk and ask for its submission to committee.

The PRESIDING OFFICER. Without objection, the bill will be received and referred.

Mrs. FEINSTEIN. Mr. President, this bill has three simple provisions. First of all, it bans soft money. Second, it raises hard money contributions to candidates from \$1,000 to \$3,000. Third, it requires the disclosure of those parties who pay for the so-called issue ads, who contribute to the soft money which at present is undisclosed. So it would require disclosure of any expenditure of \$10,000 or more of an independent campaign within 48 hours, and it would require disclosure of any individual who contributes more than \$3,000 to an independent campaign. That is all this bill would do.

I think, anyway you look at it, looking at campaign spending reform, one has to look at the unregulated nature of soft money and the appearance—and I use the word "appearance"—of corruption that it brings to campaigns.

Clearly, when in the same session of Congress you have tobacco legislation in front of this body and you have a tobacco company that contributes \$1 million in soft money at the same time, you can draw a conclusion—perhaps falsely, but nonetheless draw it—that that money is contributed in large amounts with hopes of gaining votes in support of the company.

I think the numbers, the size of soft money contributions, really, are what ought to concern this body. The Republican Party raised \$131 million in soft money during the 1998 election cycle. That is a 150-percent increase over the last midterm election, in 1994. So from 1994 to 1998, 4 years, there has been a 150-percent increase in the amount of soft money. The Democratic Party raised \$91.5 million during this same period. That is an 86-percent increase over 4 years.

At this rate, you can see the amount of soft money is going to, by far, dominate anything individual candidates can raise or do during an election.

A recent analysis found that national political party committees together raised \$107 million just during 1999 alone. That is 81 percent more than the \$59 million they raised during the last comparable Presidential election period in 1995. Congressional campaign committees of the national parties raised more than three times as much soft money during 1999 as they raised during 1995—\$62 million compared to \$19 million.

We clearly have a trendline going. I think the decision one has to make is, is this trendline going to be healthy for the American political process? Those who think it is will be for soft money. But I think most of us believe, truly, that it is not.

The problem comes because the contribution limit is so low for an individual candidate. My bill says eliminate soft money, and the tradeoff is to increase the hard money contribution for every individual candidate from \$1,000 to \$3,000.

We heard that the 1971 contribution limit of \$1,000 today in real dollars is worth about \$328. The limit was set 29 years ago and clearly needs to be raised because the costs of campaign materials, consultant services, television, radio, all of the necessary tools of any viable campaign have clearly increased. So what was worth \$1,000 in 1971 is now worth \$328. This would clearly be equalized to have a meaningful parity with 1971 if the sum were raised to \$3,000.

What my bill will do is move campaign contributions from under the table to above the table. Instead of hundreds of thousands of unregulated dollars flowing into the coffers of national political parties, this legislation will increase the amount an individual might contribute to a candidate under the existing rules of the Federal Election Campaign Act. So what we would be doing is exchanging soft money for increased limits, soft money being undisclosed and unregulated and hard money being both disclosed and regulated.

It is not the small contributions to an individual's campaign, I think, that Americans view as corrupting.

It is the large checks of \$100,000, \$250,000, and \$1 million, or more, to parties that creates this appearance. My bill would eliminate this soft money while still allowing candidates to compete without the influence of the national parties and these huge amounts of money.

The final component of the bill is the greater regulation of so-called issues advocacy. A current campaign law loophole allows unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

Issue advocacy does not use the so-called "magic words", such as "vote for," "elect," "defeat" or "reelect" that the Supreme Court has identified as express advocacy and, therefore, are not subject to FEC regulation.

This bill would define "electioneering communications" as an advertisement broadcast from television or radio that refers to a candidate for Federal office and is made 60 days before a general election or 30 days before a primary.

Any individual or organization that spends more than \$10,000 on such an ad must disclose the expenditure to the FEC within 48 hours. In addition, all contributions greater than \$3,000 to groups that engage in electioneering communications must be disclosed to the FEC within 48 hours.

This takes that anonymous area of independent campaigns and clarifies express advocacy and regulates and discloses all of the money.

The Annenberg Public Policy Center has studied the amount that independent groups have spent on issue advocacy in each of the last two election cycles: 1995-96 and 1997-98. The study estimates that the amount spent on issue ads more than doubled, to some \$340 million.

The Center's report indicates that as election day gets closer, issue ads become more candidate-oriented and more negative. This kind of unregulated attack advertisements are poisoning the process and driving voters, I believe, away from the polls.

With the passing of every election, it becomes increasingly clear that our campaign system desperately needs reform. I think this reform measure has a very real chance of being passed.

Once again, let me say, it bans soft money; it increases hard money contribution limits to candidates from \$1,000 to \$3,000; it ties them to inflation after 2001; it says simply that anyone engaging in independent campaigns must, in effect, disclose, within 48 hours, contributions greater than \$3,000 or expenditures of more than \$10,000.

I strongly believe that congressional action on meaningful campaign finance reform is a very necessary first step in restoring the public's confidence in our government. I hope that my colleagues will see this as an attempt to reach across the partisan gap, and join me in supporting this bill.

By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

#### THE RIGHT TO BEAR ARMS PROTECTION AND PRIVACY ACT OF 2000

Mr. HATCH. Mr. President, I rise to introduce a very significant bill—the Right to Keep and Bear Arms Protection and Privacy Act.

There is a gun control frenzy taking place in Washington. There are about 1,070 bills either regulating or dealing with firearms pending in the House and Senate. These range from imposing new Federal regulatory standards on the manufacture of firearms to those requiring background checks at gun shows. And President Clinton has written a letter informing me that he will not sign long overdue, worthwhile and comprehensive youth violence legislation unless it includes most of this gun control agenda.

I have become convinced that, for conscientious and reasonable defenders of the Second Amendment, it is not enough to simply oppose the gun control communities legislative agenda. Instead, we just redouble our efforts and set out to pass an affirmative leg-

islative agenda which safeguards the right to keep and bear arms.

Many gun control advocates claim that it is not their goal to interfere with the rights of law abiding gun owners. Many question sincerity. The bill I am introducing today will afford gun control advocates the opportunity to prove their critics wrong. This important bill is a first step in what I hope will become a bipartisan campaign to safeguard the rights of law abiding gun owners.

Simply put, this plainly written bill would end burdensome and frivolous suits against law abiding firearm manufacturers, dealers, and owners, and preclude new ones, except in those cases where plaintiffs could show that the manufacturer or seller knew that the firearm would be used to commit a Federal or State crime. Thus, if it can be shown that manufacturers and sellers knew that a specific product would be used to a commit crime, then they will be subject to a civil action, if not a criminal prosecution. The provision also has the beneficial effect of striking a blow against "legislation through litigation," which has enriched the trial lawyers while harming many of our nation's law abiding citizens and businesses.

In addition, the bill also addresses the concerns of gun owners and advocates of the Second Amendment that the federal regulatory process will be misused by the government to abridge the constitutional right to keep and bear arms. The bill thus contains the following provisions: (1) a prohibition against the government charging a background check fee in connection with the transfer of a firearm; (2) a gun owner privacy protection component which requires immediate destruction of background check records for approved firearms buyers; and (3) establishes a civil remedy for private citizens aggrieved by government violations of the background check fee or gun owner privacy provisions. After all, if firearms manufacturers should be subjected to civil liability for illegal acts, why shouldn't the government be liable if a law abiding gun owner's privacy protections are violated?

As a Senior proudly representing the people of Utah, I take seriously our oath of office to defend our Union's defining document—the Constitution of the United States. I truly concur with the remarks of the great British Prime Minister William Gladstone when he wrote in 1878 that the "American Constitution is \* \* \* the most wonderful work ever struck off at a given time by the brain and purpose of man."

So too, I am an avid supporter of the Second Amendment. I believe, following the teachings of virtually all the Founders of our Republic, that the right of citizens to keep and bear arms has justly been considered as, in the words of the learned Justice Joseph Story, "the palladium of the liberties of the republic; since it offers a strong moral check against the usurpation

and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them."

It is astonishing to me that despite this pedigree of the Second Amendment, the enemies of the right to keep and bear arms, those advocates of state-ism and the politics of the left, have stooped to new lows in their crusade to diminish the God-given liberties of the American people. Seeing that radical gun control measures are unpopular and cannot pass Congress and state legislatures, those hostile to the Second Amendment have resorted to a new tactic in a not-so-veiled attempt to undermine the right to keep and bear arms.

They have resorted to misusing our civil litigation system by bringing law suits against the source of guns: firearms manufacturers. They seek damages from firearms manufacturers for any harm caused by gun wielding criminals, even though the manufacturers are not responsible for the crimes. This violates traditional precepts of American law, which is based upon the free-will notion that only those responsible should be held liable.

More specifically, over the past few years the firearms manufacturing industry has been subjected to these numerous "junk" lawsuits seeking damages or injunctive relief for harm caused by third-party criminal actors. Many of these cases have been brought by local government entities, including approximately thirty American cities. The Clinton Administration had announced that it would support these lawsuits and publicly threatened that the Department of Housing and Urban Development would commence an action against the firearms manufacturers.

Generally, the plaintiffs in these cases argue that although the firearms are legal products and despite the criminal actions of third parties, manufacturers and sellers should be held liable because of the negligent fashion in which they designed, marketed, and sold their products. This novel theory stands traditional tort law on its head.

These radical lawsuits are onerous and may well bankrupt many firearms manufacturers. If a maverick judge were to rule in favor of the plaintiffs in one of these cases, the industry could face financial ruin. Indeed, the Louisiana state judge handling the City of New Orleans lawsuit recently refused to dismiss that lawsuit notwithstanding the enactment of a state law that nullified the cause of action. The net result may very well be the disappearance of a lawful product—firearms—from interstate commerce.

Let me mention a junk lawsuit brought by the City of Chicago against 12 suburban gun shops, 22 gun manufacturers, and four gun distributors. The Chicago Tribune, in an editorial dated November 14, 1998, agreed that the mayor's anger at the misuse of handguns was understandable, but called his

lawsuit "wrongheaded and ill-advised" because "it represents an abuse of the tort liability system and a dangerous extension of the tactic employed in similar lawsuits against the tobacco industry of using potentially bankrupting lawsuits to force makers of legal but unpopular products to quit."

To one federal district court, such lawsuits are "an obvious attempt unwise and unwarranted to ban or restrict handguns through courts and juries, despite the repeated refusals of state legislatures and Congress to pass strong, comprehensive gun-control measures." [*Patterson v. Rohm Gessellschaft*, 608 F. Supp. 1206, 1211 (N.D. Tex. 1985)].

Indeed, in characterizing the federal lawsuit against the tobacco producers and the HUD suit threatened against the firearms industries, and in complete candor, former Clinton Secretary of Labor Robert Reich noted that:

\* \* \* the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil suits initiated by the executive branch. This is faux legislation that sacrifices democracy to the discretion of administrative officials operating in secrecy.

[Robert Reich, "Don't Democrats Believe in Democracy," *The Wall Street Journal*, Wednesday, January 12, 2000].

Furthermore, these junk lawsuits seek to reverse the well-established tort law principle that manufacturers are not responsible for the criminal misuse of their products. For instance, the Seventh Circuit Court of Appeals in *Martin v. Harrington and Richardson, Inc.*, [743 F. 2d 1200, 1205 (7th Cir. 1984)], held that criminal misuse of a handgun breaks the causal connection between the manufacturers action and the injury "because such criminal activity is not reasonably foreseeable."

A judge from a federal district court noted that "under all ordinary and normal circumstances in the absence of any reason to expect the contrary, the actor may reasonably proceed with the assumption that others will obey the criminal law." [*Bennett v. The Cincinnati Checker Cab*, 353 F.Supp. 1206, 1209 (E.D. Kent, 1973)]. It is important to note that in his opinion the judge cited the noted tort expert, the late Professor Prosser, for the proposition that entities are not liable for criminal acts of others because such acts are generally unforeseeable and thereby cut the chain of proximate causation. [Prosser, *Torts*, 3d ed. at 176].

Moreover, these lawsuits suffer from the same defect that some, if not all, of the courts in the federal tobacco lawsuit suffer from: lack of standing. Government entities, absent specific statutory authority—which is not present in either the federal tobacco case or these gun manufacturers cases—may not recoup medical and other expenses paid by government agencies from manufacturers of products alleged to cause the harm to "third party" beneficiaries of government programs. For instance let

me mention two cases. *Holmes v. Securities Investor Protection Corp.*, [503 U.S. 258, 268-69 (1992)] and *Laborers Local 17 Health Benefit Fund v. Phillip Morris*, [191 F. 3d 229 (2nd Cir. 1999)]. These cases stand for the proposition that a complaint is too "remote" when a plaintiff seeks to recover damage to a third party. Therefore, the plaintiff lacks standing to bring the suit.

This is exactly what Connecticut Superior Court Judge Robert McWeeny held when he recently dismissed the City of Bridgeport's "junk lawsuit" complaint for recoupment against Smith & Wesson. [*Ganim v. Smith & Wesson*, [No. CV 990253198S (Superior Ct. Conn., Dec. 10, 1999)]].

Our judiciary is being transformed by these misguided advocates of gun control from courts of justice into tribunals of the gun control lobby. That is why this legislation is needed. The Congress has both a duty to protect federal constitutional rights such as the right to keep and bear arms, as well as to step in and reform our tort system when it is being abused and the abuse has a significant impact on interstate commerce.

Let me say a few words about last Friday's announcement of the agreement between Smith & Wesson and HUD. Basically, the agreement mandates that Smith & Wesson would provide trigger locks within 60 days and make their handguns child resistant within a year. Smith & Wesson also agreed to a "code of conduct" whereby the manufacturer would sell its products only to "authorized dealers and distributors" who agree to have their contract terminated if "a disproportionate number" of crimes were traced to the firearms they sell. Some sort of outside board will police the settlement. In return, the federal government agreed not to bring suit against the firearms manufacturer and eleven of the thirty cities and local governments dropped their actions.

I believe that this so-called "deal" is the latest attempt by the Administration to play on the fear of the American people for pure political advantage. It makes the Administration look good. It makes it seem that the Administration is doing "something" about gun violence. But the record makes clear that the Administration has done little to enforce the federal laws on the books against gun wielding criminals. So this settlement masks the truth. The Administration has been inept in preventing gun violence.

Let me say, first of all, that I don't believe that the Administration ever really intended to see its lawsuit against the firearms manufacturers to verdict. Indeed, in announcing the projected lawsuit against the gun manufacturers, HUD Secretary Andrew Cuomo admitted to the press that the whole effort was simply a bargaining ploy.

So let's call it what the federal lawsuit really is: extortion. It is an attempt to bypass the legislative process

and the Constitution to achieve a gun control agenda that the public's elected officials oppose. Sue the industry and have them cave in or face imminent financial ruin by having to defend an avalanche of legally dubious lawsuits and bad publicity. That's their game plan.

Well, Smith & Wesson caved in. Why? Published reports have it that the owner of Smith & Wesson, Tompkins PLC of Great Britain, could not find a buyer for the \$161 million company with lawsuits hanging over its head. And Tompkins understands that three California gun companies have gone out of business and that legal fees may very well bankrupt the industry. So Tompkins surrendered.

And the reward for their surrender: it was announced on Saturday that HUD and the mayors of Atlanta, Detroit and Miami directed their law enforcement agencies to give preferences to Smith & Wesson when purchasing firearms. ["Smith & Wesson Earns Preference," @ Home Network, AP, March 18, 2000] This is outrageous. Not only does this deal undercut the Second Amendment, it undercuts the principle of competitive bidding. It creates an incentive that tax payers will be gouged. It punishes innocent firearms manufacturers. It weakens the rule of law because innocent manufacturers are denied their day in court. It weakens democracy because the heavy hand of big government is used as a tool of despotism.

But it is the "code of conduct" term of the settlement that is the most peculiar. Again, this provision mandates that Smith & Wesson sell its products only to "authorized dealers and distributors" who agree to have their contracts terminated if "a disproportionate number" of crimes are traced to the firearms they sell. Well, how is this to be determined? What is a disproportionate number of crimes? And how will this be traced to the dealer or distributor? And what if the dealer or distributor were innocent of any wrongdoing?

It seems to me that this settlement term suffers from the same defect as the underlying "junk lawsuits"—innocent parties are being held liable for the criminal acts of third parties.

The settlement represents the misuse of governmental power. It represents a weakening of our democracy and the rule of law.

Mr. President, let me turn to the provisions of the bill that will (1) prevent illicit fees to be charged for background checks, and (2) that protect the privacy of gun owners from federal intrusion.

The Brady Handgun Control Act of 1993 is silent on whether the government may charge a fee for the instant background check required under 18 U.S.C. §922(t). And let me add that it was never contemplated that the government would charge such a fee when Brady was debated and passed.

Nonetheless, despite no explicit legal authority, the Administration has re-

peatedly attempted to require the payment of such a fee by licensed firearms dealers—which fees would almost surely be passed along to purchasers through higher prices. This would truly amount to "taxation without representation."

Section 5 of our bill adds Section 540C to Title 28. This new section prohibits the Administration from promulgating a tax without Congress' approval. It codifies a prohibition on charging or collecting "any fee in connection with any background check required in connection with the transfer of a firearm." The prohibition would apply both to the Federal government and "State or local officers or employees acting on behalf of the United States."

This section thus prohibits an unauthorized fee that may be considered to be a "tax" on the exercise of a constitutional right—in this case, to buy a firearm.

Finally, under the Brady bill, if the instant background check reveals that the buyer is eligible to purchase the firearm, the government is required to "destroy all records of the system with respect to the call and all records of the system relating to the person or the transfer." [18 U.S.C. §922(t)(2)(C)]. The Brady bill also prohibits the government from using the instant check system to establish a registry of firearms, firearms owners, or firearms transfers, except with respect to persons prohibited from receiving a firearm. [Pub. L. 103-159, Sec. 103(i)].

Despite the law, the Administration promulgated regulations in 1998 that allowed the FBI to retain for 6 months information pertinent to an approved firearms sale gathered as part of the instant check system. [See C.F.R. §25.9(b)(1)].

But, I concur with those Second Amendment advocates who view these record retention periods as veiled attempts by the government to establish a national firearms registry. Furthermore, the only way to ensure the privacy and security of the information in the instant check system is to immediately destroy the records of approved firearms transfers.

To address these concerns and preempt the Administration's efforts to undermine the Brady bill's ban on a national firearms registry, my bill would establish a new statute, Section 931 to title 18, that would prohibit the use of the instant check system unless the system "require[s] and result[s] in the immediate destruction of all information, in any form whatsoever or through any medium," about any person determined not to be prohibited from receiving a firearm.

The destruction requirement, however, would not apply to (1) "any unique identification number provided by the [instant check] system," or (2) "the date on which that number is provided." These exceptions parallel the exceptions contained in the Brady bill [see 18 U.S.C. §922(t)(2)(C)] and allow

the government to trace a firearm to a dealer, but not to a purchaser.

In conclusion, Mr. President, I urge my colleagues to support this legislation to prevent extortion against the manufacturers of a lawful product, firearms. I urge my colleagues to support this legislation to prohibit a tax on the exercise of constitutional right—the Second Amendment's guarantee of the right of the American citizen to keep and bear arms. And I urge my colleagues to support this legislation that protects the privacy of citizens who lawfully and peaceably possess firearms from federal intrusion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2270

*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 "Right to Bear Arms Protection and Privacy Act of 2000".

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, under the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of nondefective firearms, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States is heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, marketing, distribution, manufacture, importation, or sale to the public of firearms or ammunition that have been shipped or transported in interstate or foreign commerce are not, and should not be, liable or otherwise legally responsible for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products.

(5) The possibility of imposing liability or other legal restrictions on an entire industry as a result of harm that is the sole responsibility of others is an abuse of the legal system, erodes public confidence our Nation's laws, threatens the diminution of a basic constitutional right, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in America's free enterprise system, and constitutes an unreasonable burden on interstate and foreign commerce.

(6) The liability and equitable actions commenced or contemplated by municipalities, cities, and other entities are based on theories without foundation in hundreds of years of the common law and American jurisprudence. The possible sustaining of these actions by a maverick judicial officer would expand civil liability in a manner never contemplated by the Framers of the Constitution. The Congress further finds that such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United

States under the Fourteenth Amendment to the United States Constitution.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To prohibit causes of action against law-abiding manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others.

(2) To preserve a citizen's constitutional access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To protect a citizen's right to privacy concerning the lawful purchase and ownership of firearms.

(4) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section five of that Amendment.

### SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL ACTIONS IN FEDERAL OR STATE COURT.

(a) **IN GENERAL.**—A qualified civil action may not be brought in any Federal or State court.

(b) **DISMISSAL OF PENDING ACTIONS.**—A qualified civil action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought.

### SEC. 4. DEFINITIONS.

In this Act:

(1) **MANUFACTURER.**—The term "manufacturer" means, with respect to a qualified product—

(A) a person who is lawfully engaged in a business to import, make, produce, create, or assemble a qualified product, and who designs or formulates, or has engaged another person to design or formulate, a qualified product;

(B) a lawful seller of a qualified product, but only with respect to an aspect of the product that is made or affected when the seller makes, produces, creates, or assembles and designs or formulates an aspect of the product made by another person; and

(C) any lawful seller of a qualified product who represents to a user of a qualified product that the seller is a manufacturer of the qualified product.

(2) **PERSON.**—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(3) **QUALIFIED PRODUCT.**—The term "qualified product" means a firearm (as defined in section 921(a)(3) of title 18, United States Code) or ammunition (as defined in section 921(a)(17) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(4) **QUALIFIED CIVIL ACTION.**—The term "qualified civil action" means a civil or equitable action brought by any person against a lawful manufacturer or lawful seller of a qualified product, or a trade association, for damages or other relief as a result of the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include an action brought against a manufacturer, seller, or transferor who knowingly manufactures, sells, or transfers a qualified product with knowledge that such product will be used to commit a crime under Federal or State law.

(5) **SELLER.**—The term "seller" means, with respect to a qualified product, a person who—

(A) in the course of a lawful business conducted for that purpose, lawfully sells, dis-

tributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a qualified product in the stream of commerce; or

(B) lawfully installs, repairs, refurbishes, reconditions, or maintains an aspect of a qualified product that is alleged to have resulted in damages.

(6) **STATE.**—The term "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(7) **TRADE ASSOCIATION.**—The term "trade association" means any association or business organization (whether or not incorporated under Federal or State law) 2 or more members of which are manufacturers or sellers of a qualified product.

### SEC. 5. PROHIBITION OF BACKGROUND CHECK FEE; GUN OWNER PRIVACY.

(a) **PROHIBITION OF BACKGROUND CHECK FEE.**—

(1) **IN GENERAL.**—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

#### "§ 540C. Prohibition of fee for background check in connection with firearm transfer

"No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a) of title 18)."

(2) **CONFORMING AMENDMENT.**—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540B the following:

"§ 540C. Prohibition of fee for background check in connection with firearm transfer."

(b) **PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

#### "§ 931. Gun owner privacy and ownership rights

"(a) **IN GENERAL.**—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

"(1) shall perform any criminal background check through the National Instant Criminal Background Check System (referred to in this section as the 'system') on any person if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about any such person that is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922, or by State law, from receiving a firearm; or

"(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

"(A) the NICS Index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a

particular law enforcement investigation or specific criminal enforcement matter.

"(b) **APPLICABILITY.**—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

"(1) any unique identification number provided by the National Instant Criminal Background Check System under section 922(t)(1)(B)(i); or

"(2) the date on which that number is provided."

(2) **CONFORMING AMENDMENT.**—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Gun owner privacy and ownership rights."

(c) **CIVIL REMEDIES.**—Any person aggrieved by a violation of section 540C of title 28 or § 931 of title 18, United States Code (as added by this section), may bring an action in the United States district court for the district in which the person resides for actual damages, punitive damages, and such other relief as the court determines to be appropriate, including a reasonable attorney's fee.

(d) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date of enactment of this Act except that the amendments made by subsection (a) shall take effect as of November 30, 1998.

Mr. SMITH of New Hampshire. Mr. President, I rise along with Senator HATCH to support the Right to Bear Arms Protection and Privacy Act of 2000.

This bill embodies the goals of several bills I have previously introduced, and its passage would be a great relief for millions of law abiding gun owners who want their rights protected.

Mr. President, this administration has launched an all-out assault on gun owners and gunmakers in an attempt to blame them for the crime problem that has resulted from the revolving-door criminal justice approach taken by liberal judges throughout this country.

I look forward to working with Chairman HATCH to move this bill expeditiously through the Judiciary Committee.

By Mr. DEWINE (for himself, Mr. ROCKFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

THE TRAINING AND KNOWLEDGE ENSURE CHILDREN A RISK-FREE ENVIRONMENT (TAKE CARE) ACT

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT  
COURTS ACT OF 2000

• Mr. DEWINE. Mr. President, I rise today to introduce two pieces of legislation that would impact the lives of many at-risk children living in foster care. In an effort to move forward and figure out what Congress needs to do next to help improve the operation of the child welfare system following the 1997 enactment of the Adoption and Safe Families Act, my friend and colleague Senator ROCKEFELLER and I, as well as Senators LANDRIEU, LEVIN, KERRY, KERREY, WELLSTONE, COLINS, BOXER, CHAFFEE, LINCOLN and BINGAMAN, are introducing the strengthening Abuse and Neglect Courts Act and the Training and Knowledge Ensure Children a Risk-free Environment (TAKE CARE) Act.

Before I talk about these bills, specifically, it's important to understand how we arrived at where we are today with regard to the child welfare agencies and the court system. Back in 1997, I was very involved in one of the success stories of the 105th Congress: The passage of the Adoption and Safe Families Act. This subcommittee played a critical role in shaping that legislation. This law has many goals: First, it encourages safe and permanent family placements for abused and neglected children; second, it makes it clear that the health and safety of the child always must come first in any decision involving a child in abuse and neglect cases; and third, it decreases the amount of time that a child spends in the foster care system. Specifically, the law requires initiation of proceedings to terminate parental rights for any child who has been in the foster care system for fifteen (15) of the last twenty-two (22) months.

The Adoption and Safe Families Act represented a significant change in child welfare laws. Perhaps more important, we were changing the way judges and child advocates looked at child welfare cases. This represented a change in the culture of child welfare, as we know it, and forced the system to stop and rethink its processes and its purposes.

We all knew this law was not a quick nor a complete fix—more work would be necessary to make the law a success and to implement a new way of thinking about child welfare—a way of thinking that says that it is no longer acceptable to place a child in long-term foster care without a plan for permanent placement. We knew that a law that simply tells judges that the health and safety of the child must be paramount would not necessarily be reflected in judicial decisions. To get there, training needs to be available so the law effectively becomes a part of judge's decisionmaking process.

A tragic local case—the death of twenty-three month old Brianna Blackmond—demonstrates the need for this training. Brianna had been placed in foster care at the age of four months, due to her mother's neglect. In

January of this year, Brianna was killed just seventeen days after being returned to her mother from foster care. In the aftermath of this tragedy, DC Superior Court Judges told the Washington Post about the agony they feel in making child welfare decisions. One of the judges quoted in the article said this: "These cases are, for me, the most difficult thing we do. We feel the least trained and skilled at it."

These judges are making tough, life-changing decisions for all parties involved. We have a responsibility to make sure they are trained properly and feel confident about those decisions.

When we passed the Adoption and Safe Families Act, we also knew that the imposition of reduced timelines would create additional pressure on an already overburdened court system. These timelines, however, are very important to the welfare of the children involved. Foster care, after all, was meant to be a temporary solution—not a way of life.

These timelines can work only if the courts are able to process cases in a timely manner. To give you an idea of what the courts are up against, consider this: When the Family Court was established in New York in 1962, it reviewed 96,000 cases the first year. By 1997, the case load had increased to 670,000 cases. The courts must have a manageable case load so that an appropriate decision can be made in every case after all of the facts have been heard. We cannot rush decision making in these cases—a child's life is at risk.

We also knew that the courts needed information to make the best possible decision for the child. This problem was demonstrated in Cuyahoga County, Ohio. Until recently, the court had no central clerk's file, so there was no way of tracking the location of a particular file. If the file could not be found on the day of a hearing or review, it would result in a postponement, often adding months to a child's stay in foster care. It is undisputed that children need permanency as quickly as possible. It is simply unconscionable that children should be trapped in foster care by a bureaucratic nightmare of paperwork.

We need to move forward and help improve the operation of the child welfare system, and in particular, the courts. The legislation Senator ROCKEFELLER and I are introducing today will help move us in the right direction. Taken together, our bills would provide competitive grants to courts to create computerized case tracking systems, as well as grants to reduce pending backlogs of abuse and neglect cases so that courts are better able to comply with the timelines established in the Adoption and Safe Families Act. These bills also would allow judges, attorneys, and court personnel to qualify for training under Title IV-E's existing training provisions and would expand the CASA program to underserved and urban areas, so that more children are able to benefit from its services.

Mr. President, let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. After all, that's where a lot of delays occur. As well intentioned as the strict timelines of the 1997 law are, mandatory filing dates are not enough to promote child placement permanency if the court docket is too clogged to move cases through the system, or judges aren't changing their routine in a way that reflects the importance of these timelines and the necessity of placing the child's safety first.

The critical next step is to help the courts improve administrative efficiency and effectiveness—goals of the Adoption and Safe Families Act. I believe that our legislation can do that. I encourage my colleagues to support this important legislation.

I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 2271

*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 "Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.



(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

### SEC. 3. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.

#### (a) PAYMENT FOR TRAINING.—

(1) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B), the following:

"(C) 75 percent of so much of such expenditures as are for the training (including cross-training with personnel employed by, or

under contract with, the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court (as defined in section 475(8)), and training on related topics such as child development and the importance of developing a trusting relationship with a child) of judges, judicial personnel, law enforcement personnel, agency attorneys (as defined in section 475(9)), attorneys representing parents in proceedings conducted by, or under the supervision of, an abuse and neglect court (as defined in section 475(8)), attorneys representing children in such proceedings (as defined in section 475(10)), guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs, to the extent such training is related to provisions of, and amendments made by, the Adoption and Safe Families Act of 1997, provided that any such training that is offered to judges or other judicial personnel shall be offered by, or under contract with, the State or local agency in collaboration with the judicial conference or other appropriate judicial governing body operating in the State."

#### (2) CONFORMING AMENDMENTS.—

(A) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(E)" and inserting "474(a)(3)(F)".

(B) Section 474(a)(3)(E) of such Act (42 U.S.C. 674(a)(3)(E)) (as redesignated by subsection (a)(1)) is amended by striking "subparagraph (C)" and inserting "subparagraph (D)".

(C) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking "subsection (a)(3)(C)" and inserting "subsection (a)(3)(D)".

(b) DEFINITION OF CERTAIN TERMS.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following new paragraphs:

"(8) The term 'abuse and neglect courts' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

"(A) that implement part B and this part (including preliminary disposition of such proceedings);

"(B) that determine whether a child was abused or neglected;

"(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

"(D) that determine any other legal disposition of a child in the abuse and neglect court system.

"(9) The term 'agency attorney' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administering the programs under part B and this part in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

"(10) The term 'attorneys representing children' means any attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court."

### SEC. 4. STATE STANDARDS FOR AGENCY ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(24) provides that, not later than January 1, 2002, the State shall develop and encourage the implementation of guidelines for all agency attorneys (as defined in section 475(9)), including legal education requirements for such attorneys regarding the handling of abuse, neglect, and dependency proceedings."

### SEC. 5. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT, AND DEPENDENCY MATTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall provide the technical assistance, training, and evaluations authorized under this section through grants, contracts, or cooperative arrangements with other entities, including universities, and national, State, and local organizations. The Secretary of Health and Human Services and the Attorney General should ensure that entities that have not had a previous contractual relationship with the Department of Health and Human Services, the Department of Justice, or another Federal agency can compete for grants for technical assistance, training, and evaluations.

(b) PURPOSE.—Technical assistance shall be provided under this section for the purpose of supporting and assisting State and local courts that handle child abuse, neglect, and dependency matters to effectively carry out new responsibilities enacted as part of the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) and to speed the process of adoption of children and legal finalization of permanent families for children in foster care by improving practices of the courts involved in that process.

(c) ACTIVITIES.—Technical assistance consistent with the purpose described in subsection (b) may be provided under this section through the following:

(1) The dissemination of information, existing and effective models, and technical assistance to State and local courts that receive grants for automated data collection and case-tracking systems and outcome measures.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court (as so defined), and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated interagency interfaces between data bases, and court rules that facilitate timely case processing.

(4) The development and dissemination of training models for judges, attorneys representing children, agency attorneys, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs.

(5) The development of standards of practice for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed



special advocate (CASA) programs, and parents in such proceedings.

(d) **TRAINING REQUIREMENT.**—Any training offered in accordance with this section to judges or other judicial personnel shall be offered in collaboration with the judicial conference or other appropriate judicial governing body operating with respect to the State in which the training is offered.

(e) **DEFINITIONS.**—In this section, the terms “agency attorneys”, “abuse and neglect courts”, and “attorneys representing children” have the meanings given such terms in section 475 of the Social Security Act (42 U.S.C. 675) (as amended by section 3(b) of this Act).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to carry out this section \$5,000,000 for the period of fiscal years 2001 through 2005.

S. 2272

*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 “Strengthening Abuse and Neglect Courts Act of 2000”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation’s child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child’s health and safety must be the paramount consideration when any decision is made regarding a child in the Nation’s child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation’s already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation’s abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation’s abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court

hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation’s abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and “best practices” standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation’s abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation’s abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child’s stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

#### SEC. 3. DEFINITIONS.

In this Act:

(a) **ABUSE AND NEGLECT COURTS.**—The term “abuse and neglect courts” means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) **AGENCY ATTORNEY.**—The term “agency attorney” means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administering the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

#### SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) **AUTHORITY TO AWARD GRANTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court’s performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) **LIMITATIONS.**—

(A) **NUMBER OF GRANTS.**—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) **PER STATE LIMITATION.**—Not more than 2 grants authorized under this section may be awarded per State.

(C) **USE OF GRANTS.**—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) **INFORMATION REQUIRED.**—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of

parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating

in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend \$1 for every \$3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(1) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State

courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for the period of fiscal years 2001 through 2005.

#### SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) **USE OF FUNDS.**—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) **NUMBER OF GRANTS.**—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) **AVAILABILITY OF FUNDS.**—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) **REPORT ON USE OF FUNDS.**—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) **AUTHORIZATION OF APPROPRIATION.**—There are authorized to be appropriated for fiscal year 2001 \$10,000,000 for the purpose of making grants under this section.

#### **SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.**

(a) **GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.**—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) **LIMITATION ON ADMINISTRATIVE EXPENDITURES.**—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) **DETERMINATION OF URBAN AND RURAL AREAS.**—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the De-

partment of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to make the grant authorized under this section, \$5,000,000 for fiscal year 2001.●

Mr. ROCKFELLER. I am proud to join Senator DEWINE and other concerned colleagues in introducing two bills that are related and designed to help strengthen our court systems that preside over the child abuse and neglect cases. If we want the child welfare system to work well, we must invest in improving our courts, as well as our State agencies. We need to reduce the backlog of cases. We need to invest in computer systems so that the courts keep track of these children. We need to train judges and court personnel so that they can make the tough decisions required by the 1997 Adoption Act to make a child's safety, health, and permanency paramount.

These two bills are identical to a package we introduced last year, but we hope dividing the legislation into separate bills will streamline consideration. Both bills are urgent.

These bills build on the foundation of the Adoption and Safe Families Act, passed in October 1997. For the first time, this law established that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely decisionmaking in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened child abuse and neglect courts.

Our courts play a vital role in the Nation's child protection system. Through my discussions with judges in my State of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system have placed a tremendous burden on our abuse and neglect courts.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozen of judges—especially in my

State of West Virginia—who maintained that the biggest problems facing their courts are the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why the Strengthening Abuse and Neglect Courts Act authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future. Grants would also be established to fund computer tracking systems for courts to prevent backlog and ensure timely consideration and information.

We also seek to expand the successful Court-Appointed Special Advocate (CASA) Program. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The bill provides CASA with a \$55 million grant to expand its programs into underserved inner cities and rural areas.

The second bill, the TAKE CARE Act, Training and Knowledge Ensure Children a Risk-free Environment, recognizes the need for improved training, continuing educational opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of "best practice" standards for those attorneys representing the agencies in abuse and neglect cases. It extends the federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-training agency and court personnel and training that focuses on vital subjects such as new research on child development.

Abused and neglected children depend upon the courts to decide their safety and to find a permanent home. This is what children need, and too many are waiting. We should move swiftly on the Strengthening Abuse and Neglect Courts Act and the TAKE CARE Act to help such vulnerable children.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, and Mr. REED):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid Program for such children; to the Committee on Finance.

#### FAMILY OPPORTUNITY ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today with my colleagues Senators KENNEDY, JEFFORDS and HARKIN in introducing the Family Opportunity Act of 2000. This new legislation will make life easier for many families and their children.

When you're a parent, your main objective is to provide for your child to the best of your ability. If it takes a 12-hour day in the field or in the factory, that's what you do. Our federal government takes this goal and turns it upside down for parents of children with special health care needs.

The government forces these parents to choose between family income and their children's health care. That's a terrible choice. Families must have a low income to qualify their children for both Medicaid and federal disability benefits. This means parents often refuse jobs, pay raises and overtime just to preserve access to Medicaid for their child with disabilities.

Families have to remain in poverty just to keep Medicaid.

Obviously this affects entire families, not just the child with the health care needs. Melissa Arnold, an Iowan, has a 17-year-old son who can't work even part-time for fear of jeopardizing his brother's Medicaid coverage. Ms. Arnold has accepted several promotions without the pay raises she's earned. Despite these challenges, this family has stayed together.

In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services. Why is Medicaid so desirable? It's critical to the well-being of children with multiple medical needs. It covers a lot of services that these children need, such as physical therapy and medical equipment.

Private health plans often are much more limited in what they cover. Many parents can't afford needed services out-of-pocket. Today, my colleagues and I will introduce legislation to fix the Catch-22 for parents of children with disabilities.

Our bill, the Family Opportunity Act of 2000, creates a state option to allow working parents who have a child with a disability to keep working and to still have access to Medicaid for their child. Parents would pay for Medicaid coverage on a sliding scale. No one would have to become impoverished or stay impoverished to secure Medicaid for a child.

Our bill also establishes family-to-family health information centers. These centers would be staffed by ac-

tual parents of children with special needs as well as professionals. They would provide information to families trying to arrange health services for their children.

The Family Opportunity Act of 2000 is modeled after last year's successful Work Incentives Improvement Act. Under that law, adults with disabilities can return to work and not risk losing their health care coverage. Parents of children with disabilities should have the same opportunities as adults with disabilities.

Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators GRASSLEY, JEFFORDS, and HARKIN in introducing the Family Opportunity Act of 2000. Our goal is to help children with disabilities by removing the health care barriers that so often prevent families from staying together and staying employed.

Despite the extraordinary growth and prosperity the country is enjoying today, families of disabled children and special needs children continue to struggle to keep their families together, live independently and become fully contributing members of their communities.

More than 8% of children in this country have significant disabilities. Yet many of them do not have access to the health services they need to maintain and prevent deterioration of their health. Too often, to obtain needed health services for their children under Medicaid, families are forced to become poor, stay poor, put their children in institutions, or give up custody of their children entirely. No parent should be faced with that unacceptable choice.

In a recent survey of 20 states, 64% families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family—so that their children can stay eligible for Medicaid through SSI, the Social Security Income Program.

Today we are introducing legislation to close the health care gap for vulnerable families, and enable them to obtain the health care their disabled children deserve.

The Family Opportunity Act of 2000 will remove the unfair barriers that deny needed health care to so many disabled children and special needs children.

It will make health insurance coverage more widely available for children with significant current disabilities, by enabling parents to buy-in to Medicaid at an affordable rate.

It will enable states to develop a demonstration program to provide a Medicaid buy-in for children with potentially significant disabilities—those who will become severely disabled if they do not receive health services.

It will establish Family to Family Information Centers in each state to help families with special needs children.

The passage of the Work Incentives Improvement Act last year demonstrated the nation's commitment to help adults with disabilities obtain the health services they need, in order to lead independent and productive lives. The legislation we are introducing today makes a similar commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation. Disabled children and their families across the country deserve this help in achieving their dreams and participating fully in the social and economic mainstream of our nation.

Mr. JEFFORDS. Mr. President, I am very pleased to join my colleagues, Senators GRASSLEY, KENNEDY and HARKIN in introducing the Family Opportunity Act of 2000. We are taking the right step, the logical step, and a much needed step.

The last bill signed into law in the 20th Century was the Work Incentives Improvement Act. Through it, we extended health care coverage to adults with disabilities who work, by allowing them to buy-in to Medicaid coverage regardless of their income. Tomorrow, we set out to help children with disabilities by introducing the Family Opportunity Act. This legislation will create a similar Medicaid buy-in option for families of children with disabilities.

When a child is born, it is a time for joy, hope, and dreams. If the child has a serious medical condition that may lead to a significant disability, or if the child is born with a disability, these feelings are often put on hold. Instead, the families of these children must concentrate on some basic facts, facts that may be a matter of life and death. These facts will shape the quality of life that the family can offer the child. The family will have to answer some important questions. First, do they have health insurance? If so, does the insurance cover the cost of the specialized services that their child needs? Families who answer 'NO' to these questions are overwhelmed and fearful, and their vision of the future is filled with uncertainty.

Every day, children in America are born with severe disabilities that require specialized health care services. Too often, the parents of these children do not have health care coverage or their coverage does not cover the needed services. These families do not have many options. Their child can receive health care coverage only if the family is poor, or if the family gives the child up to the state. We have all heard heart wrenching stories, but none are more traumatic than these.

The Family Opportunity Act of 2000 is a solution to this tragic problem. Children without health insurance will now be covered. Those children with

disabilities whose health insurance does not cover the services they need, will also be covered. Children with significant disabilities will no longer be denied the health care coverage they need, regardless of their family's income. Their families will, however, be expected to contribute to the cost of coverage. In addition, these families will have access to assistance from a Family Health Information Center. This service will provide families with information about their options and will help them exercise these options. Their children will receive the care they need and deserve.

Data from the Social Security Administration indicates that in December 1999 there were 1,080 Vermont children with disabilities eligible for Medicaid. That means that the families of these children are poor. Some of these families have chosen to keep their income under the prescribed limits in law, so that they can access health care through Medicaid for their child with a disability. These families cannot access health care coverage for their children through the private sector.

With the Family Opportunity Act everyone wins. Through Medicaid, children with disabilities will receive the health care services they desperately need. Through the Family Health Information Centers, their families will be provided with the right information at the right time. Families will be able to make key medical decisions that will maximize the quality of life for their children with disabilities. And, the federal and state governments will have a cost-effective program to help children and families in need.

The Family Opportunity Act of 2000 will make time for joy, hope, and dreams, for families of children with special needs. This is a good start to the 21st Century.

Mr. HARKIN. Mr. President, today, I rise in support of the Family Opportunity Act of 2000. I commend my colleague from Iowa, Senator GRASSLEY, for his work on this important piece of legislation. I also thank Senator KENNEDY for his continued leadership on these issues. This bill would help many children across the country get the services they need to grow up and become independent and productive members of society. And, it will help their families stay afloat financially.

I am always encouraged when issues affecting individuals with disabilities and their families rise above partisan lines. Disability is not a partisan issue. President Bush understood that. Bob Dole understands that. And I am glad to see that my fellow senator from Iowa has joined me in the fight to ensure that children with disabilities and their families get a fair shake in life.

Just last year the Congress and the President agreed that we should remove barriers to work for people with disabilities in our national programs when it passed the Ticket to Work and Work Incentives Improvement Act of

1999 into law. The Family Opportunity Act builds on that bipartisan agreement and says that we should also remove barriers to work for families of children with disabilities. Right now, many families are forced to spend down their savings and earnings on specialized services for their children because their private insurance won't cover them. Other families give up jobs and promotions so that they continue to qualify for Medicaid.

This is wrong for two reasons. First, it's the child that suffers if appropriate services aren't available due to high cost and lack of insurance coverage. Second, if a family is forced to pay for expensive services time and again or forced to give up an employment opportunity, the entire family is pushed to edge financially. As a result, the family can become impoverished or forced to give up custody of their child in order to secure appropriate Medicaid services.

This bill provides a commonsense solution to the problem. The bill allows States to offer Medicaid coverage to children with severe disabilities living in middle-income families through a buy-in program. Children will get the right early intervention services, rehabilitation and long-term therapies, and medical equipment they need to keep pace and grow into adulthood. And, parents will no longer have to sacrifice a job, a raise, or overtime so they can stay inside the income bracket that qualifies their child for SSI/Medicaid.

Perhaps most importantly, this bill will ensure that children get the services they need to stay at home with their families. Keeping families strong is the best therapy for everyone—the child, the family, and the entire community.

Finally, the Family to Family Health Information Centers included in the bill will ensure every family knows what about the services and opportunities that are available to them. I know this type of information exchange works because I've taken the lead to fund similar programs in the Labor-HHS appropriations bill.

Ten years ago, as the chief sponsor of the Americans with Disabilities Act, I said on the Senate floor that I wanted every child and individual with a disability to have an equal opportunity to participate in all aspects of American life.

Since that time, I have worked hard to ensure that every national program encourages independence and self-sufficiency for individuals with disabilities. Each step we take to live up to the promise of the Americans with Disabilities' Act is progress. Last year's Ticket to Work and Work Incentives Improvement was a big step toward equality. The Family Opportunity Act builds on that legislation.

In my mind, the Medicaid Community Attendant Services Act (MiCASSA), introduced by myself and Senator SPECTER last fall, takes the next big step toward fulfilling the

promise of the ADA. Given a real choice, most Americans who need long-term services and supports would prefer to receive them in home and community settings rather than in institutions. And yet, too often decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need. Research has revealed a significant bias in the Medicaid program toward reimbursing services provided in institutions over services provided in home and community settings (75 percent of Medicaid funds pay for services provided in institutions).

Long-term services and supports provided under the Medicaid program must meet the evolving and changing needs and preferences of individuals. No individual should be forced into an institution to receive reimbursement for services that can be effectively and efficiently delivered in the home or community. Individuals must be empowered to exercise real choice in selecting long term services and supports that meet their unique needs. Federal and State Medicaid policies should facilitate and be responsive to and not impede an individual's choice in selecting needed long-term services and supports.

MiCASSA would eliminate the bias in Medicaid law toward institutional care by providing that states offer community attendant services and supports as well as institutional care for eligible individuals in need of long term services and supports. The legislation also assists states develop and enhance comprehensive statewide systems of long-term services and supports that provide real consumer choice consistent with the principle that service and supports should be provided in the most integrated setting appropriate to meeting the unique need of the individual.

I look forward to building further bipartisan agreement on both pieces of legislation. This is an exciting time for disability policy.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

THE OIL SUPPLY IMPROVEMENT ACT

Mrs. BOXER. Mr. President, gasoline prices have reached astronomical levels. Nowhere has this price increase been more apparent than in California. For several years now, we have been experiencing gasoline prices well above what the rest of the nation has faced.

But now, this problem, which started on the West Coast, has moved east and is affecting everyone. On Monday, the Energy Information Administration reported that the average price of gasoline in the United States was \$1.52 per gallon—the tenth straight week gasoline prices have gone up. That price is

52 cents higher than the national average price just one year ago.

As I said, in California, the problem is even worse. The average price for a gallon of gasoline is now \$1.79—up 57 cents per gallon from this time last year.

These prices are all-time highs.

Mr. President, I believe that there are several steps that can be taken to address this problem and to help American consumers. We should impose a moratorium on major oil company mergers. We must have vigorous enforcement of the antitrust laws. We should increase the Corporate Average Fuel Economy standard for SUVs and light trucks so that it equals the standard for cars. And, we should ban the exportation of crude oil from Alaska's North Slope.

I want to talk about this last suggestion, because it is the subject of a bill I am introducing today, called the Oil Supply Improvement Act.

For 22 years—from 1973 to 1995—the export of Alaska North Slope oil was banned. We banned it to reduce our dependence on imported oil and to keep gasoline prices down.

Unfortunately, at the behest of oil producers—and despite warnings of higher gasoline prices—the ban was lifted in 1995. Clearly, the fears of those of us who opposed lifting the ban have become reality. The General Accounting Office has confirmed that lifting the export ban resulted in an increase in the price of crude oil by about \$1 per barrel.

In fact, some oil companies have used their ability to export this oil to keep the price of gasoline on the West Coast artificially high. The Federal Trade Commission makes this charge in its lawsuit to block the merger of BP-Amoco and Arco. That suit also alludes to secret internal company documents showing that there was price manipulation. Alaska North Slope oil was exported specifically to keep gasoline prices on the West Coast high.

Mr. President, I am not suggesting that this bill alone is the complete solution. It is only one piece of the puzzle, and only one of the things that I am suggesting. But when we have an energy shortage in this country, we should not be sending the oil in this country somewhere else.

This is oil that is on public lands—and that is transported along a federal right-of-way. Taxpayers own this product. In this time of an energy shortage, it is time to put American consumers and industry first.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

A MILLION QUALITY TEACHERS ACT

Mr. FRIST. Mr. President, I rise today to introduce A Million Quality

Teachers Act. Thomas Jefferson once observed that of all the bills in the federal code, "by far the most important is that for the diffusion of knowledge among the people." "No surer foundation," he said, "can be devised for the preservation of freedom and happiness."

Unfortunately, our current foundation of elementary and secondary education is grossly inadequate to enable American children of all income levels and backgrounds to best realize the "American dream" and the economic freedoms that the "American dream" encapsulates.

Most companies dismiss the value of a high school diploma. Twelfth grade students in the United States rank near the very bottom on international comparisons in math and science. The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests.

High school graduates are twice as likely to be unemployed as college graduates (3.9% vs. 1.9%). Moreover, the value of a college degree over a high school degree is rising. In 1970, a college graduate made 136% more than a high school graduate. Today it is 176%. Even more ominous are labor participation rates for high school graduates in an information economy. While labor force participation for adults is at an all time high in the American economy, this boom has masked a 10% decline in participation rates for high school graduates since 1970 from 96.3% to 86.4%.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

The Senate has begun to consider the reauthorization of the Elementary and Secondary Education Act (ESEA). As a member of the Senate Health, Education, Labor, and Pensions Committee, I have worked hard to ensure that we change the current focus of our federal education effort from a confusing, duplicative, categorical system that relies on inputs to one that focuses on effectiveness and on increased student achievement as a result.

The bill that I introduce today is a good complement to the ESEA bill that we will soon debate on the Senate floor. We have all heard about the impending teacher shortage. The Department of Education estimates that we will need over 2.2 million new teachers in the next decade to meet enrollment increases and to offset the large number of baby boomer teachers who will soon be retiring. Additionally, although America has many high-quality

teachers already, we do not have enough, and with the impending retirement of the baby boomer generation of teachers, we will need even more.

the President and many Senate Democrats want to continue to devote significant resources to reducing class size, and the concept to hire more teachers isn't a bad idea. Studies have shown that smaller class size may improve learning under certain circumstances. But class size is only a small piece in the bigger puzzle to improve America's education system, not the catapult that will launch us into education prosperity.

My bill takes the class size reduction money and redirects it to strengthening and improving teacher quality. Tennessee's own William Sanders, a professor at the University of Tennessee, has pioneered the "value-added" system of measuring the effectiveness of a teacher. His research demonstrates that teacher quality has a greater effect on student performance than any other factor—including class size and student demographics. He goes on to say that, "When kids have ineffective teachers, they never recover." According to noted education economist and researcher Eric Hanushek of the University of Rochester, "the difference between a good and a bad teacher can be a full level of achievement in a single year."

Unfortunately, there are too many teachers in America today who lack proper preparation in the subjects that they teach. My own state of Tennessee actually does a good job of ensuring that teachers have at least a major or minor in the subject that they teach—well enough to receive a grade of A in that category on the recent Thomas Fordham Foundation report on teacher quality in the states. Even in Tennessee, however, 64.5% of teachers teaching physical science do not even have a minor in the subject. Among history teachers, nearly 50% did not major or minor in history. Many other states do worse.

Additionally, there is consensus that we are not attracting enough of the best and the brightest to teaching, and not retaining enough of the best of those that we attract. According to Harvard economist Richard Murnane, "College graduates with high test scores are less likely to become teachers, licensed teachers with high test scores are less likely to take jobs, employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return."

A Million Quality Teachers seeks to change that by recruiting, and helping states recruit into the teaching profession top-quality students who have majored in academic subjects. We want teachers teaching math who have majored in and who love math. We want teachers teaching science who have majored in and who love science. This bill helps draw those students into teaching for a few years at the very

least, and studies have shown that new teachers are most effective in the first couple of years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

While teachers are one of our nation's most critical professions, it is often very difficult to attract highly skilled and marketable college students and graduates because of a profound lack of competitive salaries and the burden of student loans. In addition to the loan forgiveness and alternative certification stipends, the legislation will allow states to use up to \$1.3 billion originally designated in a lump sum to hire more teachers to instead allow the states to use that money more creatively in programs to attract the kind of quality teachers they need but cannot afford. Using innovative tools already tested by many states, such as signing bonuses, loan forgiveness, payment of certification costs, and income tax credits, states will be able to once again make teaching an attractive and competitive career for our brightest college graduates. Additionally, the legislation does not limit states to these tools, but allows them to receive grants to continue testing other innovative and new programs for the same purposes.

There are two parts to the bill:

Part I is a competitive grant program for States to enable them to run their own innovative quality teacher recruitment, retention and retraining programs. Part II is a loan forgiveness and alternative certification scholarship program to entice individuals with strong academic backgrounds into teaching.

The State grant program will help States focus on recruitment, retention and retraining in the way that best serves the individual State. Some states may decide to offer a teacher signing bonus program like the widely publicized and very successful program in Massachusetts. Other states may choose to institute teacher testing and merit pay, or to award performance bonuses to outstanding teachers. The program is very flexible, yet the State must be accountable for improving the quality of teachers in that State.

States who participate must submit a plan for how they intend to use funds under the program and how they expect teacher quality to increase as a result, including the expected increase in the number of teachers who majored in the academic subject in which they teach, and the number of teachers who received alternative certification, if the funds are used for recruitment activities. If the funds are used for retention or retraining, the State must focus on how the program will decrease teacher attrition and increase the effectiveness of existing teachers.

States must also report at the end of the three-year grant on how the program increased teacher quality and increased the number of teachers with academic majors in the subjects in

which they teach and the number of teachers that received alternative certification and/or how the program decreased teacher attrition and increased the effectiveness of existing teachers.

The loan forgiveness provision is different than loan forgiveness already in current law in that it targets a different population: students in college or graduate school today who are excelling in an academic subject. The purpose is to attract students into teaching who might not otherwise choose to pursue a teaching career and who are majoring in an academic subject.

Any eligible student may take advantage of the loan forgiveness and deferral. An eligible student has majored in a core academic subject with at least a 3.0 GPA and has not been a fulltime teacher previously. Loan payments are deferred for as long as the student is obtaining alternative certification or teaching in a public school.

The federal government would actually forgive:

35% of all federally subsidized or guaranteed loans after the first two years that an eligible student teaches;

For the next two years, an additional 30% is forgiven;

After 6 years, an additional 20% is forgiven; and

After 8 years, the remaining 15% of the loan obligation is eliminated.

The premise is that teaching is or will soon be like other professions where there is at least some degree of transience. In fact, recent studies show that most new teachers leave within four years. But these studies also show that new teachers are most effective in the first few years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

Alternative certification stipends will provide a seamless transition for a student from school into teaching. The bill provides stipends to students who have received their academic degrees from a college or university in order to obtain certification through alternative means. Students who have received assistance under the loan forgiveness section get first priority, but any student who has received a bachelor's or advanced degree in a core academic subject with a GPA of at least 3.0 and who has never taught full-time in a public school is eligible.

Students would receive the lesser of \$5,000 or the costs of the alternative certification program, in exchange for agreeing to teach in a public school for 2 years.

There is also a small amount of money available to the Department of Education for the purposes of notifying eligible students of the loan forgiveness and alternative certification stipend programs and contracting with outside groups of broaden public awareness of the program, including to advertise it in various media formats.

A Million Quality Teachers is a good complement to the Teacher Empower-

ment Act contained in the ESEA proposal voted out of the HELP Committee by a 10-8 vote. The Teacher Empowerment Act (TEA) directs federal funds to local education agencies for professional development, recruitment and class size reduction, while A Million Quality Teachers directs federal funds to states for statewide initiatives like the very successful Massachusetts teacher signing bonus program. A Million Quality Teachers also addresses the pressing need for more highly-qualified teachers in light of the teacher shortage by providing appropriate incentives to top students in order to entice them into the teaching profession.

The job of every new generation is to meet civilization's new problems, improve its new opportunities, and explore its ever-expanding horizons, creating dreams not just for themselves, but for all who come after. Our job—the job of the current generation—is to help them do just that. Learning is the future. Education is the key. I think it's time we embarked upon a national effort to bring up to a standard demanded by the challenge, and improving teacher quality is the first step. I hope that my colleagues will concur.

#### ADDITIONAL COSPONSORS

S. 71

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

C. 135

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 546

At the request of Mr. DORGAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Indiana (Mr.



LUGAR) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 818

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 931

At the request of Mr. MCCONNELL, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1180

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1364

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and

stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1690

At the request of Mr. MACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve on-site inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexi-

bility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1941

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and fire-fighting personnel against fire and fire-related hazards.

S. 1977

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1977, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 1997

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2032

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2032, a bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2068, a bill to prohibit

the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2262

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2262, a bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2265

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 96

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 96, concurrent resolution recognizing and honoring members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service in the Armed Forces of the United States.

S. RES. 271

At the request of Mr. WELLSTONE, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from

Florida (Mr. MACK) were added as cosponsors of S. Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

S. RES. 276

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 276, a resolution to express the sense of the Senate that the conferees on the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act should submit the conference report on the bill before April 20, 2000, and include the gun safety amendments passed by the Senate.

## AMENDMENTS SUBMITTED

### LEGISLATION TO IMPROVE THE FEDERAL CROP INSURANCE ACT

#### LUGAR (AND OTHERS) AMENDMENT NO. 2887

Mr. LUGAR (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. KERREY, and Mr. GRAMS) proposed an amendment to the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes; as follows:)

On page 2, strike the table of contents and insert the following:

Sec. 1. Short title; table of contents.

#### TITLE I—CROP INSURANCE COVERAGE

Sec. 101. Quality adjustment.

Sec. 102. Prevented planting.

Sec. 103. Payment of portion of premium by Corporation.

Sec. 104. Assigned yields.

Sec. 105. Multiyear disaster actual production history adjustment.

Sec. 106. Noninsured crop disaster assistance program.

Sec. 107. Crop insurance coverage for rice.

#### TITLE II—RESEARCH AND PILOT PROGRAMS

Sec. 201. Research and pilot programs.

Sec. 202. Research and development contracting authority.

Sec. 203. Choice of risk management options.

Sec. 204. Risk management innovation and competition pilot program.

Sec. 205. Education and research.

Sec. 206. Conforming amendments.

#### TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.

Sec. 302. Good farming practices.

Sec. 303. Sanctions for program noncompliance and fraud.

Sec. 304. Oversight of agents and loss adjusters.

Sec. 305. Adequate coverage for States.

Sec. 306. Records and reporting.

Sec. 307. Fees for plans of insurance.

Sec. 308. Limitation on double insurance.

Sec. 309. Specialty crops.

Sec. 310. Federal Crop Insurance Improvement Commission.

Sec. 311. Highly erodible land and wetland conservation.

Sec. 312. Projected loss ratio.

Sec. 313. Compliance with State licensing requirements.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Improved risk management education.

Sec. 402. Sense of the Senate regarding the Federal crop insurance program.

#### TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

Sec. 501. Effective dates.

Sec. 502. Termination of authority.

On page 7, strike lines 13 through 15 and insert the following:

"(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years."

On page 10, line 2, strike "or greater than 75 percent" and insert "75, 80, or 85 percent".

On page 13, line 5, strike "or greater than".

On page 13, strike lines 20 through 22 and insert the following:

"(F) In the case of additional coverage equal to 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004."

On page 23, after line 25, add the following:

#### SEC. 107. CROP INSURANCE COVERAGE FOR RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

"(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion."

On page 25, line 13, strike "and".

On page 25, line 15, strike the period at the end and insert a semicolon.

On page 25, between lines 15 and 16, insert the following:

"(H) subject to paragraph (7), after October 1, 2000, salmon; and

"(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as 'sharka'), including quarantined trees or fruit.

On page 27, line 2, strike "\$20,000,000" and insert "\$10,000,000".

On page 27, line 4, strike "\$40,000,000" and insert "\$30,000,000".

On page 27, line 6, strike "\$60,000,000" and insert "\$50,000,000".

On page 27, line 8, strike "\$80,000,000" and insert "\$60,000,000".

On page 27, line 10, insert "(3)(H)," after "(3)(G)."

On page 32, line 17, strike "and".

On page 32, line 20, strike the period and insert "; and".

On page 32, between lines 20 and 21, insert the following:

"(IV) results in not less than 10 percent of payments being made to producers in States with significant agricultural sectors and traditionally low rates of participation in the Federal crop insurance program.

On page 41, line 17, strike "516(b)(2)(C)" and insert "516(a)(2)(C)".

On page 44, strike line 19 and insert the following:

period at the end and inserting "; and"; and

On page 45, strike line 2 and insert the following:

fiscal year."

On page 45, strike line 3 and insert the following:

#### **SEC. 204. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.**

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

"(d) RISK MANAGEMENT INNOVATION AND COMPETITION.—

"(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

"(A) develop and offer innovative risk management products to producers;

"(B) rate premiums for risk management products; and

"(C) competitively market the risk management products.

"(2) ESTABLISHMENT.—

"(A) IN GENERAL.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

"(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

"(ii) rates of premium for the risk management product; or

"(iii) underwriting systems for the risk management product.

"(B) SUBMISSION TO BOARD.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

"(C) DETERMINATION BY BOARD.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

"(i) the interests of producers of commodities are adequately protected by the risk management product;

"(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

"(iii) the underwriting system of the risk management product is appropriate and adequate;

"(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

"(v) the size of the proposed pilot area is adequate;

"(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

"(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

"(D) CONFIDENTIALITY.—

"(i) IN GENERAL.—All information concerning a risk management product shall be considered to be confidential commercial or

financial information for the purposes of section 552(b)(4) of title 5, United States Code.

"(ii) STANDARD.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

"(3) MARKETING OF RISK MANAGEMENT PRODUCTS.—

"(A) DEFINITION OF ORIGINAL PROVIDER.—In this paragraph, the term 'original provider' means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

"(B) AUTHORITY TO MARKET.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

"(C) FEE.—

"(i) IN GENERAL.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

"(ii) AMOUNT.—The original provider shall determine the amount of the fee under clause (i)."

#### **SEC. 205. EDUCATION AND RESEARCH.**

Section 522 of the Federal Crop Insurance Act (as amended by section 204) is amended by adding at the end the following:

"(e) EDUCATION AND RESEARCH.—

"(1) IN GENERAL.—Subject to the amounts made available under paragraph (4), the Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for each of fiscal years 2002 through 2004.

"(2) EDUCATION AND INFORMATION PROGRAM.—The Corporation shall establish a program of education and information for producers in States with traditionally low rates of participation in the Federal crop insurance program.

"(3) RESEARCH AND DEVELOPMENT PROGRAM.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation by producers in States with traditionally low rates of participation in the Federal crop insurance program.

"(4) FUNDING.—From amounts made available under section 516(a)(2)(C) for the choice of risk management options pilot program, the Corporation shall transfer to—

"(A) the education and information program established under paragraph (2)—

"(i) \$5,000,000 for fiscal year 2002;

"(ii) \$6,000,000 for fiscal year 2003; and

"(iii) \$7,000,000 for fiscal year 2004; and

"(B) the research and development program established under paragraph (3), \$3,000,000 for each of fiscal years 2002 through 2004."

#### **SEC. 206. CONFORMING AMENDMENTS.**

On page 65, line 23, strike "section 102(a)" and insert "section 107".

On page 65, line 25, strike "(8)" and insert "(9)".

On page 72, lines 18 and 19, strike "section 204(a)(2)" and insert "section 206(a)(2)".

On page 77, strike lines 1 through 7 and insert the following:

"(2) PURCHASE DURING INSURANCE PERIOD.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines

that the risk associated with the crop can be adequately rated.

On page 79, strike line 8 and all that follows through page 91, line 11, and insert the following:

#### **SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.**

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

#### **"SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.**

"(a) DEFINITIONS.—In this section:

"(1) COMMISSION.—The term 'Commission' means the Federal Crop Insurance Improvement Commission established by subsection (b).

"(b) ESTABLISHMENT OF COMMISSION.—There is established a Commission to be known as the 'Federal Crop Insurance Improvement Commission'.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Commission shall be composed of the following 13 members:

"(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

"(B) The manager of the Corporation.

"(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

"(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

"(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

"(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

"(G) 2 agricultural economists from academia, appointed by the Secretary.

"(H) 2 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

"(2) TIME OF APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

"(3) TERM.—A member of the Commission shall serve for the life of the Commission.

"(d) DUTIES.—The Commission shall review and make recommendations concerning the following issues:

"(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

"(2) Whether the Corporation should—

"(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

"(B) provide assistance in another form, such as by acting as an excess insurer.

"(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

"(4) How to focus research and development of new insurance products to include the development of—

"(A) new types of products such as combined area and yield and whole farm revenue coverages; and

"(B) insurance products for specialty crops.

"(5) The use by the Corporation of private sector resources under section 507(c).

"(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

“(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

“(A) delivery of reasonably priced crop insurance products to agricultural producers;

“(B) loss adjustment procedures;

“(C) good farming practices;

“(D) the establishment of premiums; and

“(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

“(e) COMMISSION OPERATIONS.—

“(1) CHAIRPERSON; VOTING.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

“(A) serve as Chairperson of the Commission; and

“(B) vote in the case of a tie.

“(2) MEETINGS.—The Commission shall meet regularly, but not less than 6 times per year.

“(3) DISCLOSURE.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

“(f) FINAL REPORT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

“(2) COPIES.—The Commission shall provide copies of the final report to—

“(A) the Secretary; and

“(B) the Board.

“(3) INTERIM REPORTS.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

“(g) TERMINATION.—The Commission shall terminate on the earlier of—

“(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

“(2) September 30, 2004.

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

On page 92, strike lines 7 through 13 and insert the following:

#### SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

“(2) PROJECTED LOSS RATIO.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

“(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

“(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.”.

#### SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 206(a)(1)) is amended by adding at the end the following:

“(n) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—Any person that sells or solicits the purchase of a policy or plan of in-

surance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.”.

#### TITLE IV—MISCELLANEOUS PROVISIONS.

##### SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

##### “SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

“(a) DEFINITIONS.—In this section:

“(1) CENTER.—The term ‘Center’ means a Risk Management Education Coordinating Center established under subsection (c)(1).

“(2) LAND-GRANT COLLEGE.—The term ‘land-grant college’ means any 1862 Institution, 1890 Institution, or 1994 Institution.

“(b) PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

“(2) PURPOSE.—The program shall be designed to assist a producer to develop the skills necessary—

“(A) to understand the financial health and capability of the producer’s operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

“(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

“(C) to understand legal, governmental, environmental, and human resource issues that impact the producer’s operation.

“(c) COORDINATING CENTERS.—

“(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

“(2) SITE SELECTION.—

“(A) IN GENERAL.—The Secretary shall locate the Center for a region at—

“(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

“(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

“(B) LAND-GRANT COLLEGES.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

“(d) COORDINATING COUNCIL.—

“(1) ESTABLISHMENT.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

“(2) MEMBERSHIP.—Each council shall consist of a minimum of 5 members, including representatives from—

“(A) public organizations;

“(B) private organizations;

“(C) agricultural producers; and

“(D) the Regional Service Offices of the Risk Management Agency in that region.

“(e) CENTER ACTIVITIES.—

“(1) INSTRUCTION FOR RISK MANAGEMENT PROFESSIONALS.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who work with agricultural producers, including professionals who are—

“(A) extension specialists;

“(B) county extension faculty members;

“(C) private service providers; and

“(D) other individuals involved in providing risk management education.

“(2) EDUCATION PROGRAMS FOR PRODUCERS.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

“(3) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

“(4) COORDINATION OF RESOURCES.—

“(A) IN GENERAL.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

“(B) USE OF AVAILABLE EXPERTISE.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, non-governmental organizations, government agencies, and the private sector.

“(f) GRANTS.—

“(1) SPECIAL GRANTS.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

“(2) COMPETITIVE GRANTS.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

“(g) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—The National Agriculture Risk Education Library shall—

“(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

“(2) provide a means for the electronic delivery of risk management information and materials.

“(h) FUNDING PROVISIONS.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2001 and each subsequent fiscal year.

“(2) DISTRIBUTION.—

“(A) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

“(B) CENTERS.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

“(C) ADMINISTRATION BY LAND-GRANT COLLEGES.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described

in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

“(3) PROHIBITION ON CONSTRUCTION.—

“(A) LOCATION OF CENTERS.—Each Center shall be located in a facility in existence on the date of enactment of this section.

“(B) PROHIBITION.—Funds provided under this section shall not be used to carry out construction of any facility.

“(i) EVALUATION.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).”

#### SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled “General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities”, published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rule-making process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

#### TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

##### SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this

Act take effect on the date of enactment of this Act.

On page 92, line 15, insert “subsection (c)(2) and” after “carry out”.

On page 92, line 17, strike “204” and insert “206”.

Beginning on page 92, strike line 23 and all that follows through page 93, line 9, and insert the following:

(2) INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS OF DURUM WHEAT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(B) BASE AND HARVEST PRICES.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(C) REINSURANCE.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(D) VOIDING OF BULLETIN.—Bulletin MGR-99-004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(E) EFFECTIVE DATE.—This paragraph takes effect on October 1, 2000.

On page 93, line 10, strike “sec. 402.” and insert “sec. 502.”.

On page 94, strike lines 1 and 2 and insert the following:

1508(a) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively.

On page 94, line 5, strike “203” and insert “205”.

On page 94, line 24, strike “subsection (c)” and insert “subsections (c), (d), and (e)”.

#### WELLSTONE AMENDMENT NO. 2888

Mr. WELLSTONE proposed an amendment to the bill, S. 2251, *supra*, as follows:

On page 92, strike lines 7 through 13 and insert the following:

#### TITLE IV—MISCELLANEOUS PROVISIONS

##### SEC. 401. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.

(a) FINDINGS.—Congress finds that—

(1) on March 20–21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

#### TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

##### SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 93, line 10, strike “Sec. 402.” and insert “Sec. 502.”.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and transportation be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 9:30 a.m.

on the nomination of Susan Ness to be a commissioner with the Federal Communications Commission.

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

#### COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 for hearing regarding the Inclusion of a Prescription Drug Benefit in the Medicare Program.

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

#### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 10:00 a.m. for a hearing regarding the Department of Energy's Management of Health and Safety Issues Surrounding DOE's Gaseous Diffusion Plants at Oak Ridge, Tennessee and Piketon, Ohio.

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

#### COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 9:30 a.m. to conduct a hearing on the nomination of Mr. Thomas N. Slonaker to be Special Trustee for American Indians. The hearing will be held in the Committee room, 485 Russell Senate building. The hearing will be preceded by a business meeting to mark up S. 1586, Indian Land Consolidation, and S. 1315, Oil and Gas Leases on Navajo Allotted Lands.

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

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the committee on rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 9:00 a.m., to receive testimony on the Constitution and campaign reform.

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

#### COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs. The hearing will be held on Wednesday, March 22, 2000, at 10:00 a.m., in room 345 of the Cannon House Office Building.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

#### SUBCOMMITTEE ON AIRLAND FORCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 22, 2000, at 2:00 p.m. in open session, to receive testimony on tactical aviation issues.

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

#### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 2:30 p.m., on NASA management.

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

#### SUBCOMMITTEE ON WATER AND POWER

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 22 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on H.R. 862, a bill to direct the Secretary of the Interior to implement provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District; H.R. 992, a bill to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes; H.R. 1235, a bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; H.R. 3077, a bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California to facilitate water transfers in the Central Valley Project; S. 1659, a bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

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

#### SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee

on Antitrust, Business Rights, and Competition be authorized to meet to conduct a hearing on Wednesday, March 22, 2000, at 2:00 p.m., in Dirksen 226.

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

#### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 10:15 a.m. to hold a hearing.

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

#### SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 22, 2000. The purpose of this meeting will be to discuss legislation regarding the appraisal process to make it fair for cabin owners and taxpayers.

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

#### SUBCOMMITTEE ON READINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 9:30 a.m., in open session to receive testimony on the Department of Defense's acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the defense industrial base.

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

#### SUBCOMMITTEE ON SECURITIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, to conduct a hearing on "Trading Places: Markets for Investors."

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

#### MEASURE READ THE FIRST TIME—S. 2267

Mr. GRASSLEY. Mr. President, I understand S. 2267 is at the desk, and I ask that it be read the first time.

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

The assistant legislative clerk read as follows:

A bill (S. 2267) to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

Mr. GRASSLEY. Mr. President, I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

#### ORDERS FOR THURSDAY, MARCH 23, 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 23. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 11 a.m. with the time equally divided between Senator CRAIG or his designee and Senator DURBIN or his designee, and that Senator CRAIG be in control of the first half of the time. Finally, I ask unanimous consent that Senator BAUCUS be allotted up to 10 minutes of the time under the control of Senator DURBIN.

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

#### PROGRAM

Mr. GRASSLEY. For the information of all Senators, at 9:30 a.m. on Thursday, the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 2251, the crop insurance bill. By previous agreement, the Wellstone amendment will be voted on at 11 a.m., with 2 minutes equally divided prior to the vote. Following that vote, the Senate will proceed to a vote on final passage of the bill. Therefore, Senators can expect two back-to-back votes at approximately 11 a.m. During tomorrow's session, the Senate may also begin consideration of any other Legislative or Executive Calendar items cleared for action.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask the Senate

stand in adjournment under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Thursday, March 23, 2000, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate March 22, 2000:

##### DEPARTMENT OF DEFENSE

BRUCE SUNDLUN, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE EAMON M. KELLY, TERM EXPIRED.

##### DEPARTMENT OF TRANSPORTATION

NURIA I. FERNANDEZ, OF ILLINOIS, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE GORDON J. LINTON, RESIGNED.

##### DEPARTMENT OF STATE

LAWRENCE GEORGE ROSSIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

##### NATIONAL SCIENCE FOUNDATION

JOHN A. WHITE, JR., OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

##### DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT. (NEW POSITION)