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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by Rev. Henry E. Eisenhart, National Chaplain, The American Legion, Perkasie, PA. We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Henry E. Eisenhart, National Chaplain, The American Legion, offered the following prayer:

Eternal God of our Nation, within the grandeur of this Capitol and the stateliness of this Chamber, we come humbly but gratefully before Your throne of glory with devout hearts, dedicated minds, and devoted souls united in prayer for wisdom, understanding, and guidance during this session of the Senate.

Direct the day's agenda with perseverance of purpose, devotion of duty, and single-heartedness of spirit to instill the gratification of something attempted, something changed, something done, and something sustained in creating a stronger Nation and a better world.

Mindful of the immeasurable faith of our Founding Fathers in Your providence during perilous times, bless the President of the United States, the Vice President, Members of Congress, and the Armed Forces with incredible courage and determination to face the awesome challenges of a new millennium.

Living under the glorious banner of the Stars and Stripes, bestow divine blessings and great insights on each Senator to stand up, step up, and speak up fearlessly for what is right for America, not only because it affects us, but simply because it is meet and right to do so in truly serving God and Country. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will resume consideration of S. 1768, the emergency supplemental appropriations bill, with a hope of concluding action on the bill during today's session. Hopefully, we can do it by noon. In a moment I would like to address some questions to the manager of the bill, Senator STEVENS, and get a feel for kind of where we are.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education savings account bill, was postponed yesterday and will occur at a time to be determined by the majority leader, as always, and we will notify the Democratic leader when a decision is made on that. And, as always, all Members will be notified when that vote will occur. It is still hoped that an agreement can be worked out with respect to an orderly handling of that bill. I expect we will not have the cloture vote until after we complete the supplemental appropriations, assuming we can get an early completion of that bill.

Members can expect a busy day of floor activity, with votes to occur at least on the cloture and on the supplemental appropriations, perhaps on amendments to either one of those, and also the Senate may consider any executive or legislative items cleared for action.

SUPPLEMENTAL APPROPRIATIONS

I thank the distinguished chairman of the Appropriations Committee for his time and effort on this bill.

Are we to the point where we, hopefully, can maybe complete this bill by noon today? Do you have a feel for that?

Mr. STEVENS. Mr. Leader, I am not certain we can finish by noon. We have probably three to four votes that we believe we will have to have on amendments that are coming, and we still have the problem of the IMF amendment, which is the last amendment to be cleared. But we are now down to a point where we think we have cleared most of the controversial amendments, with the exception of three to four, and I am still working on one of those.

Mr. LOTT. Are you trying to get time agreements and actually go to votes if they are going to be required?

Mr. STEVENS. Yes, I think we will be able to get time agreements on all amendments other than the IMF amendment. On the IMF amendment, the time has already expired. The question is how to dispose of that.

Mr. LOTT. I urge my colleagues on both sides of the aisle, let's see if we can find some way to complete the supplemental appropriations bills. They are emergency appropriations for defense and disasters. Of course, the IMF issue is a separate issue, and I realize there are some disagreements about it and how it should be handled. I personally think that we should find a way to provide the funds, but only—only—if strong conditions are in place to make sure that the American people have confidence these funds are not being misused and we have a chance to see how they are being used.

We have to draw this to a conclusion. We still have a conference to go through, and we have other issues that we desperately need to take up. So I would like again to ask for cooperation on both sides of the aisle so we can complete this legislation.

Mr. STEVENS. If the leader will yield, the Senator from Texas, Senator HUTCHISON, will raise the issue of Bosnia here this morning in a minute. That will take some time this morning. We have, as I said, three other amendments, one dealing with the CDBG

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

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issue, one with the FEMA issue that I am told we may have questions about. So I would say in all probability we will not get around to really dealing with the IMF until right after lunch.

Mr. LOTT. I thank the distinguished manager of the legislation and urge him to keep up his good efforts. At some point I hope he will do as he has been known to do, get very aggressive and help bring this to a conclusion.

I do want to say to the Senator from Texas and others who may speak on Bosnia that I think this is a very important issue and, frankly, I hope it will not be just kind of set aside or swallowed up by the supplemental appropriations bill. The supplemental appropriations bill is urgent. It is for 1 specific fiscal year. The Bosnia issue really is broader than 1 year's emergency appropriations. I agree with the Senator from Texas that we need to get a clearer understanding about what is our mission in Bosnia: Is there a mission creep occurring? How much is it going to cost? I do not think we can just give the President a time period with no end in sight, just an interminable presence. I saw one prediction the other day we might have to have troops in Bosnia for 10 years. Not with my vote.

So I do think we need to have a full discussion about this. I try very hard to be bipartisan—nonpartisan on foreign policy issues. But in Bosnia I have never felt comfortable with what our situation is there, and I still do not.

So I understand what she is trying to do. I hope we can work together to find a time when we can have a full debate on this issue this year. I yield the floor.

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

THE IMF AMENDMENT

Mr. STEVENS. I do thank the leader for raising the issue and urging us to move forward. I urge Senators to come forward and discuss with me and Senator BYRD and our staffs any amendments they may wish to raise. We will insist on a time agreement on amendments that are going to need a vote.

Let me state at the outset, however, the real difficulty with this bill now is the IMF amendment. I think the Senate should realize what the situation is. We had a time agreement on the IMF amendment. That time has been exhausted. At my request, it was set aside to consider other amendments. I have been notified by Members on both sides of the aisle that they will not allow this bill to come to final vote without a vote on that IMF amendment, and that there is some indication of a desire to have that amendment wait for a time when the House passes a separate bill dealing with IMF and other subjects.

I want to state to the Senate that I am normally neutral on most of these subjects but I am not neutral on this subject. The Senator from Hawaii and I have traveled to the Pacific for many years together, and only in February I traveled through the Pacific with several other Members of the Senate. We heard, from New Zealand to Australia and into Hawaii, comments about the Asian flu, what was taking place in Asia. Just recently when I went home, I was exposed to headlines which said, ''Market Sales for Salmon Falling Off.'' I talked to people involved in the coal industry, and they are worried about their markets in Asia. I talked to the people handling the great flow of freight through my State onto the Asian rim, people who handle freight that is on these wide-bodied airplanes. As my friend from Hawaii, Mr. INOUYE, says, most people don't realize that four out of five wide-bodied airplanes that take cargo out of this country go west, not east.

Everyone I have talked to is apprehensive of what is going on. We see our markets declining. We see our customers questioning whether they are going to buy in the future. The other side of the coin is that I had noticed we have already seen signs in Alaska of dumping of goods that are coming in from the Far East, where their markets are declining for consumer goods. They are bringing them to our country. It might be a good thing temporarily, but it is something that is very worrisome to those of us who live on the Pacific rim.

Then I talk to my friends from the great grain belt of the country, and they tell me about the problem of the farmers who found a way to independence by opening up the global markets to our farm products, and the primary place where those farm products were sold, the increased production of our farms has been sold, in the Pacific rim.

The Asian flu is the El Nino of economics. Unless we understand that, unless we understand the fear that is coming in our country, we are liable to make a great mistake. I do not want to see games played with the IMF. The IMF is serious to us, those of us who already have felt the touch of this wind that is coming to us from the Pacific rim. Unless we respond, and respond forcefully, and create the image of being willing to assist these people to come through this economic disaster, we will pay a high price. We will pay a price in not only our markets but in our prestige in the world.

These people are expanding a private enterprise economy in a place where 15 years ago there really was not a private enterprise economy. They have had banks that have failed. So did we, 10 and 15 years ago. We should remember the savings and loan crisis and the other crises in banks we faced.

The IMF reforms that Senator HAGEL, Senator ROBERTS, and others have worked on—Senator GRAMM—are good reforms, and they will bring transparency to the banks and the banking transactions. They will protect consumers in the area affected by the Asian flu. But they will also protect our people who want to sell to those markets and give them greater stability.

The IMF money, to me, is money that creates the image of the United States being aware of what is going on and being willing to help, help in the sense of saying we will be there provided you reform. Crony capitalism cannot be allowed to spread throughout the world. The way we can stop that now is to act, and act forcibly, on IMF.

I am one who is going to vote for IMF. It may be that others want to delay it, others want to handle it in different ways. I want to make sure that the first bill that goes to the President has IMF on it, and I hope the rest of the Senate will agree with me. We will have some discussions when we get to the House, but I want the House to know I am going to be arguing for IMF on the first bill that goes to the President. It should be something we act quickly on, for the benefit of this country.

I am happy to yield the floor. The Senator from Texas has an amendment she wishes to call up, Mr. President.

RESERVATION OF LEADER TIME

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

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The chair lays before the Senate S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell modified amendment No. 2100, to provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.

Faircloth amendment No. 2103, to establish an Education Stabilization Fund to make loans to States for constructing and modernizing elementary and secondary schools.

Stevens (for Nickles) amendment No. 2120, to strike certain funding for the Health Care Financing Administration.

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

Mrs. HUTCHISON. Mr. President, I call up amendment No. 2083.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I see Senator NICKLES on the floor. I believe his amendment would be temporarily set aside. I just would like to know from the Senator about what time we might expect to

have the debate on that? I am glad to be here whatever time. I do not want to interfere with the Senator from Texas, but we are here, ready to debate that now or whatever time the floor manager would like. But I would like at least to get some idea. We are setting the Nickles amendment aside. What is the intention?

Mr. STEVENS. Mr. President, I might state—and the Senator from Oklahoma just raised the same question over here—last evening we had a discussion about how to handle the Bosnia issue. I hope the Senator from Texas will not mind my saying, we reached agreement with the Senator from Texas that she would call up this amendment and discuss it for a while and then withdraw it.

As a result of that, there will not be other Bosnia amendments offered at this time. They are waiting for the main bill. It is a matter of getting before the Senate the concerns the Senator from Texas wants to raise, and then we will go to the Nickles amendment. It will be some 15, 20, 30 minutes—I don't know what the Senator wants to take. I urge the Senate to allow us to manage the bill that way. The Nickles amendment will be the first amendment after the Senator from Texas has completed her comments.

Mr. President, before we yield on this, if I may, is it possible to get a time agreement on the Nickles amendment?

Mr. KENNEDY. I don't think just at the present time, but we will be glad to see how we get started with the debate on that.

Mr. STEVENS. I urge the Senators to help us, because we also have three other amendments that are going to require votes following the Nickles amendment.

AMENDMENT NO. 2083

(Purpose: To express the Sense of the Congress that the President and Congress should create the conditions for a withdrawal by a date certain of U.S. ground combat forces from the NATO-led Stabilization Force in Bosnia)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2083.

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

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

The amendment is as follows:

At the end of the bill, insert the following title:

TITLE —UNITED STATES ARMED FORCES IN BOSNIA WITHDRAWAL

SECTION 1. SHORT TITLE

This title may be cited as the ''United States Armed Forces in Bosnia Withdrawal Act of 1998''.

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

(A) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff further expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and has resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(7) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 19, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(8) NATO military forces have increased their participation in law enforcement activities in Bosnia aimed at capturing alleged war criminals.

(9) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for apprehending war criminals lies with the Bosnia parties themselves.

(10) The Secretary of Defense has affirmed this understanding on several occasions, including on March 3, 1997, when stated that ''[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission.''

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the open-ended deployment of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a withdrawal of United States Armed Forces ground combat troops by January 1, 1999.

(3) identifies the following conditions that should be satisfied as a minimum to create the environment in which such an orderly transition can take place:

(i) The original parties to the Dayton Accords should be reconvened so that progress towards full implementation can be ascertained and modifications as necessary be made;

(ii) The process of establishing defensible sectors in Bosnia and Herzegovina that was started in the Dayton Peace Accords should be accelerated;

(iii) Establishment of a Combined Joint Task Force (CJTF) in accordance with the President's Partnership for Peace initiative. The CJTF should be under American command but to be turned over to allied command within 90 days;

(iv) Establishment of a civilian led/operated police training task force, including the establishment of a police training academy capable of graduating 500 police every quarter. This force would have ultimate responsibility for maintaining peace and order, as envisioned by the Dayton Accords;

(v) The United States should advise its allies in the NATO-led peacekeeping force in Bosnia that no U.S. ground forces shall be deployed to the province of Kosovo should the conflict there escalate;

(vi) Cessation of U.S. military involvement in local broadcast and print media operations.

SEC. 3. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after January 1, 1999.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after January 1, 1999, but not later than May 1, 1999, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 180 days after the date otherwise applicable under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4, specifically approving such request.

SEC. 5. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

It is the Sense of Congress that U.S. policy in Bosnia, as that relates to the use of our

forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnia Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

Mrs. HUTCHISON. Mr. President, I anticipate for those who are trying to set a time that we will be ready at about maybe 10:30. I would say this will take 30 to 40 minutes.

Let me just briefly state what the amendment does, and then I am going to yield to Senator INHOFE and then Senator ROBERTS and then Senator CRAIG for their remarks.

Mr. President, this is an amendment that would express the sense of the Senate and the Congress to the President that we should create the conditions for withdrawal of U.S. ground troops from the NATO-led stabilization force in Bosnia. That is what the amendment does.

We all know that the President on December 19 of last year declared that Bosnia would be an open-ended commitment for the United States. Congress was not in session. Congress was not consulted. There was no authorization, and the President has made this an open-ended mission. I am very concerned about the mission creep, and I am very concerned that the President has bypassed the Congress, and the Congress has constitutional responsibilities that cannot be bypassed by the President. That is why I am calling up this amendment today.

I very much appreciate the remarks of the majority leader, Senator LOTT, and the chairman, Senator STEVENS, saying that this is going to be brought up, we are going to discuss it, we are going to tell the President that the Congress of the United States is not asleep, that we know our constitutional responsibilities and that we now have a commitment that this is going to be discussed and a policy will be set, and we will have an up-or-down vote in the defense appropriations bill later this year before the June 30 deadline that we now face and that we have now seen the President walk away from.

So, Mr. President, we are going to exercise our responsibilities. We can do no less, and that is why we are discussing this today.

I am very pleased to now ask Senator INHOFE of Oklahoma to take up to 5 minutes for his views on this issue. I intend to talk about what the amendment does as soon as those who have time commitments have been able to speak. I yield to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Texas for yielding a little time here.

I can remember in November of 1995 when the Senator from Texas was the primary author of the resolution of disapproval of sending troops into Bosnia. I was on the resolution with her. We only lost by three votes. In other words, if three Senators had voted the other way, we very likely would not have had to send troops into Bosnia to begin with.

In anticipation of this, I went to Bosnia, up to the northeast sector, only to find there was never any belief that we could get into this thing and be out in 12 months. The reason the President was able to get the three votes necessary to defeat the resolution of disapproval was the guarantee that our troops that were going to be sent over there in November of 1995 would be home for Christmas in 1996. That was not an expectation; that was a guarantee. I can remember so well talking to General Haukland up in the northeast sector when he laughed and said, ''You mean 12 years.'' As the years and months are going by now, it looks like there is more and more truth to that.

Let me just mention my concern is a little different than the concerns that are expressed by most people. Mine is one as to how this involvement in Bosnia is adversely affecting our ability to defend America.

I am chairman of a committee called the Readiness Subcommittee of the Senate Armed Services Committee that is in charge of training and making sure that we are ready. Until some of the recent scandals have taken the headlines off the front page, we have finally broken through the national media so that people realize, and the national media realizes, that we are facing huge threats today all over the world with over 25 nations with weapons of mass destruction with delivery systems that can reach the United States from anyplace in the world.

With all this, we are concentrating our efforts and spending our defense dollars on Bosnia. This is the thing that concerns me. We keep hearing that there are only 8,500 troops in Bosnia. That is not much of a commitment, but I can assure you, Mr. President, it is far greater than that. If you just add the troops who are directly affected by the Bosnia operation in the rim countries, in Croatia, that adds up to 12,000. Then you go over to Europe and you see the logistical support of that operation. We find that in the 21st TACOM, for example. That is the operation that is responsible for logistical support of any ground operation, for example, if we should have to send ground troops into Iraq.

I don't think anyone is naive enough to think we could surgically bomb Iraq if it became necessary and not have to make a commitment of ground troops. But if that happened, we don't have any way to support logistically those ground troops that would be sent to Iraq. The 21st TACOM, which has to support logistically ground troops anywhere in that theater, which includes Iraq, is now totally consumed by their participation and their support in Bosnia. Right now they are operating at a very high op tempo and pers-tempo rate so individuals are being consumed by the operation in Bosnia.

We are at 115 percent capacity just supporting Bosnia. What does that mean? That means in the event we had to send ground troops someplace else in the world, we would not have the logistic support for them.

When you ask the question, ''What would you do if that happened,'' the commanding officer at the 21st TACOM said we would be totally dependent upon the Guard and Reserves. I suggest to you, Mr. President—you know and the rest of us know who are close to this subject—we don't have the necessary MOSs and capacity in Guard and Reserves to make that support. You go 10 miles up the road to the 86th Airlift in Ramstein. In Ramstein, they are right now at 100-percent capacity just supporting the airlift to Bosnia.

So the cost is far greater, even far greater than $8 billion that so far we have admitted we have spent in Bosnia. We are making a commitment that makes it virtually impossible for us to support any other operations should it become necessary.

So I think there has to be an end to this thing. It is easy to get into these things; it is very difficult to get out. We got in; we got in with a guarantee it would be a 12-month operation; we got in with the expectations it would cost $1.2 billion. We knew better at the time. We knew they were not telling the truth about what kind of a commitment we were making and, consequently, we have to have some way of getting out.

So this is a major national security issue, Mr. President, that we get out of Bosnia so that we can have the capacity to take care of the needs of the American people in terms of defending our country.

With that, I defer to the Senator from Kansas for any comments he might want to make.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the Senator from Oklahoma, and I especially want to thank the Senator from Texas for raising this issue.

Mr. President, I say to my colleagues, before coming to the floor, I looked up the definition of ''wise'' in Webster's Third International Dictionary—that is the recognized authority with regard to the English language—and it read:

Characterized by wisdom; knowledgeable; exercising sound judgment.

It even went on to say if you were a wise person that you were ''alert,'' and further described a wise person as being a person ''in a condition where an individual becomes aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it.''

Mr. President, I think there is another definition of ''wise'' in this body, and perhaps the synonym would be the distinguished Senator from West Virginia, Senator BYRD, who made a speech on Monday that I commend to the attention of my colleagues. It is in Monday's RECORD. It is on page S2382. If my colleagues and staff are paying attention to the floor, write that down, S2382. It is the distinguished Senator from West Virginia, Senator BYRD, who says:

With respect to Bosnia, the President has provided a certification and report, required by Fiscal Year 1998 Defense Authorization and Appropriations Acts, that the continued presence of U.S. armed forces——

Mr. STEVENS. Will the Senator yield for just one moment?

Mr. ROBERTS. I will be delighted to yield to the distinguished chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair notify each speaker on the Bosnia issue when 5 minutes have expired. We are not under a time agreement, but I think we have an understanding that speakers will limit their remarks to 5 minutes.

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

The Senator from Kansas is now recognized.

Mr. ROBERTS. I would like to ask of the Chair if that means I have an additional 5 minutes or about a minute has been taken off? I would assume that I have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. ROBERTS. I thank the Chair, and I thank the chairman of the Appropriations Committee.

I will continue with Senator BYRD's remarks:

Last year, the administration told us that we would be out of Bosnia in about a year.

All of the witnesses who came up before the Armed Services Committee and the Appropriations Committee assured the committees that that was the expected timeframe which would be needed during which we would have to place our men and women in possible harm's way, but we were assured—we didn't just ask the question once or twice, and the response didn't come forth just once or twice, but the response was always in the context of a year's time.

Then Senator BYRD went on to comment that he had strong suspicions that it really wouldn't work out that way. And he referred to the report that was made, and the report said:

''We do not propose a fixed end-date for the deployment.'' That says it all. So we are in a different situation now. The exit strategy—in other words, the required conditions for our forces to come out and come home—reads like a nation-building strategy.

That is the concern of this Senator and the Senator from Texas and the distinguished Senator from West Virginia.

What is required for us to leave Bosnia? First, judicial reform—

The Senator from West Virginia said—

Just a minor thing, judicial reform. Then, development of an independent media throughout the territory.

He said that was a pretty big order, and it certainly is.

Then there is more. Democratic elections. What do we mean by democratic elections? Democratic elections followed by free market economic reforms . . . privatization of the economy, and so on and on.

And the Senator said:

We all get the point. This is a formula requiring the completion of a new, integrated democratic state. That is what nation-building is. I didn't buy on to that. The U.S. Senate has not bought onto that. And if the duration of our stay is going to be based on nation-building, as the President is obviously saying in the report, we are [going to be] there for a good, long [period of] time.

I was in Sarajevo. I talked with our officials there. That was last year, I say to the Senator from Texas. The conditions at that time were troop protection, refugee relocation, economic restoration, and a rather hard-to-understand policy in regard to war criminals.

That has changed, and the Senator from Texas is precisely correct; we have not even had that under consideration or with any kind of talk, other than that of the Senators here on the floor and the distinguished Senator from West Virginia in regard to what the end policy is in regard to Bosnia.

I indicated the definition of somebody being wise, other than being Senator BYRD of West Virginia, was that they be alert—and I repeat that—further described by Webster's as ''a condition where an individual knows and is aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it.'' Mr. President, we are not only in it to our hubcaps; we are in it to the axle with no reverse gear.

It was Herbert Hoover who said in 1958, ''Wisdom consists not so much in knowing what to do in the ultimate as in knowing what to do next.'' I do not know what we are going to do next, but it is the responsibility of this Senate to consider that.

We will do it in the 1999 defense authorization and appropriations bills. I credit the Senator from Texas for focusing on this, and I thank the Senator from West Virginia and remind all of my colleagues that it ought to be required reading in regards to his remarks on the floor of the Senate last Monday, again, page S2382. Please, my colleagues, pay attention to the Senator from West Virginia. He is right on in regards to this terribly important and difficult issue.

Mr. President, I thank the Senator for yielding.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to Senator CRAIG.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Others are gathered here to speak on the Hutchison amendment.

But let me first of all recognize the Senator from Texas for highlighting and bringing to the surface an issue that is growing in the minds of many of us and we hope will alert the minds of many Americans.

We were engaged here for a week on the debate on the expansion of NATO. This Senate more than likely will vote to expand NATO in the course of this session. But as we do, we ought to remember the consequence or the potential impact of that kind of a vote. And I think it is reflected in this drifting policy that we have currently in Bosnia.

Peacekeeping operations so designated by our President are important and should be well defined. But I will tell you, the Senator from Texas is right. Our President operates in an unauthorized situation in Bosnia today. The Senator from Oklahoma has brought up the mounting costs. We are able to measure some $8 billion in costs. We know they are much larger than that.

The mission appears at date to be endless as it relates to some culmination. Do we have to lose American men and women in Bosnia before our citizens wake up or, more importantly, the Congress begins to move with its constitutional authority to deal directly with this issue? I hope not.

The mission in Bosnia is now just what we were promised it would not be. We were promised it would not be an unauthorized, open-ended, nation-building deployment with no withdrawal criteria. It is now all of those things by definition.

In 1995, President Clinton vowed that the U.S. troops deployed to Bosnia ''should and will take about one year.'' Three years and nearly $8 billion later, the administration now admits, ''We do not propose a fixed end date for the deployment.''

This unauthorized, open-ended deployment is affecting the readiness of our troops, their morale. Some anecdotal evidence is clearly available if you scratch the surface.

Increasingly, Army and Air Force units put off combat training because they are too busy with low-intensity missions, and they need the money elsewhere. We see that great shift of dollars underneath the surface that this administration has been unwilling to admit. And, finally, just in the last month, the chairman of the Appropriations Committee said we will do no more of that. Following this supplemental, the administration must now bring to the Hill as an authorization the appropriate expenditures for the mission in Bosnia.

Another anecdotal piece of evidence: A particular Marine expeditionary unit deploys more than 220 days in a 365-day period as if we were at war. That is how we are using our men and women in uniform today.

Air Force pilots are fleeing to the commercial sector despite cash incentives from the Air Force of up to $22,000 to reenlist. We all know the kind of investment we have in these pilots—millions of dollars of training and, of course, operational time.

There are serious problems that the President is turning a blind eye on so he can continue to deploy troops to humanitarian missions. If we are going to declare humanitarian missions in our national interest, then let us declare them. Let us come to Congress and get the constitutional authorization necessary for those kinds of actions. Let us appropriate the money accordingly instead of slip money and the necessary resources away from certain missions to other missions of the kind that we have talked about.

Meanwhile, there are fewer dollars for defense and increasing orders to deploy.

Since 1989, manpower has been cut by nearly one-third, the number of missions has quadrupled, and defense spending has been dramatically reduced.

This year's defense budget marks the fourteenth consecutive year of decline for defense spending.

President Clinton's $270 billion 1999 defense budget represents a real decline of 1.1 percent from current spending levels, and marks a 39-percent drop from the spending levels of the mid-1980's.

While defense spending declines, the U.S. military has been asked to do more. Since 1990, U.S. Armed Forces have been used in 36 major foreign missions, compared to 22 between 1980 and 1989.

The commitment of United States troops to Bosnia is a commitment of United States blood. The decision to place United States troops in harm's way is a commitment that I do not take lightly. The President not only broke his promise to have our troops home by December 1996, he has also decreased the readiness of our troops by taking scarce dollars from an underfunded defense budget and used them to defend causes that have little to do with our national security interest.

I hope my colleagues will support Senator HUTCHISON's amendment which will allow for an honorable exit of U.S. troops from the region, and turn over the operation to our European allies.

That is why it is time to debate this issue. I am proud that the Senator from Texas brings it to us, highlights it, gets it on the national agenda, not just the agenda of Congress and this Senate, but brings it forth for a national agenda. I thank my colleague for doing so.

Mr. President, I stand in support of this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I appreciate the remarks of a member of our leadership team on our side, the Senator from Idaho. I think he is right on. I think the Senator from Kansas was right on. The Senator from Oklahoma was right on. I want to talk about what my amendment does. It expresses the sense of Congress that the President and Congress should create the conditions for withdrawal of U.S. ground combat forces from the NATO-led stabilization force in Bosnia. What we are trying to do is lay the groundwork for an honorable exit.

You know, every time we come up to a deadline that the President himself has set, he says we cannot just leave, it would be irresponsible to leave, it would throw everything into chaos. That is absolutely true. It would be irresponsible to leave right now. But why is that? Why would it be irresponsible to leave right now? It would be irresponsible to leave right now because we have not laid the groundwork for an honorable exit and the President has gone on without the authorization of Congress to say this is going to be an unending mission.

On November 27, 1995, the President said, ''First, the mission will be precisely defined with clear, realistic goals that can be achieved in a definite period of time. Our Joint Chiefs of Staff have concluded that the mission should and will take about a year.''

The Secretary of Defense and the Chairman of the Joint Chiefs strongly concurred with the President's assessment in their testimony before Congress that it would not get involved in such tasks as forcing the resettling of refugees or capturing war criminals and that we should have an end date.

The Vice President of the United States also provided additional assurances, arguing that the deployment would not lead to mission creep and that within a year hostile forces would be separated, the borders would be marked, elections would be organized and held, and police forces would be established.

As that deadline approached, the President extended the mission further by announcing a new deadline of June 1998, once again assuring the American people and Congress that the mission would be achievable.

The mission creep, which concerned General Shalikashvili when he said that, without a fixed end date, mission creep would occur, has come to pass with our military now adding missions such as capturing indicted war criminals, seizing and controlling broadcast facilities.

U.S. commanders of NATO have stated on several occasions, in accordance with the Dayton peace accords, the principal responsibility for apprehending war criminals would be the parties themselves.

Mr. President, Secretaries of Defense and Chairmen of the Joint Chiefs have said throughout this 3-year period that setting a deadline is a good thing. But on December 19, 1997, President Clinton finally said he had misjudged the mission and he was committing the U.S. military to an open-ended mission which would only end when certain unnamed, concrete benchmarks had been accomplished.

Since then, we have seen the benchmarks, but they are not very concrete. I introduced a resolution of disapproval for this mission to Bosnia in November 1995. It was narrowly defeated, by three votes. Many of my colleagues specifically said they voted against that resolution only after receiving solid assurances from the administration regarding the length and cost of the deployment. The mission is now in its third year, and the President is saying there is no end in sight.

Mr. President, unless Congress exercises our constitutional responsibility, we are going to see an unending mission where there are no clear goals and there is no exit strategy.

I am second to none in appreciating the great work that our military has done in Bosnia. I have been there five times. I have met with the troops. Their courage, their dedication, their professionalism have permitted a separation of the belligerent parties.

There has been a significant reduction in the violence and suffering in the Republic of Bosnia and Herzegovina. They have accomplished every mission they have been given, and they have done it in exemplary fashion. But, Mr. President, the administration keeps moving the goalposts. Now we have had forces in Bosnia for 3 years, we have spent $8 billion of our taxpayers' money, and now we see the President expanding the mission without coming to Congress first.

My resolution today says that Congress is expressing its concern and opposition to the policy of the President that has resulted in this open-ended deployment without the prior authorization of Congress and urges the President to work with our European allies

to set an orderly transition so that American troops can leave by January 1, 1999.

Mr. President, I think my 5 minutes are up. I want to ask that others be allowed to speak. I hope Senator BYRD is going to be able to speak, and certainly Senator FEINGOLD. I do have some closing remarks, but I would like to yield at this time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I very much would like the opportunity to speak on the subject of Bosnia. Does the Senator from Texas control the time?

The PRESIDING OFFICER. There is no time control. The Senator is advised he is recognized on his own time.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first take this opportunity to——

Mrs. HUTCHISON. Let me make a parliamentary inquiry.

Don't we have unanimous consent that there would be a 5-minute notification to every speaker?

The PRESIDING OFFICER. There will be notification as to the 5-minute time period expiring, but there is no time agreement regarding control of the time.

Mrs. HUTCHISON. I would just like to point out I had told Senator STEVENS that I thought we would be finished by 10:30. If the Senator from Wisconsin would look at the time—and also Senator BYRD is on the floor, and I would like him to have a chance to speak, if he seeks recognition. So with that in mind, I just wanted to set the parameters of our informal agreement.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, at the appropriate time I will send an amendment to the desk with regard to Bosnia, but let me take this opportunity to thank the Senator from Texas once again for her leadership on this issue. I have enjoyed working with her on the issue. I think the only thing that is regrettable is, we still have to be working on it so many years later, after we identified the problem in the misrepresentations that have been demonstrated in this Bosnia mission.

I am hearing more and more concern back in my State of Wisconsin about the unlimited nature of this engagement. It troubles me a good deal that my constituents feel they were told that this was going to be a 1-year mission, that it was only going to cost $2 billion, and if this didn't work out we would be out of there. Nothing could be further from the truth.

Mr. President, I hope that either on this bill or in the bills that come later this year we have an opportunity to get some clarity and some time line and some absolute definition to this operation, because the American people are just saying, ''Why? Why is it that we are bearing this entire burden, or such a huge percentage of this burden, when it seems that the European countries could do so much more to provide for the needs of this area?''

I will say a word or two about an amendment I intend to offer later. The amendment is a little unusual and requires a little explanation. What my amendment would do is strike the ''emergency'' designation from each of the line items in this supplemental appropriations bill that provide funds to support U.S. peacekeeping operations in Bosnia, but it would leave such designation intact for funds to support our additional military needs in the southwest Asia area, which, as we know, refers to the U.S. military buildup in the Persian Gulf.

I will offer this amendment for two reasons. First and foremost, I have always had serious questions about our involvement in the Bosnia mission. I was the only Democrat to vote against the deployment of U.S. troops back in 1995, in large part because I did not believe that the United States would be able to complete its mission there within the time and within the financial constraints that have been identified. I am sorry to say that I have been proven right. I take absolutely no pleasure in this. It has been very expensive and very dangerous.

U.S. forces have now been in Bosnia for more than 2 years—much longer than the original 1-year mandate—and I don't think anyone has a good idea about how much longer we will be there. More significantly perhaps, the cost of our involvement hasn't been $2 billion, it has actually been quadrupled from that figure; it has been $8 billion. And now Congress is being asked to fork over another half a billion, with no end in sight.

There is a second reason for this amendment, and that is that the legislation before the Senate today, S. 1768, is an emergency appropriations bill. The President has submitted a supplemental appropriations request, and we are debating this bill today precisely because we have been faced with some unforeseen emergencies. There have been floods in California, tornadoes in Florida, a typhoon in Guam, and ice storms in many areas of the Northeast. The showdown with Saddam Hussein took on new and frightening intensity in the past 6 months, and the United States came very close to carrying out airstrikes on a scale that was at least somewhat reminiscent of Desert Storm. We have all faced the unforeseen consequences of the so-called ubiquitous El Nino effect which has had bizarre and sometimes tragic influences on our weather patterns nationwide.

The Congress has never developed firm rules on how we should define an ''emergency.'' Everybody assumes that we will use common sense when deciding when to grant special emergency treatment to certain expenditures. And common sense tells us that floods and tornados clearly are emergencies.

In my view, however, the mission in Bosnia, is not. It is a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. If events there take an unexpected turn for the worse, it may become an emergency. But as we stand here and debate this spending bill, it is not an emergency.

Webster's New Collegiate Dictionary defines the word ''emergency'' as follows: ''an unforeseen combination of circumstances or the resulting state that calls for immediate action.''

This definition clearly does not apply to the Bosnia mission. The Bosnia mission is an emergency only in the strange language of appropriations bills. The Bosnia ''emergency'' is a legislative fiction.

The line items in this bill—military personnel, operations and maintenance, and contingency funds—are standard military costs that would be part of any military mission. U.S. troops have been on the ground in Bosnia for more than two years. The change in designation from IFOR [eye-fore] to SFOR [ess-fore] was made more than a year ago and is scheduled to continue through June of this year. Then, last December, the President announced that he would forego imposing a deadline altogether, and opt instead for a policy of benchmarks whose definitions remain open to interpretation.

How can Congress and the President possibly profess to the American people that the additional costs for the Bosnia mission constitute an emergency? On the contrary, it has been clear for quite a while now that the cost of this mission would again rise substantially. Some would say it has been clear from the start.

Ironically, Congressional appropriators and our military leaders have planned for many months on obtaining these funds in this emergency spending bill.

So that invites my next question: What are these funds doing in this bill? I just do not think that you can equate the long anticipated needs of the operation in Bosnia with the urgent, unexpected needs of the farmers in California or homeowners in Florida who have been devastated by natural disaster.

Despite my long-standing opposition to the mission in Bosnia, I believe the Congress should take up and debate the additional appropriations needed to advance the administration's goals in that war-torn region, but not on an ''emergency'' bill. In the proper context of an ordinary appropriation, subject to ordinary budget rules, I will state my own reservations about this mission and will listen carefully to my colleagues who have supported this mission. Then we can decide whether to spend this money and where to get it without increasing the deficit.

This supplemental appropriation, which represents so many dire and urgent needs, is not the appropriate legislative vehicle for Bosnia spending.

Now, I considered offering an amendment that would have stricken all of the funds designated for the Bosnia mission based on this same rationale. I am not doing that today, because I recognize there is little support in the Senate for such an abrupt funding cutoff. My amendment is neutral as to the merits of the mission in Bosnia. It simply requires us to fund it in a responsible manner.

This bill should be limited to the true emergencies represented by the bulk of the remaining $2 billion and should not include the non-emergency that is the Bosnia mission. But as important as that technical change may be, this amendment has some real substantive teeth. By changing the designation in this way, Congress will be mandating that funds used to support the Bosnia operation fall under the same budgetary scrutiny and discipline that other spending does. If this amendment is adopted, and the Senate decides the Bosnia appropriations do not merit the special treatment an emergency designation confers, the Bosnia-related appropriations would be subject to the same budget discipline we impose on all other non-emergencies. Congress would have to cut enough spending to offset the cost of this new Bosnia money. If that did not happen, OMB would trigger an across-the-board sequester—in effect doing the work for us.

The mission in Bosnia does not represent an emergency that legitimately calls for us to depart from these, established, vital budget rules so casually. We must separate the Bosnia money from the true emergencies funded in the rest of this bill.

I urge my colleagues to think carefully about my amendment, because this speaks to our commitment to truly balance the budget. Any Senator can support this amendment, and then consider funding for Bosnia operations in a more fiscally responsible way, without stepping away from any existing commitment to the troops and the mission in Bosnia.

I thank the chair, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank both the distinguished Senator from Texas, Mrs. HUTCHISON, and the distinguished Senator from Wisconsin, Mr. FEINGOLD, for the courtesies they have extended to me.

Mr. President, the distinguished Senator who is now presiding over the Senate, Senator PAT ROBERTS, quoted me earlier in respect to the Bosnian matter. I wish to quote a great American President—a great American President. And that President's comments were pertinent at the time and are pertinent today.

Perhaps I should first thank Senator HUTCHISON for offering the amendment. I can assure her and assure the Senator from Wisconsin that when the time comes to discuss and to consider appropriations for the fiscal year 1999, I shall be active, the Lord willing, in dealing with this matter that is the subject of this amendment; namely, Bosnia and our participation in the circumstances and conditions that presently prevail in that area.

The constitutional framework arranged by the framers speaks with crystal clarity regarding the war powers. The authority to initiate war rests solely with Congress, except for one narrow area, the defensive authority to repel sudden attacks which is granted to the Commander in Chief. Let us listen, though, for a moment to the words of President Abraham Lincoln, in a letter, to William H. Herndon, on the subject of the exercise of the unfettered use of the war power by a President.

Mr. Lincoln wrote:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect after you have given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, ''I see no probability of the British invading us,'' but he will say to you ''Be silent. I see it, if you don't.''

Lincoln continues:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their peoples in war, pretending generally if not always that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

So, Mr. President, Lincoln spoke to the subject in his day.

This is a very difficult area. It is an area of mixed powers, and the problem is, Presidents in recent years have been prone to put men and women of the U.S. Armed Forces in areas of danger and then call upon the Congress for appropriations to sustain that American manpower, and Congress is reluctant, of course, once the men are in the area, reluctant to be charged with pulling the rug out from beneath them.

But there has to be an accounting. Congress has to be a part of this equation. Congress has the responsibility and duty to make itself heard in this matter. The time will come when we will have that opportunity. I hope that Congress will rise to the situation.

I will have considerably more to say on this subject at that time, as will others, I am sure. But we cannot just sit back and leave it up to the administration to use the term ''Commander in Chief,'' which is a British term from the beginning and which was used to designate various army officers in various locations during the time of Charles I, Charles II, and so on.

That term is not enough. It is time to use the power of the purse. And many of us in this Chamber have fought for that power of the purse. We have resisted the efforts to give the President, whether he be a Democrat or a Republican, a share in the control of the purse. That matter is coming home to roost. We will see here, as we have seen it previously, that Congress' power over the purse is the one voice, the one voice that every administration, Republican or Democratic, will hear and will heed. I hope that we in this body will remember that the time was not too long ago when Congress gave to the President of the United States the line-item veto. When we did that, we stuck a dagger in the back of the Senate. I hope that the Supreme Court will strike that nefarious law dead, dead, dead.

But that is just one example of our being the culprits in giving to the Chief Executive a power that the Constitution does not give him. But in this case let us speak up. Again, I congratulate the lady from Texas. I will be with her, we will talk, we will work together, and I have a feeling that the administration will come back to the Appropriations Committee and the Armed Services Committee, and I believe that the administration will be shorn of its trappings, which were so impressive, they thought, a year ago as they assured us on the Armed Services Committee that our troops would be in Bosnia only, perhaps, about a year. I think they were dissimulating at the time. I think they knew better than that. I think we had a strong suspicion that that would not be the case. They were being a little disingenuous at the time—not the first time Congress has been treated in that fashion; there have been other times.

It is time that Congress spoke up and took a stand for this Constitution of ours.

I thank the Senator from Texas for her courtesy.

Mrs. HUTCHISON. Mr. President, I so appreciate the great leadership of the Senator from West Virginia. He understands better than any Member of this body the role of Congress in sending our troops into foreign conflicts or into harm's way anywhere overseas. He understands and he has spoken eloquently about not only our role but our responsibility.

He well knows that the Founders who wrote the Constitution of the United States had a model. They had a model of a king. The king was able to declare war and implement it. The king held the purse strings and the power. Our Founders very clearly said, ''We are not going to do that.'' And in the Constitution they provided that there would be a dual power. The President can commit troops; only Congress can declare war.

That is what our Constitution says, and if one side falls down on their responsibility, then we have an unlimited power in the President. That is not the

American way; furthermore, it is a dangerous precedent. Congress must stand for its responsibility to make sure that if our troops are going into harm's way, if our taxpayers are going to spend $3 billion a year on a mission overseas, Congress must authorize it, and we do it with the power of the purse, which is the appropriations process. That is why we are standing here today, to serve notice to the President that we are not going to stand here for an unlimited commitment in Bosnia until we have a rationale for it, until the President comes to Congress and says, ''Here is why we are doing this, here is the United States security interest, here is our responsibility as a superpower to our allies in NATO, and here is our exit strategy.'' That is what the President must come to Congress to give—a responsible exit strategy. I think we could ask the President for that. We could ask the President to look again at the Dayton accord. Let's see how it goes and what can we do to have a better prospect for lasting peace, have a combined joint task force that would be led by Americans, but in which we would transition out at a specified time. Let's have an orderly transition and let our allies know up front what they can expect from us, so that we don't come on to a deadline and then have the President say to us, ''Oh, but it would be irresponsible to leave right now.'' It is irresponsible to leave right now because we haven't laid the groundwork for an honorable exit, and now is the time to do that. That is why we are talking about it today and why we will have, as part of our defense appropriations bill this year, a statement of purpose, which we hope the President will give us, that will include an honorable exit strategy. We can do it if we start now. We can work with the President toward this honorable exit, and we can go back to our constitutional responsibility to make sure that the President presents a mission before he sends our troops into harm's way, and that the President makes sure that he provides for the funding when it doesn't take from our readiness and the quality of life of the troops that we have all over the world for missions that only the United States can fulfill and for which we must remain ready.

Mr. President, that is the responsibility of Congress. That is what my amendment would do today. Mr. President, I am going to withdraw this amendment because the chairman of the committee and the majority leader have given us a time certain when we can vote on a policy statement by this Congress which will have the force of law, and I hope the President will work with us so that we can agree on an honorable strategy that fulfills our commitment to our allies, that fulfills our responsibility to the world, that makes sure we have a United States security interest and provides for the payment for it, and last but certainly not least, an exit strategy that is honorable in line with the United States of America.

Mr. President, I withdraw my amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mrs. HUTCHISON. Mr. President, I reserve the right to object on behalf of the chairman——

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mrs. HUTCHISON. I object on behalf of the chairman.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

The PRESIDING OFFICER. The pending business is amendment No. 2120 by the Senator from Oklahoma.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside for 1 minute so that I can simply offer the amendment I referred to earlier, and I won't discuss it right now.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. What is the amendment?

Mr. FEINGOLD. It is the amendment I discussed during the time of the Senator from Texas that removes the emergency designation for the Bosnia money. I indicated that I would offer that amendment later this morning, and I simply want to offer it, call for the yeas and nays, and not discuss it further at this time.

Mr. NICKLES. Reserving the right to object. I am not managing this bill, so I ask my colleague from Wisconsin if he would withhold that amendment until the Senator from Alaska is back. That would be appreciated. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2083

Mr. LIEBERMAN. Mr. President, I had come to the floor to speak very briefly on the amendment, now withdrawn, that had been offered by the Senator from Texas.

Mr. President, I thank the Chair and my colleagues. Briefly, I wish to speak on the amendment offered by the Senator from Texas and the one that has been referred to by the Senator from Wisconsin about our Bosnia policy.

A discussion was offered by the Senator from West Virginia about the power of the purse, and that is a power that we, of course, continue to have. We have, by explicit and implicit expressions, consented to and supported the policy that we are following in Bosnia. It is a successful policy. We will return to these discussions, as these two amendments suggest, before this year is ended.

When it comes to discussing the power of the purse and the relations between the President and Congress on this matter of Bosnia policy, I simply wanted to say that I will be recorded as being in favor of the current course of our policy. It has worked. To set a date to create an exit strategy other than the one that is there now, which is the accomplishment of the Dayton process, would be to snatch defeat from the jaws of victory, or more colloquially, as our distinguished former majority leader Bob Dole has said, to impose an exit date now on our Bosnia policy, to cut off funding would be ''like a football team leaving the field in the second half when they are ahead of the game.''

Remarkable progress has been made in Bosnia, thanks to the presence of the NATO troops and, most particularly, our American presence there to end the war, to begin to rebuild a civil society. Even in the Serbian section there is new hope with new leadership from President Plasic and Prime Minister Dodik. We have proven that the reasonable exercise that diplomacy matched with force can end conflict and genocide in Europe.

Now, that is a remarkable accomplishment. I would hate to see us jeopardize it by congressional termination of the funding or by artificially setting an exit date, or even an exit strategy, short of the accomplishment of the goals of the Dayton process. I thank my colleagues for giving me this opportunity.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to take 1 minute to thank my colleague from Connecticut for his remarks. I had a chance to meet with some educators from Bosnia and Herzegovina, who are actually in the gallery. The one thing they said to me is, ''Please support this peace process. There is so much appreciation for what America has done. Give us time. The world will be a much better place if you are willing to make this commitment.''

I wanted to associate myself with the eloquence of my colleague from Connecticut.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate very much the remarks of both the Senator from Connecticut and the Senator from Minnesota. I hope that we will be able to work something out that they would also be comfortable with, because we do want to exercise a responsible approach to our role in this whole Bosnia peace process. But I do think we also have a responsibility to have clear conditions and a clear exit strategy. So I hope we will be able to work together.

I ask unanimous consent that Senator SESSIONS be added as an original cosponsor of my amendment.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I did not hear the Senator.

The PRESIDING OFFICER. The request of the Senator from Wisconsin was to set the pending business aside.

Mr. STEVENS. There is no objection.

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

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object. Senator NICKLES and I have been here for about an hour and 15 minutes wanting to debate the Nickles amendment. I hope that we at least have an opportunity to get to the substance of it. I want to accommodate all of our colleagues here.

Mr. FEINGOLD. Mr. President, I will reassure the Senator that this is merely to offer an amendment, and it will take 30 seconds.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2121

(Purpose: To remove the emergency designation for the supplemental appropriations to fund incremental costs of contingency operations in Bosnia)

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2121.

Mr. FEINGOLD. 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:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $184,000,000: *Provided,* That of such amount, $72,500,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $22,300,000: *Provided,* That of such amount, $19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $5,100,000: *Provided,* That of such amount, $3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $10,900,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,100,000: *Provided,* That of such amount, $2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,886,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $33,272,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $21,509,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-wide'', $1,390,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for ''Operation and Maintenance, Defense-wide'', $44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further,* That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $650,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $229,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $175,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,556,000,000, to remain available until expended, of which $46,000,000, shall be available for classified programs: *Provided,* That of such amount, $1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,

Mr. FEINGOLD. Mr. President, this is simply an amendment that removes the emergency designation for the additional Bosnia money, which I mentioned a few minutes ago.

At this point, I simply ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2120

Mr. STEVENS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The pending business is the Nickles amendment No. 2120.

Mr. NICKLES. Mr. President, for the information of my colleagues, the amendment I am offering today will strike a nonemergency appropriation

of $16 million for the Health Care Financing Administration, commonly called HCFA. This provision in the supplemental bill includes $6 million for HCFA to hire 65 new Federal employees. That is an average of $92,300 per person. Mr. President, I will try to be very blunt and very quick with my discussion on this amendment.

HCFA has today 4,002 employees. It is unbelievably large, and some would say not a very well-run agency. It has an administrative function that spends $364 million. Its total program management is $1.88 billion and it has been growing significantly.

The administration in their budget request says next year they want to hire an additional 215 employees, an increase in their Federal administrative request from $364 million to $456 million. This is an agency that has been growing and, under the administration's request, would continue to grow profusely. It doesn't need to be in this so-called emergency supplemental bill. The administration requested it, and it was initially agreed upon.

But I started looking at the request, and I am astounded that it would be made. Supposedly, the request was made to fund HCFA's enforcement of the Health Insurance Portability and Accountability Act, the so-called Kassebaum-Kennedy bill that we passed last Congress. This provision would hire an additional 65 bureaucrats. They now have 26 administering the program. Forty-five States have already complied. This is temporary assuming all 50 States are going to comply. Twenty-six employees were able to help monitor compliance and help achieve compliance within 45 States. Five States have not. All five States, I believe, will at some point be in compliance.

Do we really need to hire an additional 65 and expand this bureaucracy? I don't think that we should. I think we should save the taxpayers the $16 million.

One of the things that bothers me is how we are paying for this. This is paid for by taking money out of a function that is paid for in the Medicare trust fund. So we are taking money out of entitlement functions and putting it in discretionary funds so we can hire more bureaucrats. HCFA already has over 4,000. I really do not think we need another 65, especially in an emergency supplemental bill.

So my amendment would be to delete this amendment to the bill that would add $16 million in new federal spending, and I urge my colleagues to support it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this amendment by the Senator from Oklahoma should be called ''The Abusive Insurers Protection Act.''

The Kassebaum-Kennedy legislation, which protects consumers against insurance company abuses, passed the Senate by 100–0 on April 23, 1996. The conference agreement passed it on August 2, 1996, by a vote of 98–0. It has unanimous support—not once but twice. But now some Senators are proposing to effectively gut that legislation by denying HCFA the staff and the resources they need to enforce the bill.

Let us be very clear. This is not about the budget. This is not about wasteful spending. The HCFA request is fully paid for by a cut elsewhere in the HCFA budget. This is about an inexplicable effort to deny millions of people the right to portable, accessible health insurance.

Let me review the history of the Kassebaum-Kennedy bill and explain to the Members why the request for the additional staff and resources is needed.

The Kassebaum-Kennedy bill bans some of the worst abuses by health insurers—abuses that affect millions of people a year. It says that insurers could not impose preexisting condition exclusions on people who have faithfully paid their premiums but changed insurance carrier because they changed their job. It says that insurers could not penalize members of a group by excluding workers who happen to be in poor health or by charging them additional premiums. It says that small businesses could not be denied insurance coverage or have their policy canceled because one worker developed a health problem. It says that people who lost their job through no fault of their own could not be denied insurance in the individual market.

According to the General Accounting Office, as many as 25 million people annually benefit from this health insurance bill of rights. But patchwork enforcement and a concerted effort by unscrupulous insurers to violate the law have raised serious concerns during the early implementation period.

For too many Americans the promise of the Kassebaum-Kennedy bill has been a broken promise. The President and the Department of HHS are moving decisively to address some of the worst abuses, but their ability to do so will be crippled if this amendment passes.

When our legislation initially passed, we envisioned that enforcement against insurance carriers would be a State responsibility, since State insurance commissioners have traditionally been the regulators of health insurance. Federal regulation was the fallback only if States failed to act. Most States have passed implementing or conforming legislation and are enforcing the law. But there are a significant number of States that have not yet come into compliance. Four States have failed to pass implementing legislation and have no comparable State laws on the books. Many, many more have only implemented parts of the law. One of the States that has failed to act is California with more than 30 million people.

The issue goes beyond the insurance performance standards included in the original Kassebaum-Kennedy bill. Congress has acted to expand the bill by passing the mental health parity requirements and a ban on drive-by deliveries. These provisions, too, will remain an empty promise if HCFA does not have the staff to enforce the law.

In every State that has failed to act, in whole or in part, the responsibility for assuring compliance in responding to complaints and informing the public has fallen on the Health Care Financing Administration. But HCFA has just over 20 people working on this issue in its headquarters and a handful spread across the regions.

The recent GAO report expressed concern that HCFA's current resources are inadequate to effectively enforce the bill. If this amendment passes and the supplemental request is denied, HCFA will have to wait for the completion of the regular budget process for next year. But consumers cannot afford to have HCFA wait a year or more to hire new staff. And because HCFA lacks the institutional expertise to deal with private insurance issues, it cannot simply transfer responsibilities to existing staff. The GAO report was a preliminary one. If anything, it only scratches the surface of insurance companies' attempts to evade or subvert the law. But even in the short time the law has been operative, it is clear that there is a substantial abuse by greedy insurance companies and more rigorous enforcement is needed to make the right granted by Kassebaum-Kennedy a reality.

The GAO found that many companies were engaging in price gouging with premiums being charged to consumers exercising their rights to buy individual policies when they lost their job. They were charged as much as 600 percent above standard rates. These overcharges make a mockery of the right to purchase coverage.

Other carriers continue to illegally impose preexisting condition exclusions. Still others, the GAO found, delayed the processing of enrollee applications beyond the 63-day window allowed by the law, leaving applicants high and dry. Other carriers illegally failed to disclose to consumers that they have a right to buy a policy. Some carriers refuse to pay commissions to agents who referred eligible individuals, and others told agents not to refer any eligibles for coverage. Other carriers put all the eligibles with health problems in a single insurance product, driving up the rates to unaffordable levels while selling regular policies to healthy eligibles. Without the staff increase requested in this bill, this situation will get worse—not better.

The Senate should not be voting for a free ride for greedy insurance companies, and it should not be an accomplice in denying families the health benefits they were promised by unanimous votes just 2 years ago.

The need for additional staff goes beyond enforcement. The GAO found wide

gaps in consumer knowledge—gaps that prevented consumers from exercising their rights under the law. HHS wants to launch a vigorous effort to address this problem. But, according to the GAO, because of resource constraints the agency is unable to put much effort in consumer education.

I understand that the assistant majority leader believes this isn't an emergency situation. This logic makes me wonder if he opposes the other nonemergency provisions in the bill. I can count some two dozen.

For millions of Americans, the failure to enforce this legislation is an emergency. Every family who is illegally denied health insurance faces an emergency. Every child who goes without timely medical care because this bill is not enforced faces an emergency. Every family who is bankrupt by medical costs because this bill is not enforced faces an emergency. This may not be an emergency for an abusive insurance company, but it is an emergency for families all over this country. For some, it is literally a matter of life and death.

The Senate should reject this amendment. We need to toughen the Kassebaum-Kennedy bill—not weaken its enforcement. This is a test of whether the Senate wants to protect greedy insurance companies that break the law or protect American families.

Mr. President, I see my friend from Minnesota wants to address this issue and then I will have more to say with regard to the GAO report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me, first of all, just associate myself with the remarks of Senator KENNEDY from Massachusetts. And let me talk specifically to my colleague, whom I have a lot of respect for even though we sometimes sharply disagree on issues.

I am particularly concerned about the effect this has on the mental health parity law that we were able to pass. This was worked out. I was able to do it with Senator DOMENICI and other Senators as well. My understanding is that there are actually up to 30 States that have yet to comply with this.

My concern is simple. We passed this legislation. I thought it was a real step forward. I think it is. When we passed this legislation, what we were trying to say—my colleague from New Mexico is here. He may add, and hopefully not detract from what I am saying. But I think what we were trying to say with this legislation is let's try to end some of this discrimination and let's try to make sure that people who are struggling with mental illness get treatment. We ought not to be denying treatment. We ought to, to the maximum extent possible, be treating this differently than any other kind of illness.

We were able to at least make some progress when it comes to annual caps, and when it comes to lifetime caps, that was kind of a commitment we made.

I say to my colleague from Oklahoma that this money—especially the $6 million that deals with the enforcement—is all about making sure that HCFA has the capacity that we as a Government have, the capacity to do some monitoring to make sure that as a matter of fact what the Senate passed and what Congress passed by way of mental health parity is implemented around the country.

In a way, this is an emergency. You can't on the one hand raise people's hopes and say finally we are going to end some of this discrimination, finally you and your loved ones who have been affected by this illness are going to have the opportunity to get some treatment, and then turn around and basically gut the mental health parity provision.

I say to colleagues that many Senators, Democrats and Republicans alike, voted for this. I would make an appeal to you. When you come to the floor of the Senate, either to speak or to vote, please don't vote for an amendment which is going to gut part of the enforcement of this. We need to make sure that this is enforced around the country.

We made some progress. It was a step forward. But we still have 30 States that aren't in compliance with the mental health parity legislation. This was legislation that commanded widespread support in the U.S. Senate. This was legislation by two authors—Senator DOMENICI and myself, a Republican and a Democrat. It would be cruel to pass that legislation and then turn around and deny HCFA—I am not as concerned about HCFA as I am the people who would be affected—with having the women power and man power to enforce this. We simply have to make sure that the health care plans and the insurance companies live up to the law. They are not going to do that if we pass a law and then we turn around and undercut the enforcement of this. I think that would be cruel. I think we ought not to do this.

The intention of my colleague from Oklahoma is not to deny people good coverage. I know that. My colleague from Oklahoma is operating within a different framework. But, from all I have been able to glean from my understanding of what is at stake here, we have two things going on. We have the Kennedy-Kassebaum legislation, an important piece of legislation which basically said to people in the country: Look, you are not going to be denied coverage because you had a bout with cancer or because you are a diabetic or whatever the case might be. Now, as it turns out, we are having trouble around the country with this, because a lot of insurance companies are raising the rates so high that people cannot afford it anyway. But it was an important step forward.

Now we have the situation where there is another part that I want to bring to the attention of my colleagues, which is the mental health parity part. We are not going to be able to have mental health parity, we are not going to be able to make sure there is some enforcement in the country, if we turn around and gut HCFA's capacity to do so.

So I say to colleagues, please, when you come down here to speak or when you vote, do not vote for this amendment. Whatever the good intentions, the effects of this amendment will be cruel. The effects of this amendment are going to turn the clock backwards. This would be a huge mistake, and that is why I come to the floor to speak against this amendment and urge an overwhelmingly strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the statement of my colleague from Minnesota, but he is absolutely wrong. Let me just tell my colleague from Minnesota, the administration did not request a dime dealing with mental health parity—not a dime, I tell my friend from New Mexico.

Let's go back to the legislation, the original legislation——

Mr. WELLSTONE. Will my colleague yield for a question?

Mr. NICKLES. Let me just complete my response. I think I will answer my colleague's statement.

The Senator from Minnesota says if we do not fund this money we are jeopardizing mental parity enforcement, and he is absolutely wrong—absolutely wrong. I want to make sure people understand it. The reason why Kassebaum-Kennedy had a lot of support is because it provided major reforms to improve access and portability, to make sure if somebody loses insurance in a group plan they can have access to coverage in an individual plan. I supported that. But we left it under State regulation. We gave States the authority to regulate this. Mr. President, 45 States have stepped forward. We passed that bill 20 months ago. The bill became effective, I tell my colleague, in January of this year. It has only been in effect for 2½ months. 45 States now comply; 45 States have done what we asked them to do. They have amended their State laws, because States regulate insurance.

I know a lot of people in this body would like the Federal Government to regulate all insurance, but a lot of us said no, we should keep that under State control, we should let the States do it. We are not insurance commissioners. And needs may vary from State to State. Some people wanted to nationalize it. They have not been successful. They were not successful when they passed the so-called Kennedy-Kassebaum legislation in federalizing insurance.

What the bill did say is: States, make these changes. Make sure insurance in

your State is portable. Make sure there are options to go to individual plans if they lose coverage under a group plan. We passed that unanimously in the Senate. Mr. President, 45 States have adopted it. The law became effective January 1 this year. It has only been in effect for 2½ months. To help the States make that transition, HCFA had 26 employees—26. Forty-five States now comply. The other five States, as I understand it, are still working on it, and maybe they have had a disagreement between the Governor and the legislature or one body in the House or the Senate, and so they have not passed legislation in their State to be in compliance. So they are working on it.

But wait a minute. Do we need to hire a whole new army? Do we need to go from 26 employees and add another 65 on top of it, creating a whole new big base or army of HCFA employees to get these 5 States to comply? I do not think so. I think it would be a serious mistake. And it has absolutely nothing to do with mental health parity.

I look at the administration's HCFA supplemental request; it doesn't mention mental health parity. It doesn't have anything to do with mental health parity. Those are all under the State plans. So I just mention that. I want to make sure my colleagues understand that.

Let me now just touch on a couple of other things. Senator KENNEDY mentioned that GAO came up with a report.

Mr. WELLSTONE. Will the Senator yield just for a question?

Mr. NICKLES. Let me conclude, if you don't mind.

Mr. WELLSTONE. I am sorry.

Mr. NICKLES. He said this GAO report mentioned there was widespread abuse and so on, and I take issue with that. The GAO report says this, and I will just quote:

> HHS regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. As Federal agencies issue more guidance and States and insurers gain more experience with HCFA, concerns about the clarity of its regulations may diminish.

In other words, we have 45 States now in compliance, according to HCFA; 5 are in the process of working on it, and maybe those 5 will never get it together. Then maybe there will have to be some Federal implementation of Kassebaum-Kennedy, but that remains to be seen; we don't know. This has only been in effect for 2½ months. So, do we really have an emergency of such a magnitude that we must triple the staff for HCFA so these five States can get in compliance? Those five States may sign up within the next month, or the next 2 months. So there is no reason to hire 65 people. There is no reason whatsoever, at $92,000 each—or an average cost of $92,000. I don't think it makes sense.

Does HCFA have some other alternatives? Yes; they have over 4,000 employees. Do we really need to give them 65 more in this so-called urgent supplemental? HHS has a total of 58,500 employees—58,000 employees. Do we really need to give them an extra 65? I don't think so. I mean, this administration has shown a great ability to be able to borrow employees from agency to agency. The Legal Counsel's Office in the White House seems to borrow quite a few from various agencies to help in their legal battles that they have ongoing in the White House. They can move employees within HHS, they can move employees within HCFA, to meet with any temporary demand that is there. This is a temporary demand. You only have five States in noncompliance. They may be in compliance by this summer. So why in the world would we need to hire 65 additional bureaucrats that would be permanent, that would be added on forever, that would be looking for other things?

I might mention, we even found a list from HCFA that says what these people will be doing after these five States are in compliance. I might tell my colleague from Minnesota, it doesn't have anything to do with mental health parity but it is ''review all State legislation''—it has a bunch of things that they would be doing. In other words, more bureaucrats, more Federal intervention over State law. That is not what we passed in Kassebaum-Kennedy.

My colleague from Minnesota was successful, with the Senator from New Mexico. They said, we want to have mental health parity. That passed as part of Kennedy-Kassebaum, but I tell my colleague, dealing with Federal legislation, it only would deal with the Labor Department on ERISA plans. It has nothing to do with State regulation of plans. We do not send out an army of bureaucrats to set out and micromanage insurance throughout the States. Maybe that is what some in this administration would like to do. I hope we will not do it. I hope we will have the wisdom to say we will not give them this additional money for 65 employees. They have 26, and 45 States signed up—45 States in the last 20 months signed up. Do we really need to give them an additional 65 employees in hopes that maybe they will be able to run the insurance programs of the 5 States that haven't yet signed up? I don't think so.

This is an urgent supplemental. This is an abuse of the process, I think, by HCFA, to expand their bureaucracy, and I think it would be a serious mistake. So I urge my colleagues to support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague, very briefly, a couple of things. First of all, the administration didn't need to mention specifically mental health parity, because this is the same staff. The 65 additional people, man- and women-power to enforce Kennedy-Kassebaum, it is the same staff that enforces the mental health parity. They don't need to list it. We all know it. It is the same staff. We need that staff.

There are 30 States that are not in compliance. We have had to battle with companies over the 1 percent rule as well that we had, which said to a company: Look, if your costs go up more than 1 percent—we do not believe that will happen—you can opt out. We had a big battle on that. HCFA is very much a part of making a determination on that question as well.

Ultimately this is a national law. Ultimately HCFA, indeed, has a very important role to play in monitoring this and in making sure that the law of the land is enforced. So I say to colleagues, this has everything in the world to do with the mental health parity bill that was passed. That is why I am out here on the floor. I am in complete support of the Kennedy-Kassebaum legislation. I agree with the Senator from Massachusetts, it needs to be strengthened. But right now what I am trying to do is fight to make sure that we do not turn the clock back half a century.

It is time to make sure that States are brought into compliance, that the mental health parity legislation which was passed by this Senate means something in a concrete way for many families, millions of families all around the country. That is not going to happen if we turn around and gut the enforcement of this.

So I just want colleagues to know, this has everything in the world to do with that mental health parity legislation and it has everything in the world to do with making sure that that law of the land really becomes the law of the land, because it is implemented, because it is enforced, and because it makes a positive difference for millions of families. This amendment takes us in exactly the opposite direction. I say to my colleague from Oklahoma, he is profoundly mistaken.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I beg to differ with my colleague. The original legislation set up said: States, do these things. We told the States to do them, and 45 States have done them. This is a temporary — temporary — encouragement to get the States to have portability. We did it; 45 States have done it. This was not to have HCFA micromanage State insurance plans throughout the land. That was not why this bill was passed. If they could not do that with 26 employees, then I would be surprised if they could do it with 65 employees.

Some people are trying to take a bill that passed unanimously and say that gives us great authority to be able to micromanage all the health care plans in the States. That is not what we passed. That is not what we agreed to. What we told the States to do was put in portability and put in conversions,

where you could convert to an individual plan. We did that; 45 States said yes; 5 still have not. That is temporary. Even the GAO report that was quoted by my colleague from Massachusetts said—he was quoting that report where the director who made the report said we may not have this need. We don't even know, because those five States may be in compliance, and once they sign up, we are done, they are done.

My colleague is talking about mental parity. The States have that in their plans if they are complying. That is a State regulatory function, it is not ours, where the Federal Government has an involvement to tell my colleague under an ERISA plan, that's enforced under the Department of Labor. It is not under HCFA. HCFA did not ask for that, because it is not under their domain, their jurisdiction. I don't want people to be confused and say this may hinder mental health parity enforcement. It does not. It doesn't have a thing to do with that.

What this whole legislation is about is getting the States to comply with HIPAA, the Health Insurance Portability and Accountability Act. Mr. President, 45 States have done that; 5 are in the process, working on it. They have done that with 26 employees. This is a measure to say we need another 65, and incidentally, when they finish this, we will have them doing something else. This is a massive effort to expand the bureaucracy of an agency that already spends $364 million, has 4,000 employees.

I might mention, the administration wants to increase that next year by about $80 million, just in administration function, and increase that by another 215 employees. We will have to wrestle with that in next year's appropriation bill, which will just be another few months from now. But what we have on the floor now is the so-called urgent supplemental that the administration tried to stick in the back-door to expand their bureaucracy. They want to use this urgent supplemental as an excuse to expand the bureaucracy when there is nothing urgent.

I think if you have a bill that passed 20 months ago and you have 45 States in compliance and the bill has only been in effect 2½ months and there are 5 remaining, there is no reason to almost triple the bureaucracy to be able to get those 5 States to comply. That is what we are talking about. That is a temporary need, and surely HCFA, with 4,000 employees, if they need a couple more employees, can borrow a couple of those employees out of that 4,000. I mean the 26 that are already working in this one branch, they still have 3,970-some-odd that they could use, that they could borrow. They can borrow a couple of people.

Or there is something like almost 60,000 people in Health and Human Services—60,000 employees. Maybe they could borrow a couple of those. We don't need to permanently fund an additional 65 employees to expand this bureaucracy.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think it is worthwhile to get back to the real situation with regard to the implementation of this legislation. With all respect, my good friend from Oklahoma has failed to describe accurately the kind of crisis that is affecting so many families in this country and then differ with what the conclusions would be in terms of his amendment on that particular crisis.

No. 1, there is an emergency. It is an emergency for individual families. The Kassebaum-Kennedy bill addressed the group-to-group issues, where you have large groups moving into other groups in terms of the State, where about 80 percent of those have insurance and have some preexisting condition. But it has significant problems with regard to groups going to individual policies in the State. That is basically what we are talking about.

Let's get serious about understanding what the issue is and the kind of pain and anxiety that is taking place. Every Member of this body ought to understand and get ready, that if the Nickles amendment goes through, you had better put on three or four more people in your office to answer the phones, because that is what is going to happen, from individuals all across this country who are going to be facing many of these kinds of problems, such as gouging by some of the unscrupulous insurance companies that have raised the premiums to gouge American families some 600 percent. We are not addressing that particular issue today, although the administration has a proposal and I have a proposal. We didn't believe that was going to be a problem under the Kassebaum-Kennedy bill. We said let the States do this, and the majority of the States have done it and have done it well with regard to the issues of pricing, but not all of them have. We ought to try and address that. We will do that but at a different time.

What we are talking, Mr. President, with all due respect to my colleague, is many States, not just five. There are five States that have not passed State laws to address this issue, but there are many, many other States that have passed laws that are still out of compliance. The Senator does not recognize that. Just read in the GAO report, which I will.

Let's think about what we have asked. I am not here to try to defend HCFA, although I will on this particular occasion. We have put a very heavy burden on HCFA. We put a heavy burden on HCFA to try to implement the changes in the Medicaid Program to provide the savings in the budget last year.

We have put a heavy burden on HCFA to try to deal with the fraud and abuse issues with new rules and regulations as a result of the excellent hearings that were held by Senator HARKIN, and that has broad bipartisan support.

We put the burden on HHS and HCFA to implement the legislation dealing with children's health insurance last year—that is taking place all across the country—to work with States. I have attended those conferences. There are HCFA people there trying to work with the States to implement the program we passed last year. That is State implementation, and HCFA is working with those States—just to mention a few of the additional burdens we have put on them.

We have put on them the drive-by deliveries to make sure the States are going to comply with the legislation that was initiated by Senator Bradley and others, a bipartisan effort, to make sure we are not going to have drive-by deliveries.

Also, to implement the provisions of mental health that Senator DOMENICI and Senator WELLSTONE added to it, to make sure that the States—and many States have not—are going to be able to include the mental health programs that are being included in the existing programs. We had a serious debate on that. We made very, very important progress. We had bipartisan support.

Mr. President, it is true this bill went into effect last January, but I think it was the height of responsibility that the chairman of our Human Resources Committee, Senator JEFFORDS, asked the GAO to do a review of the implementation of the bill to find out where the bugs were so we could try to address them before it deteriorated and became more serious. That is an important, responsible oversight function. And we got the report back on the result of the legislation, being implemented now for 2 months, but we have the warning signs out there. We have the recommendations, and we have a proposal that doesn't increase the burden on the American taxpayer. It is a transfer of funds, not an additional burden. It is a recognition by the agency that we need to get additional personnel who have a high degree of expertise and an understanding of the insurance problems.

This is the first time HCFA has had to face the various issues on insurance. They have to go out and hire people. It isn't somebody you are bringing up to run the garage down at HCFA, it isn't that you can just hire and fire people at will. These are very specialized and important functions, and you need a considerable degree of skill and experience in order to make sure that they are going to be done right and well to protect the people. That is what we are talking about in this circumstance. There is no additional burden or weight in terms of expenditures for the taxpayers, but just the recognition within HCFA that this is a priority and we need these quality people to be able to do it. That is where we are at, Mr. President.

Let me respond to the Senator from Oklahoma on this issue. And make no

mistake about it, all of us have been around this place long enough to know that if you don't have the people in these various agencies, the phones just continue to ring. And the people who will be ringing are the people who have these preexisting conditions and disabilities—make no mistake about it. They are already stretched out, as far as the mind and eye can possibly see, and they will not be able to get any kind of responses.

We have in this GAO report the recognition that if you have more than a 63-day gap in your coverage, you do not have an entitlement to get the insurance at the State level. We have testimony in the GAO report that many companies stretch out the period beyond the 63 days in order to effectively deny people from receiving what they otherwise would be entitled to. That is in the GAO report. We want to stop that.

So, if you are going to vote for the Nickles amendment, be prepared to face a mother in your State or a father in your State who says, ''I was strung out; I wasn't aware of the 63 days, and my insurance people dragged this thing out; I finally found out after 64 days that I should have gotten this proposal, and now I am denied. What am I going to do for my child?''

This does not cost the taxpayers any more. We are responding to real needs, not needs that the Senators from Massachusetts or Minnesota are saying, but the General Accounting Office is saying and HCFA is saying. It is going to make a major difference to people who have these kinds of preexisting conditions and illnesses.

Look at what the General Accounting Office has said:

> preliminary data from an October 1997 NAIIC survey indicate that while most States have made progress in enacting statutes implementing key HIPAA provisions, many gaps remain. For example . . . in the individual market, eight States have not passed laws to implement guaranteed renewal. In the group markets, two States had not passed laws to implement small-group guarantee access, and four States had not passed laws to implement guarantee renewal and limits on preexisting condition exclusion periods in the large-group markets. In addition, these preliminary data do not include HIPAA's certificate insurance requirement, and anecdotal evidence suggests that many States have not incorporated this requirement into State statutes.

There are not just the States that haven't passed the law, there are all of these kinds of problems. It is all spelled out.

> While States continue to pass legislation to close some of these gaps, the possibility remains that not all the provisions in all market segments will be addressed, necessitating an expansion of HHS's enforcement role.

That is what the GAO understood, that is what the appropriators understood, that this has a higher priority. Here it is in the GAO report.

Then it goes on in the report, saying:

> HHS resources will be further strained if the enforcement role it is serving in these five States becomes permanent or expands to other States. If HHS determines that other States have not passed one or more of the HIPAA provisions, as the preliminary data suggest, HHS will have to play a regulatory role in these additional States.

Mr. President, Senator Kassebaum believed all the States should, and we want all the States to conform to this. But the fact of the matter is, we have the warning signs right out here in this GAO report. We have the suggestion in the emergency supplemental, and the reason that it is in there is because this is a real emergency for families that will not be able to get coverage as the law was intended and as the testimony indicated, individuals with preexisting conditions.

I listened to the Senator talk about his conclusions on the GAO report. It was very interesting, but it was limited. He read part of one page but did not read the conclusion.

It points out in the conclusion of the GAO report:

> Finally, two implementation difficulties are substantive and likely to persist unless measures are taken to address them. First, among the 13 Federal fallback States, some consumers are finding it difficult as a result of high premiums to obtain the group-to-individual guaranteed access coverage that HIPAA requires . . . Second, HHS's regulatory role could expand as the status of States' efforts to adopt and implement HIPAA provisions becomes clearer in 1998. HHS's current enforcement capabilities could be inadequate to handle the additional burden unless further resources become available.

I do not know how much clearer that can be. We can say, Mr. President, ''Well, we will just let it go and see what happens.'' It is extraordinary to me—extraordinary to me—when we are putting at risk families that have, primarily, children or parents or other families who have preexisting conditions and disabilities, we are going to say on the floor of the U.S. Senate, ''We are going to put you at risk''? It might get better; sure, there are one or two people in each State that can try and work it all out. We have been put on notice. It is the height of irresponsibility to fail to respond to that notice. This is not just shuffling papers around, this is not just a question of bureaucracy, this is a question of whether we are going to provide the protection for those families. That is the issue.

We know what is happening, and families now—too many of them—are being gouged by the 500-, 600-percent increase in the premiums. We had hoped the States would address those. Many States have. The majority have. We are proud of them. But we know that some have not. What if you or someone you knew lived in that State, or family lived in that State, and you found out these games were being played? These games are being played. The GAO report points out in its study that, ''Some carriers initially attempted to discourage the consumer from applying for products with guaranteed access rights. Some are charging premiums 140 to 600 percent of the standard rate.''

What kind of a chance does a family have with a child with a preexisting condition to pay 600 percent more? It is gouging.

This measure is trying to say, OK, let's implement the enforcement of these programs to the extent that we can protect the public. What is the point of passing a law on burglary and then saying we are not going to have any policemen to enforce it? That is what we are doing.

We all celebrate the fact that we passed this law—bipartisan—passed the law. And then to take away the enforcement of it? What sense does that make? Particularly when it isn't costing any more.

Now, Mr. President, as you go through this GAO report

> After the Federal fallback provisions took place on July 1, 1997, many consumers complained to State insurance regulators that carriers did not disclose the fact that a product with HIPAA guaranteed access rates existed, or, when consumers specifically requested one, they were told that the carrier did not have such a product available. One State regulator we visited said that some carriers told consumers HIPAA products were not available because the State had not yet approved them. However, the regulator had notified all carriers that such products were to be issued starting July 1997, regardless of whether the State had yet approved them.

Here we have examples of various agents who are completely distorting and misrepresenting what the bill was all about. All we are saying is, let us have an opportunity to work with the States to make sure that these individuals and families are going to be protected.

We have in the GAO report examples where agents are not demonstrating the options to eligible individuals. They say the policies are not available. We have allegations in this GAO report that some of the major insurance companies are docking the agents' fees if they sell these policies to people with preexisting conditions. That is happening today—today. And the Senator from Oklahoma says that we do not have a problem. We will just wait another year and get another GAO report. We have this now, here. This isn't just some document that was produced for the Senator from Massachusetts or any of the rest of us who are going to oppose the Nickles amendment.

They talk in here about the confusion among consumers. And with the confusion among consumers, we find out that these parents are calling Members of the Senate or calling whoever they can to find out what the information is. There is one individual out in the State. The Senator says 24 individuals ought to be able to work this. We have one individual in northern California covering about 10 million people, responding to all of these questions, all of the kinds of questions that have come up.

What did HHS say when it came and testified? We have had a hearing on this very measure in our Human Resources Committee, Mr. President. And

what the HHS said is that they needed these resources because they wanted to go out and help educate consumers—who are the consumers? those with the preexisting conditions—about how this law works, if they have the protection or if they have not got the protection. And that was one of the things that they wanted to do. Because as a result of the GAO review that said there is confusion out there, they wanted to address this problem. But you are not going to be able to do that if the amendment of the Senator from Oklahoma is accepted. They will not be able to reach out and educate because they will not have the resources to be able to do it.

Mr. President, one of the really insidious aspects of this was the finding of the GAO report on the questions of the waiting period. They had an example. According to NAIIC, the National Association of the Independent Insurance Commissioners, some health plans have established waiting periods of up to a year during which certain conditions or procedures, such as organ transplants, are excluded from an enrollee's coverage. Requiring such waiting periods effectively excludes such preexisting conditions from coverage, and, according to regulators, it is contrary to the statutory intent to provide the portability of coverage. It is here in the GAO report. We can take—and I will take—time to go through this in greater detail.

But the idea, Mr. President, that we have just five States that have not conformed, that they are going to do it, that the bill has just been put into effect and we have no problem out there, is a complete distortion and misrepresentation of an excellent GAO report that points out what is happening out on Main Street—what is happening out on Main Street—to the families with these preexisting conditions. Those with the disabilities are facing very high hurdles. They are facing those hurdles every single day.

Finally, we have some opportunity to work out in a bipartisan way a bill that got votes of 100–0 and 98–0 for some relief for 25 million Americans who have some preexisting condition or disability. The GAO report flagged for us the need for some oversight as well as some of the real problems. Although the solution will not cost the taxpayer additional money, we are being told that we do not have to be concerned about this, that there really isn't such a need out there, that all of these problems are going to be easily resolved. That flies in the face of this excellent report, and we should not—we should not—accept it, Mr. President.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of my colleagues, I think we are winding down. Just a couple comments.

HCFA is not a starved agency. This is not an agency that has been ignored by this Congress in last year's appropriations bill. Last year, in 1997, we spent $1.77 billion in HCFA. In 1998, this year we are in, $1.88 billion. I tell my colleagues, that is $110 million, and an increase of $30 million just in the administrative portion of HCFA alone.

And the number of full-time employees, I have mentioned before, is over 4,000—4,000. So this is not an agency that has been starved. If you ask anybody in the medical community, anybody in a hospital, HCFA is a disaster. It takes 10 years sometimes to promulgate regulations. I do not think there is a direct relationship between increasing an agency's budget and improving the quality of health care for families.

My colleague from Massachusetts said, ''Boy, if we don't give them more money, we're going to have bad quality health care in various States.'' I do not think there is a direct correlation between an increase in HCFA's budget for bureaucrats and improving quality health care.

It may be just the opposite. It may be that a lot of those bureaucrats, instead of increasing the quality health care, frankly, cause a lot more headache, a lot more paperwork, a lot more compliance costs and less quality health care. And so is this urgent?

Now, the administration has a big request in 1999. And we are going to fight that on the appropriations bill. I am sure they have asked for $80 million in new money. They have asked for another 217 employees. Now they are trying to squeeze in an extra 65. I do not think we should do it. I do not think we should do it. It is not that big of a deal, but, hey, do we want to turn that much additional bureaucracy over to HCFA, that much more money, or can't they borrow some more of those employees that they now have who are probably reading through reports that are obsolete and maybe not doing so much good?

Sixty-five happens to be about 1.5 percent of their work force. Surely, they can borrow a few employees if they have this urgent request to get these five States in compliance. Heaven forbid, five States. It is 2½ months, and they have not stepped up to do what we told them to do.

Now, does that mean those States do not care about quality health care? I do not think so. Maybe they have not passed the bill in their legislatures, but, all right, let us borrow some employees from HCFA. Maybe that can encourage this process. But do we really need to hire 65 more when 26 were doing this function for the first 20 months? Do we really need to hire an additional 65? That is an increase of 250 percent, when you only have basically five States that have not complied when GAO says that HHS' regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. And yet we are going to more than double the number of bureaucrats dealing with this? I do not think that makes sense.

And then, Mr. President, I want to touch on—and I have the Budget Committee chairman here and the Appropriations Committee chairman here. I want to touch on how this was paid for. Now, this is supposedly an urgent supplemental. I know on occasion—I know on the highway bill we are going to make a change on an entitlement program to help pay for the entitlement program, and most everybody signed off on it. Maybe that is good; maybe it is not good.

But the way we are paying for this, I tell my colleague from Minnesota, we are taking money out of the Hospital Insurance Fund. We are taking money out of an entitlement program, mandated program, that is supposed to be dealing with quality health care. We are taking money away from that program and saying, well, we want to spend it in an urgent supplemental and money going out this year. Now, we only have a few months left this year. The HI, the Hospital Insurance Fund, happens to have some problems. Its problems are that more money is going out than going in. And so now we are all of a sudden saying—and this portion of it deals with peer review organizations, and so on. We are supposed to be implementing quality, supposed to be improving quality for seniors, and we are going to say, ''Oh, no, we're going to take money out of that. We'll take enough money out of that to pay for this.''

We are taking money out of the entitlement side to pay on the discretionary side, and further compound the problems we have in the Medicare trust fund. I just do not think that makes sense. I do not think it is right. I told the chairman of the Finance Committee we should not do this. I have heard people say we are going to protect the Medicare fund and we are going to protect seniors and we are going to have quality health care for seniors, and the next thing you know, well, we are playing games on HI, on the Hospital Insurance Fund, so we can get more bureaucrats for HCFA.

I do not think we can do it. If HCFA has the need, they have 4,002 employees. The can borrow, they can get by, they can make sure they can make it happen. They have a total of 58,000 employees in their whole organization. Health and Human Services has 58,500 employees. Maybe they could borrow one or two of those. They could borrow 1 percent of those. My land, 58,000—1 percent would be 580. Do we really need that? I do not think so.

So I just urge my colleagues to vote no on expanding bureaucracy. Let us allow some common sense and some fiscal discipline to happen for a change. Let us not be taking money out of an organization that is supposed to be improving quality health care for seniors and further jeopardizing the Hospital Insurance Fund at the same time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if other colleagues want to speak on this amendment, I would be pleased to defer to them. If not, I want to go on and speak.

Mr. President, I would like to bring us back to what I think is the central question before us, and this will be the vote. We passed the Kennedy-Kassebaum bill. It was noncontroversial. We believed it was the right thing to do. What we said, the U.S. Senate, in our collective wisdom, Democrats and Republicans, was that it was simply wrong for an insurance company to deny someone coverage because of a preexisting condition. That was part of what we said with that vote.

In addition, because the mental health parity amendment was passed, the law was passed as well, we said that we were going to at least take a giant step forward in ending some of the discrimination against people struggling with mental illness.

We had a request, it was part of this supplemental, for some additional funding for HCFA to administer this law. That was noncontroversial until the Nickles amendment. The Nickles amendment eliminates that funding.

Now my colleague from Oklahoma keeps talking about bureaucrats. Sometimes that gets to be a tiresome and tiring argument because sometimes it is not like ''bureaucrats'' with a sneer, it is women and men in public service with a very important mission, and the mission is to make sure that people in our country, families in our country, are not denied health care coverage because of discrimination by insurance companies, by health care plans. It is not ''bureaucrat'' with a sneer, it is men and women who are part of a mission to make sure that we do not just pass a law—we pass a law with great fanfare, and we say to families in the country: ''Listen. No longer will it be true that because your daughter is a diabetic and she has now graduated from college, and she is off your health insurance plan, she can't get coverage. No longer will it be true that because your husband had a bout with cancer when he was 55, now that his company has downsized and he is out of work, he won't be able to find any coverage at all. No longer will it be true that if you are suffering, struggling with mental illness, a company or a plan can say to you, 'We are going to put a cap on an annual limit of how much coverage you can get, or a lifetime limit.' ''

It won't be like someone who is struggling with a heart condition. It won't be like a diabetic. It won't be like someone struggling with another illness. We will put you in a whole other category, that is to say, second-class citizens. It doesn't matter that we have all this research talking about biochemical connection. It doesn't matter we are finally getting out of the dark age and getting beyond the stigma. We will make sure some of this discrimination ends.

We said all of that.

Now the rubber meets the road. That was noncontroversial, I think, before this amendment. A request by the administration for some additional funding for HCFA to make sure that this law of the land is implemented, that people are held accountable should be noncontroversial. It is like you give with one hand and you take away with another.

Now, Pennsylvania, for example, has notified HCFA they are not going to comply with the mental health law. There are some 20 other States that are expected to miss the original deadline. That is just the tip of the iceberg.

The truth of the matter, I say to my colleague, is that when States do a great job, insurance companies do a great job. We are pleased with that. But if you don't, the way the law of the land reads is that HCFA can come in and say, ''You have to; this is the law of the land. That is the legislation we passed.''

What we have here, just be clear about this, is an effort to gut this. My colleague from Oklahoma says you can hardly expect, if it is such a serious problem, you can hardly expect that an additional 60 people are going to solve it. You know what. I would rather err on the side of trying to make sure that we do everything we can as policymakers to make sure that these laws that have been passed, that have given people so much hope, given families so much hope, are implemented, enforced. Why in the world would we want to pass legislation that gives people hope and then dash that hope?

I will go back to what I think is at stake, and then I will conclude. There are other colleagues on the floor. I think this is all about living up to a commitment. I think this is about living up to a kind of sacred contract we have with a lot of families in this country. I am proud of what we did with Kennedy-Kassebaum. Not to be a know-it-all, because certainly I am wrong more than I want to be, but I always thought there was going to be a problem with the premiums being jacked up, and in some States that is indeed the problem, where companies say, ''Fine, we will cover you—you had a bout with cancer—but we will charge you $15,000 a year.'' We have that problem out there. That is the problem. With the voice of the U.S. Senate that said to people in this country, ''We are going to try to give you some protection that you are not denied coverage because your loved one has Parkinson's or Alzheimer's or has struggled with cancer or diabetes,'' that was the right thing to do.

On the mental health part, I conclude. That is why I am out here. I am sorry, I will err on the side of caution. To me, what that means is when I see that States aren't able to comply—not all the States are complying—and when I know what the law of the land says and I know what a difficult struggle it has been and I know that a lot of people have some hope that at least this ends part of the discrimination, when I hear we need some additional manpower and womanpower to enforce that law, I am not going to support an amendment that guts that.

Now, I am quite sure that it will never be perfect. And I am quite sure that these ''bureaucrats'' may not be able to do it all. But you know what. Enforcement of legislation that we pass, it doesn't just sort of happen by accident. It is all about women and men who are involved in public service, who have certain jobs, and who carry out their responsibility. We need that enforcement power. This amendment guts it.

I just want colleagues to understand what is at stake here. There is more at stake than just this specific amendment. I certainly agree with what the Senator from Massachusetts said about what our offices can expect because those of us, and I think probably all of us, Democrats and Republicans, I think we understand that part of our work is here, but every bit as important is our work back in our States. I find in Minnesota, I say to my colleague from Oklahoma—I can get a smile from him on this even though we are sort of in disagreement on most things—we have a great political event, the Minnesota State Fair. Half the State's population, in 13 days, over 2 million people, come to the Minnesota State Fair. It is unbelievable. Everyone comes up to you. People are generally speaking nice, but they give you a piece of their mind if they don't agree with you. I have learned at the Minnesota State Fair there is hardly anybody talking to me about a lot of bills we deal with. The vast majority of people talk about a letter I responded to, a phone call that I received, or a specific problem that they had as a family that our office in Minnesota was able to help them out on. That means more to people than almost anything.

I tell you something, that is what this is about. This is about making sure that we help a whole lot of families, families that have to deal with illnesses, and want to make sure they get coverage, families that are in pain and look for someone to help them, families that are struggling with physical illness and, yes, mental illness, that are looking for help and looking for support and looking for protection. There are a whole lot of families like that. There but for the grace of God go I.

We should not vote for this amendment. This amendment should be soundly defeated, whatever the good intentions of my colleague from Oklahoma are. He always has good intentions, but in my humble opinion, he is profoundly wrong on this question.

I yield the floor.

Mr. DOMENICI. I waited on the floor to see if Senator KENNEDY was coming back, and I am glad he is here, because

I have reviewed this as best I can and I am going to support the amendment that Senator NICKLES has offered.

There is a very good argument that can be made that, in fact, this request that the administration puts forth in a two-thirds sheet of paper, may be justified. Let me suggest there is equal reason to say the administration has done a very poor job of preparing for the implementation the law has referred to with reference to access, with reference to portability, and with reference to another law that is different from that that has to do with mental parity.

As a matter of fact, it seems to this Senator that if Senator NICKLES prevails—and I don't know whether he will or not—HCFA ought to get the message that they have two very difficult statutes to enforce and they ought to get ready for enforcing them in an orderly manner, not to come up here 6 months into a year with a request that all of a sudden they found out that they may have to enforce, because of the absence of State willingness, they may have to enforce in a number of States.

Who would ever have thought you could put together a HCFA budget charged with these two responsibilities and assume that States will all enforce them? Is there anybody who knows what goes on who would agree with that? They should have at least in their regular budget anticipated that they would have a very major enforcement requirement and responsibility.

Now, I also want to say to those who think that maybe this is harsh on HCFA, I have not said this before, but if you want to see some action that is harsh on HCFA, look at the President's budget. The President's budget on HCFA does the following: It assumes a series of user fees, one of which is extremely high that one would hardly believe would ever pass, and the President assumes those user fees are going to pay for HCFA, so he doesn't put enough money in HCFA. Forget this little $6 million. He shortchanges it by many, many millions on a wish that user fees will be adopted because he has requested it.

Now, frankly, I think they better get their act together, and they will find a very sympathetic Senator DOMENICI.

My second point. I have read everything I can from this administration, and I say to my wonderful cosponsor and hard worker on mental parity that I find nothing in the written material that suggests that mental parity is an issue here, mental illness parity. They are talking about the statute that KENNEDY referred to.

Now, they can get up this morning and say, ''Maybe we need some more support on the floor, so let's talk about mental illness parity also.'' If that is the case, let me just ask, did they ever assume that all the States would have taken up the enforcement of mental illness parity? Of course not. They should have been prepared for it. They just prepared a budget and they will have another one in 6 months. So essentially, while I will do everything within my power to see that the letter of the law on mental illness parity is enforced, I don't think we ought to just accept from the administration, from a HCFA that is rather disorganized, to say the least, another request for $16 million.

Now, I understand $10 million is not nearly as urgent, and probably even those who oppose Nickles can agree that the $10 million is not necessary. So perhaps I am erring on the wrong side here, but I think my judgment is to send a signal back to them, loud and clear, that the Senate will put up the money to enforce these two provisions because we voted for them very heavily. In fact, we voted almost as heavily for parity as we did for the rather famous Kassebaum-Kennedy bill.

I am very pleased people supported my efforts and the efforts of Senator WELLSTONE on that. I won't take a back seat to anyone in my willingness to do anything I can to see if mental illness parity will work. I don't think this is necessary to move it down the line and see it work.

I yield the floor.

Mr. KENNEDY. I see other friends and colleagues who want to speak on this issue. I want to review just for a minute or two the provisions of the legislation.

First of all, the GAO report came out January 25 and the request for the additional funds was made last Thursday. This was all done within a relatively short period of time. I am quite amazed they were able to get their act together to be able to make the assessment and to be able to review the various materials of the Appropriations Committee. The Appropriations Committee responded in finding offsets so we weren't going to increase the expenditures. These are basically offsets.

Mr. President, this legislation was put in the form of a request to the States to conform. If the HCFA had been up here last year, the voices out here would say, ''Well we haven't seen what the States are going to do. We believe the States will conform. We have to wait to see what has actually happened with the States before we know whether there is going to be conformity with this provision or not.''

At the excellent request of our chairman of our Human Resources Committee, 2 months into the bill we get a report that says there are these kinds of problems and they need these kinds of solutions. Then we had the corresponding action to try to have the personnel to deal with this. That is really the history of this.

I know the Senator from New Mexico has spent an enormous amount of time on the whole issues of mental health because he knows that issue is of particular importance. Although it was not illustrated in the central findings of the GAO, the Senator would know, based upon past experience, that it is always the lost child in any kind of discussion of health insurance policies. There will always be more complexities and difficulties dealing with that. That is just the history. The Senator knows this better than I, as well as the Senator from Minnesota. So if they are having these kinds of implementation problems now with the existing kind of statute, I think it is not unreasonable to think that we are going to have those kinds of problems on the issues of mental health.

I am just mindful, Mr. President, and my friend from Oklahoma—Oklahoma has hired five more people in their insurance department in order to help implement this in its State. We are talking about a handful of people nationwide, at no additional cost, dealing with disability, our most vulnerable citizens. We are on notice. These are our most vulnerable citizens, those that have preexisting conditions and those that have disabilities, most of them children. We are going to be put on notice by the GAO, and through a nonadditional-dollar cost to the taxpayer, saying, no, we are not going to permit the agency that has the prime responsibility for enforcement to have the adequate personnel.

That may carry the day here on the floor of the U.S. Senate, but I just hope that our colleagues who support that position—as I mentioned before, these parents are going to be calling all of our offices, and they are going to be calling the agency asking questions about what to do about their children.

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

Mr. KENNEDY. Yes, I would be happy to.

Mr. REED. Aren't we missing the point when we look at HCFA and try to blame them for the complicated issues that we have asked them to enforce? We are missing the point. Who is really suffering, if we do this, are the thousands of families in the country that won't have access to good health care. It is our responsibility to ensure that HCFA and the States provide real access to the hundreds of thousands of families that need good health care around the country. We just heard yesterday at a hearing about the struggles and travails of a young mother who was trying to get good care for her daughter in the context of Kennedy-Kassebaum, and without good enforcement she would not realize these benefits. I think you are absolutely right, Senator, in terms of the message we are sending. It is not, ''HCFA, get your act together.'' It is to thousands of families we are not going to enforce the right that we thought we gave 2 years ago.

Mr. KENNEDY. Well, the Senator is absolutely correct. We are on notice now. The decision was made—and I give great credit to Senator Kassebaum—that we were going to have State implementation of this. There were many of us on this side that believed that there would be danger, in terms of the escalation of insurance premiums, if we did not at least set

some kind of parameters for the increase. We had testimony based on different models to indicate what the framework for that kind of an increase was. It was a decision that was made that we would defer and then have an examination of what the States would do.

So we have now had a preliminary finding. In a few States, we have seen this dramatic escalation, a 600 percent increase in the premiums. But in many States, we find out all of these other kinds of enforcement problems, where we have had agents for various insurance companies that are being penalized if they include in their various programs children with disabilities or those individuals with some preexisting condition. They are penalized. Or, if individuals call up, they are given misinformation or disinformation about what their rights are. We have all of that illustrated in this GAO report. We have had it illustrated out there.

Now, what the Appropriations Committee said is, OK, if we have this problem, we have read through this, we have a way of trying to make important progress in alleviating the anxiety of these families that are facing the most extraordinary kinds of pain and suffering that one can imagine when they have disabled children in these circumstances. I know that because the Senator from Rhode Island has a superb bill on the issues of pediatric patients' rights, the whole issue on children. The Senator has been a real leader here. I think he knows this issue well. Now we have a way of trying to address this issue and we have our colleagues—we are talking about the emergency supplemental, which is dealing with these major issues that comes up with an amendment to strike this $16 million. Now, as the Senator from New Mexico pointed out, $6 million is the most important of that $16 million because that will be for the actual implementation of the enforcement. The others, I think, are important, too. I think a case, perhaps, can be made if we are following a very strict interpretation—and that is another issue—a strict interpretation about whether we could not defer that, but certainly not with regard to the protection of those families.

Mr. REED. If the Senator will yield again, as I understand it, there are 45 States that have adopted local State laws. Even within those States, they are not fully complying with the strictures of the Kennedy-Kassebaum Act. As a result, even in the States that did what we thought they would do, we still need Federal oversight. As a result of that, I hope we will elect to pass this measure.

Mr. STEVENS addressed the Chair.

Mr. KENNEDY. If I can answer the question——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. The Senator may yield for a question.

Mr. REED. My question, if I may, Senator——

Mr. STEVENS. Mr. President, there is no way to control the floor unless a Senator addresses the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, if I may address the question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator may ask a question.

Mr. KENNEDY. The Senator is entitled to ask a question. He was asking whether the suggestion that because 45 States passed laws, does that mean that all 45 States are in conformity, which is a reasonable question since that has been the statement made on the floor. The answer to his question is that it is not a fair indication of the amount of implementation of this particular program, according to the GAO, because even though those States have passed laws, within those laws they fail to conform with a number of the other provisions in here. I have indicated those particular provisions. They are primarily targeted on the group-to-individual. As I pointed out, the record on this legislation with regard to group-to-group in the States has been good. As it should also be for group-to-individual policies. It was supposed to give the States the first crack. There were some general criteria established for moving ahead on that. That criteria has been spelled out. We can take some time to go through that criteria. But it has been spelled out in those areas. I have outlined some of those, and I will come back to those at a later time.

Mr. REED. Mr. President, if I may address an additional question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Rhode Island may if the Senator yields for a question.

Mr. KENNEDY. Yes, I yield. And I intend to yield the floor in a few moments. I intend to answer the question now.

Mr. REED. I understand that last week the Labor Committee had a hearing on this issue, and it came with great evidence that we need to do more to enforce effectively this bill. And it seems to me that, in the context of that hearing, this provision to strike out needed money is absolutely the wrong approach in terms of ensuring that American citizens have all the benefits of the bill that we all passed, which we all thought would be a major breakthrough in health care in the United States. I wonder if that is the case, and, in fact, did the Labor Committee indicate that these issues were necessary to be enforced?

Mr. KENNEDY. Mr. President, the Senator is absolutely correct about the hearing. We had the hearing, and we heard testimony from the General Accounting Office. I tried to get the transcript, which has not been printed up, because I think any fair presentation on the basis of the review of the transcript would support our position very clearly.

Our position is that States were invited to pass the legislation that was going to conform with the various provisions of the legislation, and some 45 States have. Some States have not, and some States even at this time have indicated that they are not going to conform with the mental health various provisions. But even with the States that have filed legislation, a number of those States are out of compliance. That is illustrated in the GAO report. In the GAO report, as well as in the testimony of the individual who made that report—I think his name was Bill Scanlon—there was an excellent presentation, basically outlining the concerns that I have expressed here. I believe that my representation, having attended that hearing, is a fair summary of what his position is.

Nonetheless, what we have, Mr. President—the bottom line is that as a result of careful oversight, we have a report on a bill that was just passed recently, some 20 months ago, going into effect in January of last year, reviewed by the General Accounting Office, some important abuses that have been outlined, and the effort by the Appropriations Committee—correctly I think—to try to address those abuses. And now we have an amendment that will effectively make it much more difficult to protect those individuals that have disabilities.

I have been around here long enough to know the problems that we have been facing in order to strike down the barriers of discrimination on the basis of disability. We have had a difficult time, and it is interesting that we have only in recent years passed the Americans With Disabilities Act. It took a long time. This country has been reluctant to bring those that have been facing physical and mental challenges into the bright sunshine of fair treatment. So it doesn't surprise me that we are out here on the floor of the U.S. Senate battling for those who have disabilities and preexisting conditions once again. It doesn't surprise me all that much. But that is what we are doing. You make a step forward and you have a step that goes back. We have been around here long enough and we have seen that, unless you are going to provide a remedy, a right that you provide is not an awful lot.

We passed the 1968 Fair Housing Act to try to eliminate discrimination on the basis of race in housing. It didn't mean a darn thing. A remedy wasn't out there. We passed the 1987 Fair Housing Act that had remedies in it and enforcement provisions in it. Now we need to have enforcement protections in here for those who have disabilities.

It isn't costing the taxpayer an additional dollar. We are basing it not on just our own kind of assessment, but on an independent study by the General Accounting Office on a supplemental. Now, I know the good Senator, my friend from Alaska, wants to get on with this issue. We are not the ones who raised this issue. This was just a small housekeeping provision about

setting some different priorities in HCFA, setting some different priorities. But it is more than a housekeeping provision to those families that are going to be affected.

We are not going silently into the night on it. We don't want to be labeled as holding up the supplemental on this issue because we are contesting something that isn't going to cost the taxpayer another dollar, on which the Appropriations Committee itself made a decision and a judgment that it ought to go ahead. This is about protecting families that have disabilities—mental disabilities, physical disabilities, and preexisting conditions. We are standing here to protect those individuals, and we have the GAO report that says we should.

So, Mr. President, this is a very important kind of question that we are faced with here. I think it takes some time. Some came in last evening when it was offered. We have only had a brief time to sort of talk about this issue, but there is more that ought to be said about it.

Mr. REED. I thank the Senator for his remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Missouri.

Mr. BOND. Mr. President, I seek recognition to offer two amendments. I would be happy to defer to the distinguished chairman of the committee.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments—the Senator from Missouri will offer two budget amendments based on budget requests—once introduced, be immediately set aside to be in the line for regular order following the amendment of the Senator from Wisconsin.

What is the order now?

The PRESIDING OFFICER. We are on the Stevens amendment No. 2120.

Mr. STEVENS. I wish the Bond amendments to be offered after Senator FEINGOLD in the regular order. The first regular order would be, as I understand it, Senator FAIRCLOTH, and then Senator FEINGOLD, and then the Bond amendments would be after that, if my unanimous consent request is agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, can the Senator tell us where we are on the list?

Mr. STEVENS. The one of the Senator from Massachusetts is the pending business. Mr. President, I say to the Senator, it is my understanding that his is pending business. I want to get to the budget amendments. There will be some amendments to those. So they would come after Senator FEINGOLD, if my unanimous consent request is granted.

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

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and I thank the distinguished chairman of the committee.

I have two very important amendments that really deal with the substance of disaster relief, particularly, in fact, not only New York and the New England States, but the Southeastern States and the Western States.

There was a request—I repeat it—that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 2122

(Purpose: To provide emergency community development block grant funding to assist States in recovering from natural disasters occurring in Fiscal Year 1998)

Mr. BOND. Mr. President, concerning community development block grant programs, on behalf of myself, Senators MIKULSKI, STEVENS, SNOWE, COLLINS, D'AMATO, JEFFORDS, LEAHY, MACK, GRAHAM of Florida, and BOXER, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER, proposes an amendment numbered 2122.

Mr. BOND. 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:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT—BLOCK GRANT FUNDS

For an additional amount for ''Community development block grants funds'', as authorized under title I of the Housing and Community Development Act of 1974, $260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided,* That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further,* That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further,* That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further,* That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further,* That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further,* That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further,* That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further,* That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I ask that this amendment be temporarily set aside.

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

AMENDMENT NO. 2123

(Purpose: To provide additional funding for disaster relief to aid disaster-stricken States)

Mr. BOND. Mr. President, I now send an amendment to the desk relating to the Federal Emergency Management Agency on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, proposes an amendment numbered 2123.

Mr. BOND. 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 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY—FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For an additional amount for ''Disaster relief'', $1,600,000,000, to remain available until

expended: *Provided,* That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I now ask that the amendments be temporarily set aside.

The PRESIDING OFFICER. That is under the order.

Mr. BOND. I thank the Chair.

I look forward to debating at the appropriate time these two very important amendments which provide roughly $1.86 billion for emergency relief. I hope that we will be able to deal with those amendments this afternoon. I thank the Chair, and I thank the chairman of the committee.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2124

(Purpose: To make perfecting and technical amendments to section 404)

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I have an amendment which was agreed to in the Appropriations Committee. I told the Members that we were going to attempt to resolve one issue that was in dispute. We have resolved it. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2124.

Mr. DOMENICI. 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 29, line 20, strike ''(PANO'', and insert ''(JPANO''. At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike ''**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**'', and insert ''**PLANNING AUTHORITY.**''.

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A–2 of the Unser Middle Transportation Corrider Record of Decision prepared by the city of Albuquerque dated December 199? * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter ''the Director''), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting ''(1)'' after ''(a)'';

(C) by adding at the end the following:

''(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—''.

On page 34, line 9, strike ''DOCUMENT.—''.

On page 34, line 12, after ''Corridors','', insert ''dated October 30, 1997,''.

Mr. DOMENICI. Mr. President, this amendment, that I am offering with Senator BINGAMAN, represents the conclusion of several months of constructive discussion between us.

Together, we have reached an agreement on this legislation, which will allow the City of Albuquerque to proceed with the extension of a roadway to the west side of Petroglyph National Monument, if it decides to do so.

This amendment also provides that if the city elects to move forward with this extension, that: The road will be similar in design to a road that is already constructed along the monument boundary; the Park Service will have the opportunity to provide constructive comments on the road design; if needed, the roadway could be expanded to as many as six lanes at some point in the future; and Washington will not stand in the way of this local decision-making process.

Mr. President, I ask that this amendment be accepted.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. Mr. President, this has been cleared on both sides. It is a managers' amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2124) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the Senator from Minnesota wishes to offer some amendments and have them sort of get in line. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Alaska.

AMENDMENTS NOS. 2125, 2126, 2127, AND 2128 EN BLOC

Mr. WELLSTONE. Mr. President, I send four amendments to the desk and ask that they be separately reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes amendments numbered 2125, 2126, 2127, and 2128.

The amendments (Nos. 2125, 2126, 2127, and 2128) en bloc are as follows:

AMENDMENT NO. 2125

(Purpose: To encourage reform of International Monetary Fund policies, and for other purposes)

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with

all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies, including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

(Purpose: To express the sense of Congress on the treatment of Muchtar Pakpahan)

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

(Purpose: To encourage the International Monetary Fund to require burden-sharing by private creditors, and for other purposes)

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institutions that had extended such credit make a significant poor contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

(Purpose: To provide for an Advisory Committee on IMF Policy)

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, these amendments deal with IMF.

I ask unanimous consent that they now be laid aside.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that they be in order behind the two amendments offered by the Senator from Missouri.

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

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2123

Mr. JEFFORDS. Mr. President, I want to speak first very briefly on the amendment offered by the Senator from Missouri that would help the disaster areas of the Northeast.

First I want to commend the Senator from Missouri for helping the areas of the Northeast that were so punished by the recent problems with respect to the ice storms. Vermont suffered very significantly in the upper part of the State, but with the knowledge that we have with respect to what happened in New York and Maine which so far outpaced our problems, I can certainly commiserate with their need to have assistance, especially with respect to utilities, which have been greatly harmed by the weather problem.

AMENDMENT NO. 2120

I now would like to talk a little bit about the problems regarding the Kennedy-Kassebaum bill of the 104th Congress, the Kassebaum-Kennedy legislation, also known as the Health Insurance Portability and Accountability Act of 1996, called HIPAA. Many consider this legislation to be the most significant Federal insurance reform in the past decade. During this Congress, I have tried to closely monitor the impact of HIPAA over the past year to ensure successful implementation and consistency with legislative intent.

On March 19th, the Labor and Human Resources Committee held an oversight hearing to focus on the findings of a GAO report, which I requested, entitled, ''Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators.'' The report examines the HIPAA first-year implementation issues and the challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage.

This legislation was limited to the problems of individual insurance. And another GAO report will be coming forward with respect to the problems of going from one group to another.

The report confirms that federal regulators have faced an overwhelming new set of duties under HIPAA. In the five states that have failed to or chosen not to pass the legislation required by HIPAA (California, Massachusetts, Michigan, Rhode Island, and Missouri), the Department of Health and Human Services is now required to act as insurance regulator for the state HIPAA provisions. As a result, HHS has requested an additional $6 million in the supplemental appropriations bill to fund 65 new full-time equivalent staff for HIPAA-related enforcement activities in fiscal year 1998.

I share many of the concerns raised by my friend Senator NICKLES in offering his amendment. The federal government is ill equipped to carry out the role of insurance regulator. Building a dual system of overlapping state and federal health insurance regulation is in no one's best interest, and I intend to examine carefully this consequence of the act. However, we are currently faced with a real problem. We do not know when the five states will pass the necessary legislation in order to rely on state regulation. I believe HCFA currently lacks the expertise and resources to carry out its HIPAA-related responsibilities absent state action.

I suggested to Senator NICKLES an alternative to his amendment. HCFA has identified a need for 36 employees for essential enforcement in those states where conforming legislation has not passed. I believe that Congress should grant HCFA temporary authority to hire these 36 employees for its new HIPAA enforcement in these states for this fiscal year only. By approving the temporary positions during this fiscal year at a cost of $3.3 million, we will

have met today's real need—without permanently adding to the number of employees at HCFA for non-HIPAA related duties in the future. We should have the necessary debate on the need to continue this level of staffing through the normal appropriations process.

I am concerned that if we make these permanent, then California will just say, ''Well, we might just as well leave it with them,'' and then we will have employees doing what the States should be doing.

So I will support the amendment of my friend from Oklahoma with the understanding that during the conference the authors will work out just how many they have. But I strongly urge they be made temporary employees and not permanent employees.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, I think we are very close to concluding debate on this amendment.

I want to thank my colleague from Vermont, and my colleague from New Mexico and others who have spoken on behalf of this amendment. I also share his concern. If there are going to be that number of employees in HCFA, it should be temporary. I very much appreciate that.

I also mention that my friend and colleague from Massachusetts said that Oklahoma had recently hired five employees to comply with this provision. I think that is fine. I think that is great, because I happen to believe in State control of insurance instead of the Federal Government. States are trying to comply. They are in the process of complying. The State of Oklahoma can probably hire five employees for less than $93,000 each, as we would be doing under this piece of legislation.

So, again, for the information of our colleagues, my amendment would strike out the provision that would add $16 million for HCFA for the hiring of an additional 65 employees. I do not think that is necessary. They have over 4,000 employees today. They certainly can borrow, they can use, they can have temporary employees. They do not need 65 permanent employees.

We also do not need to be taking money away from the Medicare's Hospital Insurance Trust Fund, a permanent entitlement provision, to pay for this measure.

Again, the administration was well aware. The Health and Human Services Administration has 58,000 employees. Surely they can shuffle some employees around, if necessary, to meet any emergency that might arise.

So I urge my colleagues to vote for this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, the situation is now that we have nine amendments in order and probably at least three more that I know of that are coming. So we have 12 amendments to deal with before we can get down to the managers' package on this bill. At the request of the Senator from Massachusetts, I am going to ask that this amendment be set aside and that it be regular order on the list that we have, to come before the Senate again after action on the Bond amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The Nickles amendment is set aside.

Mr. STEVENS. Mr. President, that would mean that at this time, as I understand it, if I ask for the regular order, the amendment before the Senate will be the amendment by Senator Faircloth. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2103

Mr. STEVENS. I ask for the regular order.

The PRESIDING OFFICER. The pending question is the FAIRCLOTH amendment, No. 2103. The Senator from Alaska.

Mr. STEVENS. Mr. President, I once again ask Senators to come forward and tell us if they are going to offer amendments to the supplemental bill. As I have indicated, we now have at least 12 that are on our screen and we would like to start working out some sort of time agreement to dispose of this bill.

I might state to the Senate that as soon as the Senator from North Carolina has presented his amendment, I intend to make a point of order against it. That will take place as soon as he has finished his statement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. For information of all Senators, it is my understanding the Senator from North Carolina will take but a short time, and following his statement, as I indicated, I will make a point of order against his amendment. He has indicated to me he will ask to waive that point of order, so that would mean there would be a vote before the Senate at approximately 10 minutes of 1.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, after discussing the statement I made previously, I ask unanimous consent that the vote on the waiver of my point of order on the amendment that is going to be offered by Senator FAIRCLOTH—Senator FAIRCLOTH will make a motion to waive my point of order—I ask that the vote take place at 1:30.

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

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2129 TO AMENDMENT NO. 2103

(Purpose: To provide for a reservation of funds for activities under part B of the Individuals with Disabilities Education Act)

Mr. GREGG. Mr. President, I have an amendment which I send to the desk which is an amendment in the second degree to the Faircloth amendment which is pending. Is the Faircloth amendment pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. This is an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

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

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2129 to amendment No. 2103:

At the end, add the following:

(4) EXPENDITURES FROM TRUST FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Trust Fund shall be available to the Secretary of Education for making expenditures to carry out subsection (a).

(B) RESERVATION.—

(i) IN GENERAL.—The Secretary of the Treasury shall reserve $1,000,000,000 of the amounts in the Trust Fund for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) USE.—Amounts reserved under clause (i) shall be available to the Secretary of Education, during the 5-year period beginning on the date of establishment of the Trust Fund, for use in carrying out activities under such part B.

Mr. GREGG. Mr. President, I will go into this amendment in more depth after the Senator from North Carolina has proceeded with the core of discussing his basic amendment. Essentially what this amendment does—the underlying amendment takes the money from the stabilization fund and puts it

toward school construction. Instead of putting it all towards school construction, this amendment puts $1 billion of it towards special education. We as a Government have an obligation to special needs children. I have discussed that on the floor many times. We have made a 40 percent commitment as a Government that, regrettably, is an unfunded mandate that has not been fulfilled. We are only paying 9 percent of the local cost. This would help pick up the 40 percent, move towards that 40 percent, and that is the purpose of this amendment.

I appreciate the courtesy of the Senator from North Carolina. As I understand it, he does not object to this second-degree amendment. I look forward to hearing this discussion of his underlying amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I am delighted to accept the amendment from Senator GREGG. It is a good amendment. The States have a burden complying with this law, and I have no problem with using $1 billion of the $5 billion we are proposing so the States can meet the law.

Again, these are loans to the States which, in my opinion, is much better than loans to Korea, Mexico, Indonesia, and others, the likes of which we have been giving it to.

The PRESIDING OFFICER. Will the Senator suspend. Can we take our conversations off the floor, please. The Senator deserves to be heard.

The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, I would like to make a motion to waive the Budget Act with respect to this amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding, if the Senator will yield, before he can do that, I have to make a point of order, which I have not made.

Mr. FAIRCLOTH. I was expecting the Senator from Alaska to make the point of order.

Mr. STEVENS. Mr. President, in view of the information I have just received that several Senators want to speak on this amendment, I ask unanimous consent that my previous unanimous consent request be vitiated.

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

Mr. STEVENS. That means there will not be a vote at 1:30, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2103

Mr. FAIRCLOTH. Mr. President, what this amendment is about is very simple. As I have said many times, if we can provide $18 billion for the IMF without any budget impact at all, I think we can certainly waive the Budget Act, if it comes to that, to provide $5 billion for school construction. I don't think it violates the Budget Act.

The ESF at Treasury loans out money. This is what it does. This is what the new fund will do. The only difference is that this money, I propose, will be loaned to the school systems throughout this Nation to rebuild the schools rather than to overseas ventures.

The reason I offer this amendment is this appropriations bill went from a $2 billion emergency bill yesterday to an $18 billion international bailout today. I am concerned about the priorities of some of my colleagues in this body. We are spending money in a supplemental for operations in Bosnia—a supplemental. Is there anyone who seriously thought that the President was going to remove the troops in June of 1998, as we committed he would? Why did we ever think he would keep that promise? We have no plans to leave Bosnia. There is no plan to leave Bosnia. We could well be there on into infinity. As long as we put up money, we will be there.

Second, we are spending money for operations in the Persian Gulf, $1 billion already, to back up a U.N. resolution. Yet, the administration says that we haven't paid our dues to the United Nations. Well, if they will pay us for the Persian Gulf operation, we will give them a check for the United Nations.

Third, we are providing $18 billion for the IMF—$18 billion. I am as opposed as a man can be to sending our money—and they were identified by the majority leader in this body as Socialists—I am opposed to sending our money to silk-suited dilettantes to spread around the world like it was holy water and theirs to do with as they see fit. This is not what our money should go for. These are not my priorities. These are the priorities of the Clinton administration, to send the money to the IMF while they flit around the country on a diet of champagne and caviar at the expense of the American taxpayer.

I am tired of and not going to go along with the Tom Sawyer trick of us painting the fences for the administration, and that is, very frankly, what we have done. We have catered to and gone along, one behind the other.

I have priorities that I think need pushing. I think it is far more important to rebuild the schoolhouses and school buildings in North Carolina than it is to spend the money around the world for international bailouts. There is no end to them.

Just to take 1 minute on this international bailout, if the Secretary of the Treasury Rubin and the administration will come forth and say this is the last $18 billion, then I might think more kindly of it, but they wouldn't begin to tell you that, because they know they are going to be back before the year is out for $28 billion more. They have already planned it.

I don't work for President Clinton, thank goodness. I work for the people of North Carolina. Very simply, if we can afford to make loans to Mexico, Korea, and Indonesia from the Exchange Stabilization Fund, then we can afford to make loans to the States for school construction and modernization.

According to the Congressional Research Service, this Exchange Stabilization Fund had over $30 billion at the end of 1997. This has become a giant slush fund in the Treasury Department. They do their dead-level best to keep the fund a secret, because it is under the exclusive control of the Secretary of the Treasury, and, as I say, they flit around and pass it out. I think it is time for the Congress to stand up and say where it goes and when it goes and spend the money for domestic purposes, whether the Treasury likes it or not.

I thank you, Mr. President, and I yield the floor.

Mr. STEVENS addressed the Chair.

Mr. STEVENS. Mr. President, there are a few times when a chairman faces dilemmas of this magnitude. I support the concept of more funds going to schools and to the Disabilities Act. If I make a point of order, and the Senator makes a motion to waive the point of order, I think that will carry. I think the Senate will vote to waive. I know that my friends on the Democratic side of the aisle would vote to make that money available and, obviously, I think Members on this side of the aisle think this is a way to somehow or another deal with the budget in a different way using the stabilization fund.

The net result of the Senator's amendment, if the budget is waived, is that there will be $5 billion spent from the stabilization fund and that, in effect, would require our committee to go back and take $5 billion out of the nondefense side of the budget and rescind it. If we did not do that, our whole bill is subject to a point of order and the disaster money and the defense money that we so vitally need will not be available.

I can tell the Senate, it would take me a week to find $5 billion in nondefense money that we could rescind for 1998. The Senator is aware, I am sure, that his amendment makes the money available in 1998. It says that in 1998 the administration is directed to spend $5 billion from the stabilization fund.

At the time of the Mexico crisis, I did a study of the stabilization fund. It was created at the time the United States went off the gold standard, and someone in the Treasury decided that since we are off the gold standard, we ought to figure out what the gold in Fort Knox is worth, and they did. As the price of gold went up, the stabilization fund went up. It does not represent any capital in the sense of income that is saved; it represents the value of the gold in Fort Knox.

Literally, in order to pay for the expenditures that the Senator's amendment would authorize, otherwise

pressed, the Treasury would have to sell the gold in Fort Knox. Unfortunately, the value of that has gone down, and the stabilization fund may really not be worth as much as people think it is.

In any event, this amendment has some strange quirks to it, as far as this bill is concerned. I do not want the Senate to waive the Budget Act, because if we waive the Budget Act, as I said, the whole bill is subject to a point of order. If we adopt the amendment, the bill is subject to a point of order similarly, in my opinion, unless we go back and take out the $5 billion that it would spend in 1998.

I may be misinformed on that regard, but I know the effect of spending that kind of money would require us to go back and take the money out of existing accounts on the nondefense side.

I think the Senate ought to have some time to think about this. I think the Senator ought to think about it, because it is not going to achieve the result the Senator seeks. It is not going to embarrass anybody on the Democratic side. They are going to vote for his amendment. It is not going to embarrass anyone on our side of the aisle; they are going to vote for the amendment. And it is not going to embarrass the administration; they want to spend that kind of money, $5 billion more money.

As my grandmother said, it is money made of whole cloth. It is not there. It wasn't in the budget to start with and somehow that money will have to be accounted for in the budget process this year.

I understand what the Senator from North Carolina is trying to do, but it is not going to achieve the result that he seeks. I can tell him I am informed the Democratic Members will vote for his amendment, as Democratic Members will vote to waive, as he seeks to make. The net result is the Senator will increase spending by $5 billion, unless we go back, as I said, and take $5 billion out of the nondefense side of the budget that is left to be taken out in the last 6 months of this year.

I can tell the Senator, in order to do that, you have to take out about $15 billion, because we are talking about outlays, and it is just not possible this time of the year to get that kind of money without doing severe damage to a lot of programs, whether they be agriculture programs—they would be on the nondefense side. We cannot touch defense on this amendment.

It is a nightmare, really. But it comes about because I understand Senators do not want to vote against the Senator's amendment, as he might have anticipated. They will not vote against this amendment.

Mr. President, I ask unanimous consent to set the Senator's amendment aside to a time certain at 5 o'clock, and we will find some time to deal with it between now and then.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2120

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly upon the amendment which was argued a little earlier in the day. I had been on the floor when the amendment by the distinguished Senator from Oklahoma, Mr. NICKLES, was offered. There were many Senators here, and I had other commitments. I am going to support Senator NICKLES' amendment, although I do so with some substantial concern for the funding at HCFA.

When the additional personnel had been requested to move forward on the provisions of the Kassebaum-Kennedy bill, it seems to me that Senator NICKLES had made a valid argument that most of the States, almost all of the States, have applied and it is not in an emergency classification. I am further concerned that this funding has been requested by the Department of Health and Human Services on an emergency appropriations bill which does not quite fit the mold. Where we have these emergency appropriations bills, it is my view that we really ought to limit them to matters that are truly emergencies and not seek to pile on and use this as an occasion for appropriations which really can wait their turn.

I speak on this amendment in my capacity as chairman of the appropriations subcommittee which has jurisdiction over the Department of Health and Human Services. We conduct, through my subcommittee, considerable oversight on HCFA. I am very much concerned that they should be adequately funded to carry out their duties.

Last week, we had a hearing with HCFA on the issue of the changes in compensation for a variety of physician categories, and at the same time we also had a hearing for the appropriation for fiscal year 1999 where the Secretary of Health and Human Services testified and the Administrator of HCFA, Min DeParle, testified as well, and did not raise the issue of this appropriation in this emergency appropriations bill. So I do think that had it been a matter of great urgency, in my capacity as chairman of that subcommittee, it would have been called to my attention, it would have been impressed on me, which was not the case.

In reviewing this matter with the distinguished chairman of the Appropriations Committee, I do concur with his analysis that it is not an appropriate matter for an emergency appropriation. And if it is the enforcement of Kassebaum-Kennedy, there are personnel available to do that, and that is not at a critical stage.

I had heard that the appropriation was sought to carry forward the change in the schedule on physicians' compensation, but apparently that does not seem to be the case. So, as I say, I am ready, willing, and able to take a look at what HCFA needs. We are now in the process of considering the appropriations bill for next year, and I think an orderly process makes it preferable that we consider this appropriation request at that time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. COATS). Who yields time?

Mr. SPECTER. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The pending business is the Wellstone amendment No. 2128.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that that amendment be temporarily set aside and that my amendment concerning Bosnia be before the body.

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

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 2121

Mr. FEINGOLD. Mr. President, I am glad to have a brief opportunity to further explain why I have offered this amendment concerning Bosnia. I believe there will be an opportunity to vote on this, perhaps in the context of a motion to table, very soon, perhaps as soon as 1:30, so I would like to offer just a couple of remarks about why I have offered this amendment.

What the amendment would do is remove the emergency designation from the Bosnia money that is in this bill. There are various pots of money in this bill, but I am only talking here about the Bosnia money concerning the operation in the Bosnia theater. If the Senate determines that these funds are not an emergency—if I am able to prevail in this amendment—then they would be treated like any other kind of spending, any other kind of regular spending. In other words, under this scenario, if the administration wants to have these expenditures, they would have to follow the regular procedure. That is, the administration and the Members of Congress would have to find an offset from within the budget caps for these defense expenditures. Otherwise, these defense expenditures would be sequestered.

The reason I am offering this is that the emergency designation as drafted in this bill for the Bosnia funding is really just a way around spending caps. In my mind, it is a ruse. It is just a budget fiction. It means we are ignoring our own budget caps.

My personal preference would be that we had not put ourselves in the first place in the position of having our troops in Bosnia this way. I opposed the deploying of our troops to Bosnia and still do. Since we have and we are in the situation that we are in, I think at a bare minimum with regard to the continuing of the Bosnia mission, we have to exercise some budget discipline here. Why wouldn't the budget rules apply to this Bosnia situation?

What my amendment does is help us exercise that discipline. It strikes the emergency designation for the Bosnia money, again for the simple reason that the Bosnia operation is certainly a very important operation but it is not an emergency. It is very hard to argue that the ongoing, ever-lengthening mission in Bosnia is an emergency. Yet we are faced with this emergency designation as a way to bootstrap this funding into this bill which is supposed to be about emergencies.

This amendment does not set an end date by which our troops should leave Bosnia, although I do want to see us do that. I hope it would be no later than June 30 of this year. This amendment does not call for our troop withdrawal at this time, although I very much would like to see that happen. All it does is simply force the administration to be straightforward and force the supporters of the administration's policies to be straightforward and to face the reality of the fiscal demands of this mission.

What has happened here is an operation that we were told would only cost $2 billion has already cost the American people $8 billion, and now we are asked to put another half a billion into this, and somehow people are arguing that it is on the basis of an emergency situation. That is simply not credible. This speaks both to the problem of the Bosnia mission and the problem we have with budgeting in general in this country. People are appalled that emergency bills are used as windows of opportunity to achieve other agendas. I am the first to admit that there have been more gross violations than this one, but this is a lot of money, and the American people are beginning to wake up to the fact that we have spent 8 billion American dollars in the Bosnia situation.

At a bare minimum, what we try to do in this amendment is say, ''Let's find out how we are going to pay for this. Let's have the budget rules apply. Let's have the administration and the Congress say exactly how they will pay for this,'' instead of, in effect, deficit spending that is being used to fund the Bosnia mission.

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

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

AMENDMENT NO. 2129

Mr. GREGG. Mr. President, I know the Feingold amendment is pending, but I want to speak to the issue of the Faircloth amendment which was offered earlier and which I understand will be resumed and possibly voted on later this afternoon, specifically to my second-degree amendment to the Faircloth amendment.

The second degree says that of the $5 billion that would be taken from the stabilization fund—which is, I believe, essentially a fund that allows the Treasury the flexibility to do things like Mexico bailout and the bailouts in Asia, of the $5 billion that Senator FAIRCLOTH has suggested we take back into the Treasury to take control over, which I think is a good idea—that $1 billion of that would go towards special education.

As many people who have listened to me speak occasionally on this floor know—or some people know because I suspect many don't listen or would rather ignore it—the special education funding accounts of this Government are totally skewed in that when the bill for special education was first passed back in 1976, the Federal Government said it would pick up 40 percent of the costs of the special needs child in the local school districts. Over the years, the Federal Government has failed miserably in fulfilling its obligations, and instead of paying for 40 percent of costs, as of 2 years ago it was down to paying for only 6 percent of the costs of the special needs child.

As a result of efforts by a number of Senators, including myself and Senator LOTT and the Presiding Officer, we have been able in the last 2 years on the Republican side to significantly increase funding for special education, with no support, by the way, from the administration, to the point where we now have it up to approximately 9.5 percent of the costs of the special education being borne by the Federal Government—still a far cry from the 40 percent.

The administration has put forward a budget this year which calls for virtually no increase in special education funds, which is an outrageous position in light of the fact that they are also suggesting we create new programs in the elementary and secondary school level that would cost approximately $12 billion. But they can find no room in their budget for special education for kids who need special education, which is truly inappropriate.

What has happened is the special needs child finds himself put in a situation where in local school district after local school district that child is really in an untenable and unfair position relative to other children in the school system. The parents of that child are forced to be put in confrontation with the children and parents who do not have special needs, in different school systems, in a competition for resources, in a competition for resources which should be there if the Federal Government paid its fair share but which are not because the Federal Government does not pay its fair share.

This administration, in suggesting $12 billion in new programs outside of special needs funding, is essentially saying we are not only not going to fund the needs of the special education to the level required by the law; we are going to take money which would relieve the pressure on the special education child, which would relieve the pressure on the local school district, we will take that money and create new programs, new mandated programs, new categorical programs where the local school districts will have to do what we say they have to do in Washington in the area of buildings and in the area of class size at the expense of the special needs child, one more time.

If this money was put where it was supposed to be under the law, the 40 percent as the Federal Government is supposed to pay for it, if the President's budget funded special education at the level that it was required to be funded under the law, then those new programs, instead of being started in buildings, instead of being started in class size, those dollars would flow to the special education accounts and the local school districts could make the decisions because they would then have their resources freed up as to what type of buildings they wanted, what type of courts they wanted, and the decision process would be controlled where it should be—at the local level, not here in Washington. But that is not the policy of this administration. The policy of this administration is to essentially try to take control over local education, pull it into Washington through these categorical grant programs, and, at the same time, underfund the special needs program, putting the local school districts in the lose-lose position of having to pay the Federal share of special needs and they also have to do what the Federal Government wants it to do in other areas in order to get any Federal money at all—totally inappropriate and extremely prejudicial, especially to the local school districts and the special needs.

That is a long explanation, but it is an attempt to lay the groundwork for the purpose of my amendment. If we are going to bring more money back into the Federal Treasury under the control of Congress, which we should—and I think Senator FAIRCLOTH's amendment is appropriate in this area—we should not have this, for want of a better word, ''slush fund'' sitting there for the purposes and under the control of the Congress to spend, the $5 billion. If we are going to bring that $5 billion back into the control of the Congress, not only should we bring it back here, but we should spend it on obligations that we know we have, which are on the books and, specifically, special education.

So the vote on this Faircloth amendment really becomes fairly simple. To put it in its starkest terms, you can vote for a slush fund that may be used to bail out the Soeharto family, which is worth billions and billions of dollars in Indonesia, or you can vote for the special-ed child back in your hometown and your home State who needs the support of this Government and whom this Government said they were going to support. That is the vote. The choice is simple. I certainly hope that this Senate will come down on the side of special education.

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

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

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Ann Sauer and Orlando Taylor of my staff be granted privileges of the floor during consideration of S. 1768, the 1998 emergency supplemental appropriations bill.

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

Mr. MCCAIN. Mr. President, I yield the floor.

AMENDMENT NO. 2121

Mr. STEVENS. Mr. President, the Feingold amendment strikes the emergency designation for the Bosnian funds from the bill. This supplemental request is mandated by section 8132 of the appropriations bill for 1999. If the President certifies that the mission to Bosnia must continue, under the law this then continues. Bosnia costs are emergency, as Congress specifically funded only through June 30, 1998.

The problem we face now is the cost of the continued deployment has already been paid. The administration has sought to seek these funds to avoid damage to the readiness and the quality of life that the military faces, which is not currently deployed, but they may face missions, as I have told the Senate before, to Bosnia or Iraq within the remainder of this year.

The emergency designation allows those moneys necessary for this deployment to come out of the emergency fund rather than having to come out of reprogrammed accounts for the moneys we have already appropriated for quality of life and for readiness for the remainder of the force that is not deployed.

Under the circumstances, I agree with Senator FEINGOLD's position. We, however, thought we had a commitment that the troops would be out on July 1. I think the Senate realizes that. The President made the finding that the law required it if he was going to continue the deployment, and that is not only for 1998 but for 1999.

We will address, as we have already indicated with the comments of the Senator from Texas, Mrs. HUTCHISON, today, the continued deployment in Bosnia at length during the consideration of both the authorization bill and the defense appropriations bill this year as we look to 1999. But for the purpose now of dealing with the continued deployment for the remainder of this year, I implore the Senator not to require, by striking the emergency designation, that these funds must be taken from other portions of the Department of Defense that are already accounted for in the appropriations we have made for those functions. And we would again just be doing that.

I feel like a white rat in one of those circular wheels. We just continue to go around and around. And we don't get anywhere if we appropriate money and we have to go back and take that money and put it into another purpose, particularly this late in the year.

It would also have a problem because some of the moneys that have already been committed would not actually be spent until 1999. We went into that yesterday in connection with another matter.

But, clearly, if we do not have the emergency designation, those moneys that are actually spent in 1999 will be counted against our allocation that we are already working on for 1999 in terms of the new bill for fiscal year 1999. And, unfortunately, the Congressional Budget Office has already told us we are $3.7 billion short to meet the level of funding that is indicated in the budget.

There is this battle between the Congressional Budget Office and the Office of Management and Budget. This will add to that deficit. When we try to correct that deficit, it would mean the moneys that are basically emergency moneys to deal with the continued deployment through September 30 of this year must actually be counted against 1999. I have to tell you, Mr. President, that makes that problem of the deficit and defense allocation for outlays for 1999 even that much worse.

So, under the circumstances, I have no alternative but to urge the Senate to table the Feingold amendment. Let us deal with Bosnia in terms of the 1999 bill, and let us address the whole subject of the continued deployment and the funding for anything that goes on.

I will tell the Senate that it is not possible to get those soldiers out of there at one time. There has to be, if we are going to have a staggered withdrawal, a staged withdrawal, a downsizing to the point where we can do it legitimately, and without risk to anyone.

So I urge the Senate to support me in the motion that I am going to make in order to prevent us from forcing the Department of Defense to use moneys that have already been appropriated for other functions in the Department to pay the cost of this emergency caused by the President's determination that the troops will stay there after July 1.

I am about ready to make the motion to table. Before I do so, does the Senator wish to make one last statement concerning his amendment?

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy, and I want to speak for just a minute in response to the chairman's remarks. I appreciate the remarks. I understand the difficult situation he is in.

But what I can't understand is why we let the administration and others who have represented to us certain limits with regard to the Bosnia operation put us in this position. The leadership of this body said this would cost $2 billion, and that is it, and we would be there for 1 year, and that is it. Now it has cost $8 billion and another $½ billion. Yet they don't provide us with a way to prepay for it. They don't tell us how to offset it. But what they are, in effect, asking us to do—forcing us to do—is to take this out of Social Security. It is deficit spending. It is deficit spending. Sometimes we have to do it, as the chairman has pointed out, in true emergencies. Some of what is in this bill I can't deny involves true emergencies, such as tornadoes and floods. But why should we let this administration put us in the position of having to deficit spend to add onto what is already a quadruple of the $2 billion we were promised this would cost?

So, Mr. President, all we are trying to do is have a little truth in budgeting here, remove the emergency designation, and have an honest accounting of how this should be paid for.

But I sure want to recognize the chairman's challenge in this area. It is very difficult. In effect, he and others are being forced to have to do this in a situation that isn't appropriate. The administration and others should have identified an offset.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—92

Abraham	Bryan	Conrad
Akaka	Bumpers	Coverdell
Allard	Burns	Craig
Baucus	Byrd	D'Amato
Bennett	Campbell	Daschle
Biden	Chafee	DeWine
Bingaman	Cleland	Dodd
Bond	Coats	Domenici
Boxer	Cochran	Dorgan
Breaux	Collins	Durbin

Enzi	Kennedy	Robb
Faircloth	Kerrey	Roberts
Feinstein	Kerry	Rockefeller
Ford	Kyl	Roth
Frist	Landrieu	Santorum
Glenn	Lautenberg	Sarbanes
Gorton	Leahy	Sessions
Graham	Levin	Shelby
Grams	Lieberman	Smith (NH)
Gregg	Lott	Smith (OR)
Hagel	Lugar	Snowe
Harkin	Mack	Specter
Hatch	McCain	Stevens
Helms	McConnell	Thomas
Hollings	Mikulski	Thompson
Hutchinson	Moseley-Braun	Thurmond
Hutchison	Moynihan	Torricelli
Inhofe	Murkowski	Warner
Inouye	Murray	Wellstone
Jeffords	Reed	Wyden
Kempthorne	Reid	

NAYS—8

Ashcroft	Gramm	Kohl
Brownback	Grassley	Nickles
Feingold	Johnson	

So the motion to lay on the table the amendment (No. 2121) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from North Carolina.

AMENDMENT NO. 2103 WITHDRAWN

Mr. FAIRCLOTH. Mr. President, I make a motion to withdraw the amendment that I had introduced, No. 2103. It was introduced yesterday. I would like to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2103) was withdrawn.

Mr. STEVENS. Mr. President, I thank the Senator from North Carolina. It does relieve a problem we are developing here.

AMENDMENT NO. 2122

Mr. STEVENS. Under the previous agreement we have, it is my understanding now that the pending business will be amendment No. 2122, offered by Senator BOND. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. D'AMATO. Mr. President, I rise in strong support of the amendment offered by my friend and colleague, Senator KIT BOND. I am pleased to cosponsor this measure. This amendment will help address the devastating effects of the 100-year ice storm which tore through the north country of New York and the Northeast this past January.

The amendment will provide $260 million in community development block grant (CDBG) funds to State Governments for recovery efforts in federally-declared disaster areas. The CDBG program has the advantage of providing states and localities with a great degree of flexibility in meeting local needs and can be used in the emergency context to fund home repairs, debris removal and the restoration of electrical power to low and moderate income families.

Mr. President, the six counties in New York which were declared federal disaster areas—Franklin, St. Lawrence, Essex, Clinton, Lewis, and Jefferson—comprise a 7,000 square mile area. This represents an area roughly the size of Massachusetts. Tens of thousands of homes in this area suffered structural damage from ice, severe winds and subsequent flooding. Families were displaced and electricity to over 400,000 people was cut off. The entire high voltage transmission system for this area was wiped out and replaced in a three-week period.

This amendment will provide much-needed relief for New York homeowners and ratepayers. This assistance is vital to repair storm-related damage to the homes of the families of the north country. Unfortunately, assistance from the Federal Emergency Management Agency (FEMA) and Small Business Administration (SBA) disaster loan programs have not met all the needs of affected families. These funds will help homeowners repair damaged roofs, plumbing and heating systems.

In addition, this amendment will also help to address the massive costs associated with the near-total devastation of the region's electric power system. During the storm, nearly 10,000 utility poles were destroyed—many literally snapped in half. Repair crews worked 16- to 18-hour shifts—often in sub-zero conditions in the dead of night—removing downed utility lines, fallen trees and debris, removing destroyed poles from the frozen ground and drilling holes for new poles.

Line crews and tree-cutting crews were brought in from other regions of New York State, as well as from Pennsylvania, Vermont, Connecticut, Michigan, Virginia, and North Carolina. These crews replaced hundreds of miles of electrical cable, 150 two-pole 90-foot-tall transmission towers and over 2,000 transformers. The equipment and materials for this undertaking had to be brought in from as far away as Oregon, Florida, Georgia, and Nevada.

Mr. President, without this funding, the costs incurred by this massive restoration effort could be passed on to the utility ratepayers of New York. New York currently has one of the highest electric rates in the nation—some 40% higher than the national average. The hard-working families of the north country who have bravely endured the ice storm should not have to suffer additional increases in their utility bills.

Mr. President, I commend Senator BOND for including language in this amendment which will ensure that these funds are allocated in a fair and cost-effective manner. Specifically, the amendment provides that funds should be dedicated to states based on unmet needs which have been identified by the Director of the Federal Emergency Management Agency (FEMA). By providing a role to the Director of FEMA, the amendment will help ensure a fair distribution of funds.

FEMA has made an excellent start in identifying unmet needs which have not been addressed by other federal disaster assistance programs. The February 1998 FEMA Report, ''A Blueprint for Action,'' clearly identifies the principal unmet needs of New York and the Northeast region resulting from the ice storm. Under the terms of the amendment, the Department of Housing and Urban Development (HUD) will take into account the costs associated with these unmet needs in making allocation decisions. The amendment effectively addresses concerns which have been raised regarding HUD's past distribution of emergency CDBG funds. Under some previous allocations, large states have fared poorly. Specifically, HUD has at times used a ratio which unfairly penalized states with larger gross products. This amendment effectively addresses those concerns and makes clear that funding allocations are to be based on needs which cannot be addressed through other federal disaster programs.

In addition, I support Senator BOND's inclusion of a requirement for a State match of public or private funds. This provision is consistent with other federal disaster programs and will help leverage additional resources for disaster recovery efforts. This matching requirement will also give States an added incentive to ensure that funds are used in a cost-effective and efficient manner.

Mr. President, this amendment is a necessary and vital step to help the families of the north country recover from the devastation caused by the ice storm. These funds will bring much-needed relief to a region which has suffered terrible loss from this natural disaster.

Once again, let me thank Senator BOND for offering this important measure and providing assistance to the people of New York. In particular, I thank Senator SNOWE for her efforts on behalf of the Northeast States affected by the ice storm. Also, my friend Senator MOYNIHAN deserves praise for his efforts on behalf of the people of the north country. He has helped ensure that their voice has been heard here today. Finally, I would like to thank Senator TED STEVENS, the chairman of the Appropriations Committee, for his diligence in bringing this amendment up for consideration by the Senate. I urge its immediate adoption.

FUNDING INCREASE

Mr. President, at this point I would like to engage my good friend Senator BOND, the Chairman of the VA–HUD Appropriations Subcommittee, in a colloquy regarding the amendment to provide critically needed funding to the emergency CDBG program. I appreciate your efforts to increase the funding provided by this amendment from $200 to $260 million. As the Senator is aware, this additional funding is vital to ensuring that the States in the Northeast which were devastated by the ice storm receive adequate funding to speed this recovery.

Unfortunately, while both the Small Business Administration and the Federal Emergency Management Agency (FEMA) have contributed significant resources to homeowners in the region—the funds provided have been insufficient to address the full impact of the storm. For instance, while FEMA's Individual and Family Grant Program has helped hundreds of families, thousands of other families—including low-income and elderly persons—have been unable to access the program because of FEMA's daunting application procedures.

Together with the 25-percent matching requirement which was included in the amendment this funding increase will help the areas affected by the ice storm get back on their feet.

Mr. BOND. I thank Senator D'AMATO, the chairman of the Ranking Committee which has jurisdiction over the Community Development Block Grant Program for his kind words. It was a pleasure to work with you to ensure that the Supplemental Emergency Appropriations Act contains sufficient funding to help impacted areas recover from natural disasters. Specifically, I commend the Senator from New York for his diligence in ensuring that the full scope of the impact of the ice storm in the Northeast was made known to the Appropriations Committee. Without his efforts, and those of his colleagues, many of the needs of the people of New York and the entire Northeast region might not have been fully addressed. Given the circumstances which have been brought to our attention, the committee believes the additional $60 million is fully justified and will help the residents of the area recover from the ravages of the ice storm.

Mr. D'AMATO. I thank the Senator and appreciate his willingness to address our concerns.

Ms. SNOWE. Mr. President, 1998 will long be remembered in the State of Maine as the year of the Ice Storm. In early January the state was coated with more than three inches of ice—the result of a once in a lifetime storm that left more than 80 percent of the State without power.

It was an extraordinary event—both for the way the people of Maine pulled together and for the damage it did to the state's utility infrastructure. The reaction of the people of Maine was proof positive that ''Maine: the way life should be'' is not just a slogan, it is a fact. I was overwhelmed by the resiliency and compassion I witnessed across the state last month, and Senator COLLINS and I shared our thoughts and our praise for the people of Maine on the Senate floor.

We have worked, along with our colleagues from Vermont, Senators JEFFORDS and LEAHY and New York, Senators D'AMATO and MOYNIHAN, to obtain additional federal assistance, through the Community Development Block Grants Program (CDBG) to help cover damage done in the state that FEMA did not cover. Specifically, the damage done to the state's utility infrastructure.

I appreciate the assistance provided to us by the Chairman, the Senator from Alaska, Mr. STEVENS, Chairman BOND of the VA/HUD Subcommittee, and the Ranking Member of that Subcommittee, Senator MIKULSKI in crafting this amendment. The amendment, which I am cosponsoring, will provide $260 million for the CDBG program. This money will allow states, like mine, that have been declared disaster areas, to obtain CDBG money to address the unmet disaster needs—or fill the gaps—that FEMA has identified.

In Maine, the biggest cost of the storm was the damage done to the utility infrastructure. Vice President GORE, during a visit to Maine on January 15, summed up the situation succinctly when he said ''We've never seen anything like this. This is like a neutron bomb aimed at the power system''.

The combination of heavy rains and freezing temperatures left the State coated with more than three inches of ice. The weight of this ice downed wires, toppled transformers and snapped utility poles in two. At the peak of the storm 65 percent of the customers—more than 275,000 households served by Central Maine Power (CMP) Company were without electricity. Bangor Hydro Electric Company had 75 percent of its customers—more than 78,000 without power.

In fact at the height of the storm more than 80 percent of the entire State of Maine was in the dark.

It took CMP, which supplies power to 77 percent of the State, 23 days to restore power to all its customers. They did it with 1,048 crews working around the clock and running up 177,000 hours of overtime. They had to secure downed wires, replace more than 1 million feet of cable, 3,050 utility poles and 2,000 reformers. They have estimated the cost of this heroic effort to be $74 million.

Bangor Hydro nearly tripled the number of crews it normally used—going from 40 to 117 and put in an estimated 54,402 hours on storm damage. Their crews worked more overtime in January then they did in all of 1997. And once they completed their restoration efforts, they loaned crews to CMP. They estimate they spent more than $7 million to bring all their customers back on line.

My colleagues will tell similar stories, Mr. President. The rain and freezing temperatures proved to be a fatal combination for the utility infrastructure. As Maine Governor Angus King said ''If you designed a storm to take out the electrical system, this was it''.

I cannot offer enough praise to the men and women of Maine's utilities and their brethren who came in from all over the East Coast—including several crews from my good friend, Senator MIKULSKI's home state of Maryland. These crews faced freezing temperatures and hazardous situations as they worked to kill live wires and free remaining wires from the downed trees and poles. They worked round the clock until the light was back on in every house in the State. As we say in Maine, they are the ''Finest Kind''.

And the federal response was just as important and just as swift. The Federal Emergency Management Agency (FEMA), the Small Business Administration, the Department of Defense—all answered Maine's call for immediate help. We truly appreciate it, Mr. President, and like many of my colleagues whose states have suffered from mother nature's rage, I have seen first hand how vital the federal response is in the early days of a disaster.

Once we were assured of federal assistance and the agencies were in the State and working, the Maine Congressional Delegation asked the Governor what else was needed. He told us they needed federal assistance to cover the extraordinary costs associated with the destruction of our utility infrastructure. And he asked the President to include supplemental funding for this purpose, as did the Governors of Vermont and New York.

The Stafford Act which provides FEMA's guidelines for assistance covers public power. It will reimburse 75 percent of the costs related with a disaster. But because Maine and much of the northeast have investor-owned utilities as opposed to government-owned utilities, we are ineligible to receive assistance from FEMA for this purpose, despite the fact that it is the greatest cost of the storm. When we learned this, we went looking for other sources of federal assistance, but we could find nothing that could address the magnitude of the costs of this storm.

Without assistance, the utilities in the states of Maine, Vermont and New York will have to pass these costs onto the ratepayers, who already pay some of the highest rates in the country for electricity. Maine's residential rate is 48 percent higher than the country's average and New York pays the highest rates in the country. Vermont pays 28 percent more than the national average.

Yet these ratepayers—who also happen to be taxpayers—have helped pay the bill for FEMA assistance for utilities in other states, with lower rates, when they were faced with disasters of their own.

The CDBG funding provided in this amendment will allow Maine and the other northeast states to apply to HUD for funds to reimburse the utilities for the huge cost of repair and recovery. FEMA has identified utility costs as the major unmet need from the Ice Storm of 1998.

Mr. President, I know that some of my colleagues are wondering the States have asked for assistance for private companies. But a utility is a

unique animal. Whether it is a public or private utility is immaterial to the role it plays. It provides a public service and it has an obligation to provide that service 24 hours a day, 7 days a week, 365 days a year—rain or shine, tornado or flood, ice storm or earthquake.

The fact is that these utilities didn't shut down like many private businesses did during the ice storm—because they couldn't. They had to protect the public from the danger of live, downed wires and from freezing to death in their own homes. It was a matter of public safety—not a business decision. They had to right downed poles, replace crumpled transformers and get the power back on.

They did not have the luxury of sitting down and saying ''this is going to cost us a bundle, our stockholders won't like it, we should take a pass''. They couldn't. They provide a public service, and they had an obligation to the people they served to restore power as quickly as possible.

In a letter to Vice President GORE, Governor King explained:

> It is important to emphasize that this cost . . . was purely a function of protecting the life and safety of our people. . . . the quick restoration of power . . . was not a matter of convenience, but was an unequivocal necessity.

The amendment we have worked out with the Committee will provide $260 million in supplemental funding to HUD for the CDBG program. This money, which will go to the states, can be used for a number of activities, including reimbursement of costs to privately owned utilities. HUD regulation 24 CFR Section 570.201(l) states:

> CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities. . . .

And HUD Secretary Cuomo has assured Maine that if funds are appropriated, they can be used for this purpose.

In its Ice Storm ''Blueprint for Action'' FEMA, which listed utility costs as the top unmet need, noted:

> (The) HUD Community Development Block Grant Program can supplement other federal assistance in repairing and reconstructing infrastructure, including privately-owned utilities. . . .

In fact, this amendment, Mr. President, asks for the same assistance this Congress gave to Minnesota, North Dakota and South Dakota last year in an effort to help these states get back on their feet after they had been ravaged by the worst flooding in 100 years. In the FY97 supplemental, $500 million was appropriated for CDBG to help with disaster assistance. The Northern States Power Company applied to the State of Minnesota for funding and was turned down. Minnesota could have provided them with the funding, but chose not to. The same utility has applied to Grand Forks, North Dakota—a CDBG entitlement city—for funding and is still waiting for a response. Again, Grand Forks can give the money to the utility or turn them down—it is their decision.

Another concern that has been raised is the issue of accountability. How do we know that this money will cover only those costs related to the ice storm and not be used by the utilities to upgrade their infrastructure? Again, the answer lies in the fact that utilities are unique. They are regulated at the State level, and they must justify their costs to the regulators who allow them to recover only those incremental costs directly attributable to the ice storm. In addition, the bulk of the costs associated with this storm are related to the cost of labor—not to the cost of new equipment.

In Maine, the Public Utility Commission issued an accounting order on January 15 that required the utilities to segregate their storm related costs. The PUC just started an audit of these accounts. If our amendment is adopted, Maine will receive additional CDBG money that it will provide to the utilities to cover only those incremental costs the PUC says are prudent and directly related to the storm.

Without this additional assistance, the ratepayers of Maine will cover the costs through rate increases. CMP has said it will need a ten percent rate hike to cover its costs so 77 percent of the utility customers in Maine will pay 10 percent more. Bangor Hydro has said its rates will need to increase three percent to cover the storm costs.

One question I asked myself was what about insurance? The utilities do have insurance, and it is determined by their regulating body. The coverage, a dollar figure determined on past risk experience, is set aside. For CMP that is $3.9 million, enough to deal with several major outages—20,000 to 40,000 households—a year.

Because of the extensive damage done to utilities as a result of Hurricanes Hugo, Iniki and Andrew, the ability of utilities to obtain traditional insurance coverage has become very costly. CMP was offered one policy that provided $15 million worth of coverage. To get this coverage, the deductible was $5 million and the yearly premium was another $5 million. So, they were being asked to pay $10 million to get $5 million worth of coverage. Even with this coverage, Mr. President, CMP would have been left with $54 million in uncovered costs.

The fact is that the 1998 Ice Storm was a 100 year storm. The Chair of the Historical Committee of the American Meteorological Association, who happens to reside in Maine, has said that ''So far this century, there has been nothing like it. It will probably make the meteorological text books—even history books—as one of the biggest storms ever.''

To put this storm into perspective, I want to share a comparison of the damage done by Hurricane Gloria in 1985 and Hurricane Bob in 1991 with the Ice Storm of 98. The Ice Storm destroyed 3,050 utility poles compared to 350 as a result of Hurricane Bob. One million feet of cable had to be replaced in January compared with 52,000 feet in 1991. It took 1,048 crews working 23 days to restore power to everyone in January. It took 320 crews working 8 days to restore power after Hurricane Gloria.

The Ice Storm was simply unprecedented. Nothing had caused damage that even comes close to the Ice Storm. The utilities self-insured for the types of storms they were used to dealing with. They couldn't insure for this storm—because it was completely outside the realm of their experience and therefore, their expectations.

And it is because the Ice Storm was a once in a hundred year storm that the people of Maine, and Vermont and New York have asked the federal government for assistance in addressing the costs associated with it. Without this assistance the ratepayers will be asked to bear the burden of a rate hike. This will be in addition to all the other storm-related costs they have already paid.

Many of my colleagues know, from the experiences in their own states, the true costs of a disaster. Based on this experience, I would ask them to lend their assistance to the people of Maine, Vermont and upstate New York to provide this much needed assistance, and I urge them to support this amendment.

Ms. COLLINS. Mr. President, I am delighted to be joining Maine's senior Senator and a number of my other colleagues in sponsoring an amendment to the FY 98 Defense/Disaster Supplemental Appropriations bill that will provide $260 million in additional funding for HUD's Community Development Block Grant program.

This money is urgently needed to assist the people of my State recover from the worst natural disaster in Maine history. I refer, of course, to the unprecedented Ice Storm that began, innocently enough, as a light rain on the morning of January 7, 1998 and ended four days later with our State encased in as much as 10 inches of solid ice. The additional CDBG funding will help not only Maine, but New York and Vermont as well, rebuild the electric infrastructure of our three states.

I want to pay a special thanks to the Chairman of the Appropriations Committee, to the Chairman of the Subcommittee on VA, HUD, and Independent Agencies, and to all of the Committee members for recognizing the harm caused by the Ice Storm and for providing a mechanism whereby we can secure sorely needed aid. Their cooperation is greatly appreciated by the people of Maine.

Mr. President, the Ice Storm of 1998 was unlike anything Maine had ever seen. Having grown up in the most northern part of the State, I know something about ice and snow. But this was less like a storm and more like a carefully targeted and highly effective attack on our electric transmission and distribution system. The damage

to that system in Maine alone was $81 million, a formidable sum for the ratepayers of a small state.

Mr. President, there is an erroneous belief in some quarters that because the CDBG money would be used to rebuild the electric infrastructure of investor owned utilities, it will benefit a private corporation and its shareholders. That is not the case. Under the law, a utility earning less than its allowed rate of return, as is the situation with the two Maine utilities, is constitutionally entitled to pass along prudently incurred costs to its ratepayers. And there can be little doubt that the cost of rebuilding the system by which electricity is delivered to our homes and businesses is not only a prudent cost, but indeed, a cost that must be incurred.

Let me make this point somewhat differently. Without federal help, the money to rebuild the system will not come from corporate coffers. It will not come from the pockets of company executives. It will not come from the dividends or equity of shareholders.

Who will bear the expense? It will be the elderly widow who heats her mobile home with electricity and is already struggling to pay her bills. It will be the small company that uses electricity in its manufacturing process and is already fighting an uphill battle because its power costs are 40% above the national average. Indeed, it will be virtually all Maine's ratepayers, who because we all use electricity, are really the same as Maine's taxpayers. That makes them the very people who have paid their fair share to help defray the costs of natural disasters that have struck other regions.

Mr. President, let me dispel another potential misconception. This assistance will not result in special treatment for the citizens of Maine, New York, and Vermont, but rather put them on an equal footing with people in other parts of the country.

To be more specific, it is well established that federal emergency aid can be made available to municipally owned utilities and electric cooperatives. Some might argue that ours is a different situation, in that we are dealing with investor owned utilities. Once again, that argument would make sense if the utility stood to benefit from the relief. But it is the ratepayers who will be assisted by this amendment, and there is no reason why the victims of a natural disaster should be helped if they are customers of a municipal utility or an electric cooperative but not if they are customers of an investor owned utility.

Mr. President, in the case at hand, the utilities are really like the post office. They deliver the bills; they do not pay them. Without the CDBG money made available through this amendment, the people who will pay are those to whom the bills will ultimately come—the ordinary citizens of Maine, New York, and Vermont. And since, unlike a progressive tax system, electric rates are not based on income, those who will be hurt the most will be those least able to afford it.

Let me also emphasize that to use the money provided by this amendment to rebuild our electric infrastructure does not require legislation to authorize a new type of spending. That authority is already found in existing HUD regulations. To quote the relevant language,

> CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines of privately owned utilities. . . .

In short, this amendment provides the funds to carry out an already existing program under circumstances where that program is urgently needed by the citizens of our three states.

To give my colleagues a better understanding of the source of that need, I would offer a description of the storm not in my words but in the words of ''The President's Action Plan for Recovery from the January 1998 Ice Storm.''

> The storms of January 1998 will not soon be forgotten. . . . While ice storms are not uncommon to the region, the system that battered the . . . region in early January was unprecedented. Below-freezing temperatures combined with record rainfall to cover an area extending from Western New York to Maine with solid ice. . . .
>
> The results were staggering. Massive tree limbs shattered under the weight of the ice, choking roads and trails with wood debris. Power lines snapped, leaving communities without electrical power in bone chilling temperatures. At the height of the crisis, nearly 500,000 homes and businesses were without electric power.

Of greatest significance is the following observation in the President's report: ''The single most critical concern is the loss of electric power caused by the storm.''

Let me supplement the description in the President's report with facts from Maine. For at least some part of the storm, more than 800,000 people, or seven our of every ten of our residents, lost power. In most instances, they went without electricity for days, lasting in some cases as long as two weeks. When you contemplate this, keep in mind that it occurred in the dead of winter—not a Washington winter but a Maine winter.

The storm spared no one. Not homes, not businesses, not public buildings. Schools across the southern half of the State closed, causing some to cancel their winter vacations to make up part of the lost time. Even the National Weather Service in Gray, Maine lost power for more than a week, during which time it struggled mightily to track weather developments with a less than fully reliable generator. For many, the experience was like the movie, ''The Day the Earth Stood Still.'' Only it lasted far more than a day and occurred during the most difficult time of year.

The restoration of power involved a monumental effort taking 17 days. Twelve hundred utility crews from as far away as Nova Scotia, North Carolina, and Michigan were sent to Maine to help with the effort. Approximately 3000 utility poles and three million feet of electric cable had to be replaced. All of the poles in one ten-mile stretch were down, cutting off power to a large section of a rural county. In the words of Maine's Governor, it seemed like a huge monster had walked across the state deliberately stepping on all of the electric lines in its path.

As if guided by a perverse force, the Ice Storm of 1998 struck a region with some of the highest electric prices in the country. The rates in both Maine and the affected areas of New York are 40% above the national average. Thus, without this federal assistance, the rebuilding costs will fall on some of our country's most heavily burdened ratepayers.

Some of the areas hit by the storm were already economically distressed. Indeed, looking at the entire region, one observer has concluded that the victims of the storm were predominantly persons of low and moderate income who, even without increased electric rates, have been seriously harmed by this disaster.

Mr. President, the two utilities serving the areas affected by the storm in Maine are not wealthy. Indeed, one has been wrestling with serious money problems, and the financial performance of the other has been mediocre at best.

Furthermore, while they are private companies, they are also public utilities. When the ice storm hit, they could not shut down operations. They could not leave the state until times were better. To the contrary, they had a legal and moral obligation to do whatever it took to restore power to people desperately in need of electricity. While their performance will ultimately be judged by the State Public Utilities Commission, there is no evidence that they made anything less than a maximum effort to discharge their public responsibility.

Under these circumstances, should the utilities be able to recover from the ratepayers the cost of rebuilding Maine's electric infrastructure? I would be hard pressed to say that would be an unreasonable result, but in the final analysis, my opinion is irrelevant. What matters, and the only thing that matters, is that the law mandates such a result.

Mr. President, on a comparative basis, Maine is not affluent, but its people have a generous spirit. They believe in helping their neighbors, whether those neighbors live across the street or 3000 miles away.

They have gladly paid their fair share to help their neighbors in California recover from earthquakes, to help their neighbors in the Midwest recover from floods, and to help their neighbors in the Southeast recover from hurricanes. Their generosity has to not been limited to money, as they have sent men and women to fight forest fires in the Northwest. They have

not split hairs over the precise source or nature of the harm. As long as the ultimate victims of a disaster have been ordinary citizens like themselves, they have stood ready to help.

Mr. Chairman, the situation has changed, and we are now the neighbor in need of assistance. By making funds available to help us defray the costs of rebuilding our electric infrastructure, our neighbors will be treating us as we have treated them.

Mr. LEAHY. Mr. President, I would like to join Senator SNOWE and my other Colleagues from the Northeast in thanking Senator STEVENS and Senator BYRD for agreeing to include emergency Community Development Block Grant (CDBG) funding in the disaster supplemental. This funding is desperately needed to assist in recovery in areas where there are significant gaps in existing disaster programs.

On January 9, the Northeast was hit by an ice storm of an unprecedented scale. The storm downed trees and power lines throughout the northeast. In Vermont, one power company alone replaced more than 50 miles of power lines and 200 power poles. Crews came from as far away as Hawaii to aid in the effort to restore power to the 10,000 people left without electricity for up to 11 days during what is traditionally one of the coldest months of the year. Damage to Vermont utilities was extensive in the six counties declared disaster areas, with storm damage totaling over $9 million. Of that, only $552,648 was covered by FEMA.

The storm was unique in the type of damage it inflicted—buildings, roads, and water and sewer systems were left largely untouched, but electric utility lines and trees were wiped out completely in some areas and suffered significant damage throughout the region. This is not the kind of damage traditional disaster programs were designed to address, as the ''Blueprint for Action'' report FEMA produced after the storm makes clear. According to that report ''the single most critical concern is the loss of electric power caused by the storm.''

The Community Development Block Grant program is designed to provide flexible funding to promote economic development. That is exactly the kind of assistance needed to repair the damage to the power infrastructure in the Northeast. The most serious concern raised by the damage to the utility system is the cost it will impose on all Vermont rate payers. At 11.29 cents per kilowatt hour, utility rates in New England are already 64% higher than the national average. This increased cost of doing business is a significant hurdle to attracting and keeping businesses in Vermont. The cost of the storm damage is expected to force some utility companies to seek further increases in electric rates. Any increase would be a serious blow to economic development throughout the region.

The need for Federal assistance to recover from the ice storm is not the result of poor planning on the part of the utilities. All of the affected utilities built average annual storm damage costs into their rate structure. However, the cost of this one storm was so extraordinarily high, that it dwarfed those set-asides. One company is facing damage from this one storm equal to eight times its annual budget for emergency repairs. This is not a cost that these companies can just absorb.

The need for emergency CDBG funding is clear. I strongly support this amendment and urge my colleagues to do so as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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 Alaska.

Mr. STEVENS. Mr. President, the pending amendment, No. 2122, is the CDBG amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, this amendment will provide $260 million for emergency Community Development Block Grants that will fund disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared disasters that have occurred in this fiscal year, 1998. This funding is needed to supplement funding provided through the more traditional emergency disaster programs under the Federal Emergency Management Agency, FEMA, the Small Business Administration, SBA, and the Army Corps of Engineers.

I have concerns about using CDBG funds for emergency purposes, especially since the Department of Housing and Urban Development did not really provide adequate data and accountability concerning the use of these emergency CDBG funds in the past. Nevertheless, this legislation is designed to ensure that funds go to disaster relief activities that are identified by the Director of FEMA as unmet needs that have not been or will not be addressed by other Federal disaster assistance programs.

In addition, to assure accountability, States must provide a 25 percent match for these emergency CDBG funds and HUD must publish a notice of program requirements and provide an accounting of CDBG funds by the type of activity and the amount of funding and the recipient.

Mr. President, I know of no opposition to this amendment. I ask for the immediate adoption of this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is agreed to.

The amendment (No. 2122) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, as I understand it, we will now move to amendment No. 2123, which is the FEMA amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2123

Mr. STEVENS. Mr. President, is this amendment before the Senate?

The PRESIDING OFFICER. Yes; the Senator is correct.

Ms. MIKULSKI. Mr. President, I rise today to support this amendment to the fiscal year 1998 emergency supplemental bill.

But first, let me extend my deepest sympathies to those communities and families who have had to deal with the loss and anguish caused by the terrible natural disasters over the last 6 months.

From the ice storms in New England that left thousands without power, to the devastating floods in California, and the deadly tornadoes in Florida. Across this country in these States and in others, we have seen the destruction and despair that nature can cause.

I know all Marylanders join me in extending our thoughts and prayers to everyone impacted by the recent disasters.

Mr. President, this amendment will provide $1.6 billion to the Federal Emergency Management Agency to meet its requirements for fiscal year 1998 and prior years.

Mr. President, FEMA is the Government's ''911'' agency. It is crucial that FEMA have the resources necessary to provide the type of response that our communities so desperately need.

I am pleased that we are finally providing this money as emergency money—off budget. As you know, the VA–HUD subcommittee is annually raided to provide funds for disasters in our emergency supplemental appropriations bill.

Often, the result is that we have to make decisions about cutting critical programs at agencies like the VA, HUD, EPA, NASA or the National Science Foundation to provide funds for the much needed emergency recovery efforts.

Mr. President, this amendment also provides $260 million for the HUD emergency community development block grant—CDBG—account. This money will be used to provide funding for several critical needs:

For disaster recovery needs in communities that are not covered by FEMA, SBA or the Army Corps of Engineers.

This money is designed to fill the gap for legitimate emergency needs.

Mr. President, I am a strong advocate for fiscal prudence. I am also a strong believer in the notion that this is a Government ''of the people, by the people and for the people''.

The emergency funds provided with this amendment is our way in Congress, in a clear way, of working for the people. When people are suffering, trying to rebuild lives, homes and communities, it is no time to be partisan. The citizens we serve deserve a swift, decisive and effective response.

I am proud that we are working in a bi-partisan way with this amendment to provide the resources necessary to ensure that the agencies responsible can respond to the real needs of our people.

I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, this amendment would replenish FEMA's disaster relief fund by $1.6 billion, as requested by the administration, consistent with FEMA's current estimate of the additional funds needed to meet the fiscal year 1998 and prior year disaster requirements.

So far this year, there have been Presidential disaster declarations in 17 States and territories. These disasters include snowstorms, typhoons, tornadoes, flooding, and ice storms. Most of these disasters have been related to the weather phenomenon we now know as El Nino.

While funds are currently available in the disaster relief fund, there are not sufficient funds on hand to meet the total costs which are estimated to stem from current disasters. In fact, FEMA estimates it will need every penny currently in the disaster relief fund to meet the existing cost projections of more than $3 billion from the disasters that have occurred prior to fiscal year 1998.

Included in the $1.6 billion appropriations request are funds for disasters which are also anticipated to occur in fiscal year 1998 based on the 5-year historical average cost of disaster relief. To date, FEMA disaster relief has been running very close to that 5-year average, despite the fact that a number of Senators and some people have raised questions about there being more damage that is caused by El Nino than has been caused in recent years.

I support FEMA's expeditious provision of aid to many of the needy communities that are stricken by disasters and wish to be sure that the disaster fund is fully funded, but, as I stated yesterday, I continue to be deeply concerned about the cost of disaster relief. Each year, we are seeing these costs rise exponentially, and the need for cost containment now is paramount. I urge the authorizing committees to look at these costs and determine if there is some way to reduce the costs for these funds. In the last 5 years, we have appropriated a staggering $18 billion to FEMA for disaster relief compared to $6.7 billion for the prior 5-year period. Clearly, the costs associated with disaster relief are growing out of control.

Unfortunately, we also have learned over the past few years that disaster funds have gone to some facilities like golf courses or to refurbish shrubbery in high-income communities, to facilities associated with universities that already have impressive endowments and revenue-generating capabilities, and to provide housing assistance to some who are really not in need. I really hope that the administration will realize it must put controls on these expenditures if FEMA is to continue to get the support of the Congress.

Moreover, Senator BOND, over the last few years, has pushed FEMA to submit a legislative plan of reforms to control disaster costs. With some reluctance, FEMA did submit a proposal for reforming the Stafford Act last summer. The proposed amendments address several very important areas, including new incentives for mitigation, streamlining the grant process, and eliminating certain facilities currently eligible for disaster relief, such as I said, golf courses. It is critical that this FEMA reform legislation be acted upon by the authorizing committees this year, and I urge them to work with Senator BOND to enact these reforms.

Meanwhile, while it is clear that we expect and need reform of FEMA programs, we also believe that Congress must complete action on this disaster relief funding legislation as quickly as possible, so that the disaster needs of our communities can be met.

I see the Senator from Oklahoma is here. I wish to state, I did reconsider the vote on the prior amendment. I did not know whether it was this amendment or the prior amendment that the Senator wished to address. If he wishes to address the first one, I will be happy to withdraw that and bring it back to where the Senator can offer an amendment to it.

Mr. NICKLES. If the Senator will yield, I appreciate his willingness to do that, because I am opposed to both amendments. I do not find that to be necessary. I will confine my remarks to this amendment. My guess is the outcome would be identical. But I feel rather strongly about it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I notice my colleague from Missouri is here. He is in charge of the subcommittee with responsibility for FEMA. He may want to make some comments on this amendment. Does the Senator from Missouri want to speak on this?

Mr. STEVENS. I will say for the Senator, I have just read his remarks.

Mr. BOND. I thank the chairman.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, yesterday Senator GRAMM had an amendment that said let's fund the 1998 emergencies and we will call it an emergency; we don't have to have an offset. That was the underlying bill. The underlying bill had money for defense, money for Iraq, money for Bosnia, money for the so-called emergencies—weather-related emergencies. I thought he had a good amendment. I did not speak out on the floor, and I wish I had. That was on the underlying bill, which is about $3.3 billion. Now we are looking at an amendment to expand that bill by an additional $1.6 billion. I ask the Senator from Missouri, is that correct—$1.6 billion for FEMA?

Mr. BOND. That is correct. The amendment would appropriate an additional $1.6 billion for FEMA.

Mr. NICKLES. The reason I ask the question is because I have heard this figure bandied around the last few days. But anyway, FEMA did not request any money initially. This is a late request. This is a late request, and the Senators from Missouri or Alaska can correct me if I am wrong, this request did not come in from the administration when they were marking up the bill; this request just came in lately: ''Oh, we need an additional $1.6 billion for disasters that we think might happen. And, oh, yes, we want to call it an emergency.''

What does that mean? By calling it an emergency means there will be no offsets. These emergencies have not happened yet, but we are basically going to take this $1.6 billion, and most of the money, I might mention, will be spent in 1999 and the year 2000, maybe 2001. The money is going to be spent in the future, but, ''Oh, we don't have to put that in the budget.''

I am on the Budget Committee, and we had an agreement. The President signed that agreement, and he said, ''Here's how much money we are going to spend on discretionary accounts,'' and we passed it. The President in his State of the Union Address bragged about how good that is: ''Boy, now we have a balanced budget. We are going to have a balanced budget for a long time because we worked together.''

Well, this is voiding that agreement. This is saying, let's take $1.6 billion for the future and we are going to call it an emergency and, therefore, we don't have to have any offsets—none. It is just going to come out of, I guess, the surplus.

Guess what? The budget that we are going to be considering next week talks about the surplus. Senator DOMENICI did a very good job in working it through. Guess how much the surplus is in the year 2000 when probably most of this money would be spent. The surplus is $1 billion. And we are working on an emergency supplemental, if we adopt this amendment, which will be over $5 billion and probably a couple billion of that will be spent in the year 2000. In other words, certainly if we adopt this amendment, we are going to be spending 100 percent of the surplus in 2 years. And we are spending real money.

I just don't think we should do it. If FEMA wants to ask for this money, it should be in their budget. They come before the appropriators. Senator BOND does a very capable job in that subcommittee. They can come up and say, ''Here is the historical average; therefore, we should have a couple billion

dollars a year in FEMA for our budget.'' They have not done that. What they are really trying to do is, ''Hey, we want to get around the budget.'' In other words, we have a cap on discretionary spending but we are not going to include FEMA, like it doesn't count, even though we have historical averages.

I do not think we should prefund the account and call it an emergency. If we want to prefund it, fine. I am just saying we should take the emergency designation off. We should not declare it an emergency; it has not happened. Frankly, if we have an emergency in 3 months, FEMA will not be able to spend the money until the year 1999, and we won't have an appropriations bill. Let's go through the appropriations process.

AMENDMENT NO. 2131 TO AMENDMENT NO. 2123

(Purpose: To ensure that additional funding for the Federal Emergency Management Agency does not reduce the unified budget surplus)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 2131 to amendment No. 2123.

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

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

The amendment is as follows:

Beginning on page 1, line 5, strike everything after the word ''expended:''.

Mr. NICKLES. Mr. President, the essence of this amendment, I tell my colleagues, is it says that we allow the money to go in for an additional amount for disaster relief, $1.6 billion to remain available until expended, period. What I am deleting is the emergency. The additional part of this amendment says that I am deleting ''provided these funds will be available only to the extent the official budget request for a specific amount includes the designation of the entire amount of the request as an emergency requirement defined in the Balanced Budget Emergency Control Act of 1985,'' and so on.

In other words, I am striking the emergency section of this request. So we can put the money in. If there is an emergency, by golly, FEMA has the money; it can pay it. So nobody should say, ''Hey, you took money away from my emergency.''

What it does mean is, in the budget next year we are going to have to include whatever portion of that $1.6 billion would be spent in 1999 in the budget. We have caps to spend about $580 billion, I am going to guess, next year in the discretionary accounts. This is going to have to be part of it, or, in the year 2000, this will be part of it. This means we still may be able to have a surplus in 2002. It means maybe our budgets mean something.

How in the world can you have a budget and say we are going to have caps on discretionary spending and then we say, ''Oh, we're going to fund in advance future emergencies, and, oh, yes, we're not going to count that as part of the budget and it's not necessary to affect the caps''?

Domestic total discretionary spending increased from $274 billion in 1997 to $288 billion in 1998. That is more than a 5 percent increase, and that is for the year we are in right now. All I am saying is if we are going to future fund FEMA, it ought to be in the budget.

I do not object to adding $1.6 billion so FEMA will have the money, and if there is an emergency this year, they can pay for it; if there is an emergency next year, they can pay for it. But what I am objecting to is having it classified as an emergency in advance so there have to be no offsets.

I just think that if we are going to be spending next year in total discretionary spending, that it should be included and get away from this game of, ''Oh, we're only going to fund a few couple hundred million dollars in FEMA, and, oh, yes, if an emergency comes up, we will just declare an emergency and it doesn't count.'' I do not want to spend 100 percent of the surplus in 2000 on this bill. I think that is a serious mistake.

I urge my colleagues to allow the funding to go forward for FEMA, but let's strike the emergency section of this bill so in the future years it will have to be paid for. We will have to incorporate that in our total amount of spending so that our budget will mean something; so a budget that we are going to be working very hard and probably have several contentious and tough votes on, probably a good debate on in the next few days, will mean something.

It is a heck of a deal for people to be saying, ''Oh, yes, we're fighting for a balanced budget; oh, we can waive the budget, we can waive it in the future, we don't have to budget for emergencies.'' We should budget for emergencies. We should have truth in budgeting. We should say, ''Hey, this should be included and it shouldn't be exempt from the budget.''

I did not say anything about the $3.3 billion. I think Senator GRAMM was right yesterday, but we did not touch that. Certainly if we are going to take it from $3.3 billion to over $5 billion, which is what we are getting ready to do—we started with an appropriations request from the administration that started around $2 billion, and the administration keeps sending amendments up: ''Oh, yes, now we have a little amendment; we want another $300 billion, some $260 billion, I think, for community block development grants,'' that was just adopted. ''Now we have another little amendment, $1.6 billion for FEMA; ''oh, yeah, we would like that, too.''

They did not give us that request when we had the markup. They did not give us that request 2 weeks ago. But all of a sudden, they just determined a new need. The reason they determined a new need, in my opinion, is they said, ''Hey, if this is an emergency, this will give us more money to spend next year for other purposes.'' I think that is wrong. I think it is a serious mistake.

So I urge my colleagues to adopt our second-degree amendment and strike the emergency portion of this future funding for FEMA.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, while I appreciate the concerns of the Senator from Oklahoma, let me clarify one point that I think may be somewhat confusing. The funding in this amendment is to reimburse FEMA and to cover costs for disasters occurring in this and prior fiscal years, not in future fiscal years. It would simply allow us to begin fiscal year 1999 without an enormous, outstanding disaster relief requirement. In particular, this $1.6 billion appropriation includes funds to cover the costs of disasters anticipated to occur in the balance of fiscal year 1998. This amendment is not about advance funding, but is intended to provide the necessary funding only for disaster relief requirements for fiscal year 1998 and prior years.

The Senator from Oklahoma has expressed his concern about the cost of disaster relief. No one has been more concerned about the cost of disaster relief than I. In our subcommittee, we have held a number of hearings focused almost solely on FEMA reform and the exploding costs of disaster relief. In response to these hearings, we demanded that the administration and FEMA submit a responsible package of Stafford Act amendments. While FEMA has provided a package of FEMA reform amendments, these are a difficult sell, although we remain hopeful that the authorizing committees will work to implement these and other reforms.

I have been joined by my distinguished colleague and ranking member from Maryland, who had the great privilege and high honor of chairing this subcommittee previously and has been an absolutely essential part of the committee deliberations. I will ask her in just a moment to address some of these.

I emphasize that we need to amend the Stafford Act. We also need administrative changes. Nevertheless, at the same time, these FEMA funds of $1.6 billion are needed now to meet current FEMA requirements. This appropriation is needed to ensure that we have adequate funding for disaster relief.

Nevertheless, there are a number of us who are very much concerned about the cost of disaster relief. Each year, we see the costs of disaster relief rising exponentially. The need for cost containment is paramount. For example, in the last 5 years, we have appropriated a staggering $18 billion to

FEMA for disaster relief, compared to $6.7 billion in the prior 5-year period. While I know we have had some major disasters in the last 5 years, we also had significant disasters in the previous 5 years. The costs are clearly out of control.

As I have noted, for several years, I requested that FEMA submit a legislative plan to control disaster costs. After cajoling and arm twisting, threats of reduced funding, FEMA finally submitted a proposal for reforming the Stafford Act last summer. The proposed amendments address several very important areas, including new incentives for mitigation, streamlining the grant process, and eliminating certain facilities currently eligible for disaster relief, such as golf courses.

This is how we must address the cost of disaster relief. It is far better for authorizing legislation to say what we are going to replace and for what we are going to provide assistance. It is very difficult to address disaster relief issues after the fact when people come to the floor and there is a great outpouring of sympathy. I have been here, I have done that, I have seen it. We have a T-shirt with it emblazoned on it. Once there is a disaster, people come in and they have all of these needs for disaster assistance. And I might say that this body has been extremely generous and, in some ways, we have opened the floodgates.

Well, we are not talking with this amendment about what we would do in the future. We are talking about requirements that have already occurred. I strongly agree that in the future we should limit disaster aid to those truly in need, to people, to entities, to communities that cannot protect themselves against disaster. If they are a profitmaking business, if they are a revenue-generating business, then let them purchase insurance, let them take care of their needs in advance. We need to come in and help those who truly cannot help themselves. However, until we do that, we have to do something to fund and to provide the resources for the commitments already made.

If the Nickles amendment succeeds or if this amendment is not adopted, we are going to be facing in the VA–HUD Subcommittee a $4 billion lien against the bill. And there will be some very untenable choices. We are the ones, Senator MIKULSKI and I, who have to take the first cut at funding the programs in the VA/HUD Appropriations Subcommittee. To be clear, without this amendment, it will be very difficult for us to even meet the President's request for Veterans Administration medical care, which is $40 million less than the fiscal year 1998 level. We would be shorting veterans medical care which is not acceptable. In addition, we would be forced to make drastic cuts to low-income housing, including elderly housing, EPA, and Superfund, as well as important space and science programs.

I can tell you that this will not be pretty. I can tell you that the disasters have occurred and that commitments have been made. The question is, will we, in this measure, replenish those funds and carry through on the obligations FEMA has made for this year?

As we look to the future, I would love to see us get disaster relief under control with an appropriate authorizing reform measure and also adjust the budget for regular and timely disaster appropriations. Disaster relief needs are running over $3 billion a year—to some $3.6 billion a year. If we are serious about meeting FEMA disaster requirements in the future, I would love to see the budget take account of the needed $3.6 billion worth of FEMA disaster relief requirements each year. We are not there yet, but I am committed to getting FEMA disaster relief and disaster relief requirements under control.

Mr. President, I see my distinguished colleague on the floor. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support the Bond-Mikulski amendment and also to oppose the second-degree amendment offered by our colleague from Oklahoma.

Mr. President, I want to support my colleague from Missouri, the chairman of the subcommittee on appropriations for FEMA, Senator BOND, in his remarks about the need for the reform on the funding of FEMA.

Now, Mr. President, let me take a few minutes to say that during the last 5 years FEMA has reformed itself. Prior to James Lee Witt becoming the Administrator, FEMA itself in the way it responded to disasters was a disaster. Each President—Mr. Reagan and then Mr. Bush—often had to send in a trusted aide to oversee whenever disaster affected a community because FEMA itself was so obsessed with a bunker, cold war, civil defense, hide-under-your-desk mentality for nuclear warfare, that it had not gone to a risk-based strategy to be able to respond to the disasters that America faced.

When Hurricane Andrew so devastated Florida that the response of FEMA itself was a disaster, President Bush sent the very able and talented Secretary of Transportation, Mr. Card, to Florida because FEMA could not get it together to do the job.

I think we are all agreed that now FEMA has moved into being an appropriate agency for the post-cold war era. It has focused on the domestic needs of the American people. It has gone to being an all-hazards response agency for not only natural disasters but any of the other kinds of disasters that it has faced. It has worked with Governors and State agencies on three things: readiness and preparedness, response, and then rehabilitation after that response—the three R's of disaster response.

Now, when we have responded, the need has spoken for itself. And that is what is in this year's appropriation—an urgent supplemental. This is the need. It is not a made-up need; just like it was not a made-up disaster. We are living in the year of El Nino. And El Nino is the weather event of the century and has really triggered a variety of natural disasters throughout the United States. As has been indicated in Senator BOND's testimony, there have been 17 Presidential disaster declarations this year in both States and territories. This $1.6 billion will address current needs and the total cost which will be generated from the current disasters. These needs are certainly emergency needs, just like over the last 5 years FEMA has incurred an average of $2.3 billion in obligations each year; and each year the VA Subcommittee absorbs the cost; and each year we take it out of other Federal agencies within our subcommittee.

Now, we do not take it out of agriculture. We do not take it out of defense. We take it out of the 25 different agencies that are within the VA Subcommittee. We have already given, and we have given over a number of years. We cannot continue to do it this way.

I support in the most enthusiastic and the most firm way the call of the chairman, Senator BOND, for a new authorizing framework on how we are going to fund FEMA.

Lots of times, because of compassion or empathy, we then often repair things that might raise eyebrows. But in the midst of a disaster, no one wants to say no to community need. When it comes to disaster funding, we cannot have it both ways. When the Clinton administration has asked for a contingency fund to handle these disasters and emergencies, it has been dismissed as a slush fund. ''Well, you can't have a slush fund. We'll do it as pay as you go. Let's see what the disasters are and make it up in the urgent supplemental.'' Well, now we are making it up in the urgent supplemental and at the same time we know that this isn't the most desirable way to do it and therefore need the authorizers to set that policy.

But I must say, the authorizers and the authorizing committees have not given this the attention it deserves nor have they had the same sense of urgency that is required when we meet disaster funding. So, therefore, for this year, please pass the Bond-Mikulski amendment; and also for this year's legislative session, give us a new authorizing framework, invite our participation, as well as the National Governors' Association, as well as the Director of FEMA, and have a bipartisan approach to how we are going to fund disasters in the future. But do not penalize the other agencies within this subcommittee because of the fact that El Nino and many other terrible situations have affected the American people.

Our heart goes out to the people who have been hit by the ice storms in New England, and the horrendous tornadoes

that devastated Georgia and Florida. There are these disasters. And if we are going to be in this, we have to have, No. 1, a new authorizing framework; No. 2, adequate funds, and, No. 3, maybe we have to also come up with new mechanisms where perhaps residents and businesses have a new insurance framework to be able to practice self-help. But we cannot do this today on the urgent supplemental.

What we can do is meet obligations made which need to be obligations met. So I urge the defeat of the Nickles amendment, the support of the Bond-Mikulski amendment, and then let us have a new authorizing framework.

I want to thank the chairman of the subcommittee for the way he has worked hard on this. We look forward to moving this legislation and meeting the obligations that have been made, at the request, I might add, of Governors. President Clinton doesn't make these up. For it to be a FEMA-declared disaster grant it has to come at the request of a Governor.

I might add, when disaster hits, you don't know if it is a Democratic Governor, you don't know if it is a Republican Governor. We just know for all Americans it requires the response of the Federal Government.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate the comments of both my friends and colleagues. I had the pleasure of serving on this subcommittee with them. They do an outstanding job.

Let me make a couple of comments. Is this an emergency? I don't think so. I have been informed that the administration requested this $1.6 billion yesterday. Wait, these disasters have happened for the last several months. They requested this yesterday. Gravy train.

The Senate is in the process of moving an appropriations bill, and they are calling it an emergency bill. If the Senate was having ''pay fors,'' which we probably should do, they wouldn't be doing this, in my estimate. Maybe I am wrong. I know in the past this committee has already made some changes on section 8 to pay for it. I compliment them for that.

I am not faulting my colleagues on this subcommittee. I am faulting the Senate, I am faulting the Budget Committee, because we have gotten this historical, sloppy budgeteering process for FEMA that we will be funding at $300 million a year when it averages $2 billion or $3 billion a year.

I agree entirely with my colleagues from both Missouri and Maryland. They say we need to reform the FEMA funding process. That is exactly right. Maybe now that I have had a chance to look at it, I can help you with that. Let us give it a little attention. We need to give it attention. This is ridiculous.

For my colleagues who think we are budgeting and we are real serious next week, we are serious, except for when we happen to call something an emergency. This wasn't an emergency 2 days ago, but it is an emergency now. So here is another $1.6 billion. We just had an emergency, too. We are going to add $260 million on community development block grants.

Let me read something from the committee report on community development block grants. I was going to oppose both. The vote will be the same. This is from the committee report, and I compliment the authors.

> The committee remains concerned about the Department of Housing and Urban Development's administration of $500 million in emergency community development block grant funding which was provided in fiscal year 1997, Emergency Supplemental Act, public law 105–18, June 12, 1997, last year's urgent supplemental. This was an unprecedented amount of emergency community block development grant funding and it raised a number of concerns regarding inadequate award procedures and accountability measures. Despite repeated requests by the committee, HUD has provided little or no data regarding the funding procedures for emergency CDBG funds for the amounts of CDBG funds allocated by HUD to the States and localities by the amount or activity. It is expected that by April 15, 1998, HUD will provide a summary of the procedures used for allocating and awarding emergency CDBG funds, a summary of all waivers made, and a list of all grants by State, locality and activity.

I compliment them for doing it. But the net essence is last year we gave community development block grants $500 million in emergency funds, and HUD can't account for it. We added $260 million this year, and in addition we are adding $1.6 billion. In a period now we are going to spend $1.9 billion, call it emergency, and say none has to be counted as discretionary spending under the budget. Almost all of this money will be spent in 1999 and the year 2000, probably 100 percent of it, yet it is off budget, it doesn't count.

Every penny of that is coming out of the surplus, every single penny. I heard the President, ''We will save that surplus for protecting Social Security''—except for what he calls an emergency. And we have a supplemental bill going through and it has emergency designation. Let's pile on, let's add some more money, add $1.6 billion, make it $1.9 billion.

They gave us that request yesterday, and we are going to submit to it. The managers of this bill will probably win and so we are going to spend probably 100 percent of the surplus in the year 2000 in this bill on this amendment. The year 2000, the Budget Committee did good work, but we have a $1 billion surplus forecasted for the year 2000—$1 billion—and we are going to spend it because we are calling it an emergency.

All I am saying, is that it is not an emergency. Those funds should be allocated and should be under the caps. We should pay for it. I want to pay for emergencies as much as anybody else in this room, but we should put it in the budget. This is a fraud on the whole budget process to say emergency spending, we are not going to count that for the future years.

Mr. GREGG. Will the Senator yield?

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

Mr. GREGG. Didn't we say we were saving the surplus for Social Security? Didn't the President in the State of the Union say that surplus would be reserved in addressing Social Security? And if we undertake this procedure, which is a request from the administration——

Ms. MIKULSKI. We can't hear you.

Mr. GREGG. Soft-spoken.

The question I was asking the Senator from Oklahoma, didn't the President, in the State of the Union, say we were going to save the surplus until the issue of Social Security had been addressed? Shouldn't we be saving the surplus for Social Security? Doesn't this proposal which has come up from the administration essentially undermine that goal of saving the surplus for Social Security?

Mr. NICKLES. To respond to my friend and colleague from New Hampshire, who also serves on the Budget Committee, he is exactly right. The President said we wanted to save every penny of the surplus for Social Security, and right now we getting ready to spend it.

My amendment, I might remind my colleague from New Hampshire who has had some disaster, and several other States—I don't want anybody coming to the floor and voting against this saying, ''I need to fund my disaster because we had flooding,'' or, ''We had a freeze,'' or, ''We had milk cows that needed assistance,'' or whatever that emergency might be, we put money in for the emergency. We put money in to fund the emergency.

We are just saying it has to be on budget so next year we will have to plug money in. We can't get away with the $300 million facade we have been doing under the Budget Committee and under the Appropriations Committee and pretending we are funding things.

All I am saying is go ahead, put the $1.6 billion in to take care of whatever emergency, but take the emergency designation off so Congress will have to live within the caps and hopefully still have a surplus so we can save Social Security.

Mr. GREGG. If I could continue that line of questioning, if you were to support your amendment, you would be protecting the surplus for Social Security, or hopefully for Social Security, but at least this spending which is incurred as a result of this proposal would come under the budget process in the manner which would require it be accounted for in the caps and therefore it would not impact the surplus.

Mr. NICKLES. The Senator is exactly right. I appreciate the comment.

I yield the floor.

Ms. MIKULSKI. Will the Senator yield?

Mr. NICKLES. I yield to the Senator.

Ms. MIKULSKI. Let me understand the consequences of what the Senator from Oklahoma is recommending.

If the emergency designation is removed, the phrase ''emergency designation,'' then what are the consequences to that? Does that mean we have to find offsets? What would be the consequences of following the Senator's suggestion?

Mr. NICKLES. To respond to my colleague from Maryland, the consequences would be this: We would appropriate $1.6 billion for FEMA. There would be money in FEMA's account to meet whatever emergencies might arise. It also means that the money that is spent when spent in the year 1999 and the year 2000, which is when the money would actually be spent, would come under the caps. And we have caps, we agreed to caps, we said here is how much money we will spend on discretionary spending accounts. It is $580-some billion. That money would have to go in that amount.

Ms. MIKULSKI. Where does the money come from? Is the Senator saying this would require us to identify offsets?

Mr. NICKLES. It would mean that it would have to come within the total amount of money that we have on domestic discretionary spending caps. It would be in that amount, several hundred billion.

Ms. MIKULSKI. I don't understand that. I appreciate the Senator's in-depth knowledge of the Budget Committee, but if I am a Governor, say, in California or Florida where the bulk of the El Nino disasters have occurred, what are you saying that we should do to fund? You say it is under the caps and all this. If we follow your suggestion, do we or don't we have to find offsets for the $1.6 billion?

Mr. NICKLES. To respond to my colleague, this year, 1997, we have domestic discretionary caps at $288 billion. What we will have to do is fund it within that amount. To answer you specifically, if you wanted to stay on your HUD baseline—you have a baseline, all the other subcommittees have a baseline—you would either have to fund it within your baseline, within your group, within your subcommittee, or if that wasn't possible, you would have to borrow from some other subcommittee, but the total would have to stay on the cap amount.

Ms. MIKULSKI. That would mean finding an offset.

Mr. NICKLES. Right.

Ms. MIKULSKI. To be clear, talking of baseline and living within caps, if we eliminate the emergency designation, fund the $1.6 billion, it means we will have to find $1.6 billion by taking money from some other account or some other agency or agencies; am I correct in that?

Mr. NICKLES. Let me respond.

The $1.6 billion, in all likelihood you would have about, I will say, $600 million next year and probably $600 million——

Ms. MIKULSKI. Do we or do we not have to use offsets?

Mr. NICKLES. Madam President, you have to use offsets; $600 million in 1999, we have a total amount of spending on domestic discretionary side. I have the 1997 figure of $288—it is more than that in 1999.

I might mention, between 1997 and 1998, it went from $274 to $288, an increase of $14 billion that went into domestic discretionary accounts. I don't have the figure in front of me, what it increases in the next year, but there was $14 billion in increases. You only have outlays of about $600 million. Somewhere in that $288 or almost $300 billion we have to find an offset. I think we should do that.

Ms. MIKULSKI. Which means it has to come from another agency.

Mr. NICKLES. If I can respond, it would either come from within your subcommittee's budget or it could come from some other budget. Some budgets have been growing. I mention we had a $14 billion growth in domestic discretionary between 1997 and 1998. It could be in the growth funds. We are only talking about maybe $600 million or $500 million per year. It could come out of your subcommittee or out of another subcommittee, but the point is it would be accountable.

We wouldn't have something totally extraneous to whatever budget agreement we come up with.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, let me get in on this very elucidating discussion my colleagues are having. It seems to me that if the emergency designation was taken off the FEMA amendment without offsets, I believe this bill would be subject to a point of order. In particular, we would have to come up with offsets of $1.6 billion in budget authority for the current year. Plus, we also would have to offset the outlays.

If you are trying to take $1.6 billion in budget authority out of a program 7 months into the year, the impact on any one program would be devastating and, in many cases, would defund the program. If there are programs with such offsets which my colleague can identify where there is totally wasteful spending, we would be happy to discuss those offsets. Frankly, I don't know of any program from which we could take $1.6 billion in budget authority out of this year's appropriations in the current fiscal year 1998.

I agree with many of the things the Senator from Oklahoma has said. He is very eloquent. I look forward to going into battle with him to trim down and to rationalize the emergency funding process. We need a champion like the Senator from Oklahoma. I really appreciate him reading the plaintive words we put in the committee report. I did not think anybody read committee reports. I am deeply indebted to my colleague for laying them out for the Senate, because nobody would have believed me if I had read them.

But this process of putting money into CDBG has gotten out of control. Frankly, what we said in the committee hearings was far stronger than what I said in that committee report. The $500 million we appropriated for the CDBG emergency program in FY 1997 was more than I recommended. This was for the disastrous flooding in the Upper Midwest. I thought CDBG emergency funding was out of control, and, frankly, nobody has yet been able to tell us where the money has been spent. I wish that everybody who so strongly supported and steamrolled the passage of that emergency designation and that emergency CDBG funding would come and help us look through the debris of the accounting systems and find out where the money went.

But that does not change the fact that we have, in this measure, tried to establish for emergency CDBG funding some criteria and some guidelines to make sure that the money is not totally wasted. We say the money has to go to disaster relief activities identified by the Director of FEMA as unmet needs that have not or will not be addressed by other Federal disaster assistance programs. To ensure accountability, States must provide a 25 percent match for these emergency funds and HUD must publish a notice of program requirements and provide an accounting of the CDBG funds by the type of activity, by the amount of funding, and a listing of each recipient. That is our effort to get a handle on these things.

The Senator from Oklahoma has identified a much larger problem. We need to get a handle on our disaster program. We have attempted to establish reforms. I lost out. I was steamrolled last year, and I am sure someday we will find out where the money went. But in response to emergencies, we come through again and again and we are very generous. For example, in July of 1995, we put in $39 million in CDBG funds for the Oklahoma City bombing, which was a real disaster. That was put in as an emergency and it was offset.

Now, the problem of offsets is a problem that we have faced every year. Over the last 3 and a half years, we have offset the cost of emergencies out of HUD section 8 housing reserves at a cost of some $10 billion. Last year alone, Congress used $3.6 billion in excess section 8 reserves to pay for disaster relief.

Madam President, the well has run dry. We are at the bottom. If you want to start throwing people out of publicly assisted housing and say that rather than designate the FEMA amendment as an emergency, we are going to walk down the street and tell a sweet little lady in section 8 housing that we need to balance the budget, that we are sorry, but your section 8 assistance is no longer valid and you have no housing—well, that is harsh and not acceptable. However, these are the kinds of decisions we have to make. Nevertheless, I am delighted to know that we will be working with the Senator from Oklahoma in an attempt to reform FEMA programs and get FEMA expenses under control.

I urge my colleagues to support a motion, which I must regrettably make, to table the second-degree amendment. I certainly want to give my colleague the opportunity to conclude, and the Senator from Maryland, if she wishes.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I appreciate the comments made by my good friends from Missouri and Maryland. I do look forward to working with them.

We need to reform this program. A lot of evidence is in need of reforming this program because, in fact, we do not fund it but then every year we come up and start asking for more money. I want to tell my friend and colleague from Maryland something, because I gave you half an answer. I said that within the caps we would have to offset, although the caps have increased. There is one other option. If we breach the caps, the budget law calls for a sequester to offset. That is how that would happen—one of those two ways. I wanted to make sure of that. That is my purpose. I think we should stay within the caps, so we can keep more money to either pay down the debt, or if there is a surplus, we can save Social Security or give taxpayers relief, not spend more money.

I hate to work so hard on the budget and come and say we are going to have a great big bill and spend billions of dollars. This started at $2 billion, and now it is going to be over a $5 billion bill. My colleague from Missouri mentioned that I read the committee report. It said that in last year's emergency bill we spent $500 million, I tell my friend from Alaska. We do not know how they spent it.

I compliment my colleagues that are heading up the HUD subcommittee. They are trying to stay up with the housing people and say, ''Where did that money go?'' It is not accountable. Then I heard, ''Well, we spent $500 million on rebuilding one hospital.'' I appreciate the fact when Oklahoma City had the Murrah Building bombing in 1995, which killed 169 people, we put in $39 million. We also paid for it; we had an offset. That was good. I might have supported it without an offset.

But I think we ought to be within the budget and try to fix this problem. We ought to find out what happened to that $500 million Community Development Block Grant money last year. I do not like that. I would have opposed the amendment. I was going to oppose the $260 million add-on for Community Development Block Grant money. I am bothered that the administration didn't request this money until yesterday, if this was such an urgent need and we had to have this for these emergencies. They came up yesterday. They had plenty of money a week ago. But all of a sudden, now we need the money. I cannot help but get the feeling that they see a gravy train coming along and we are going to call this thing an emergency and say, give us an extra almost $2 billion so we can fund a lot of things that will be off budget, so we don't have to live by the caps.

Mr. STEVENS. Will the Senator yield there?

Mr. NICKLES. I would be happy to.

Mr. STEVENS. When I was informed that we were running out of money, according to the projections for FEMA, and would be out of money if they met all of the disaster requirements for fiscal year 1998, I said we had to do something about it but we would not do anything about it unless we got a request from the administration. That is why it came in yesterday.

Mr. NICKLES. Do we have the request in writing? The staff informs me that we do. I have not seen that. I would appreciate a copy of that. It is a heck of a deal. Here we are on Wednesday, and this request came in on Tuesday to give us another $1.8 billion or $1.9 billion, and we are just going to do it. For the life of me, if this is that much of an emergency, you would think James Lee Witt would have been working on every Member of the Congress saying, ''We have to have this money.'' He has not.

What I was hearing up until a week or so ago is that they had enough. Now, all of a sudden, they need $1.6 billion or $260 million on Community Development Block Grant money, and we do not even know how they spent $500 million last year. They cannot even account for that $500 million of the emergency money last year. Yet, we are getting ready to give another $260 million plus $1.6 billion for FEMA. I think that is a mistake. I am told that there are no community block development requests from the administration—none. There may be a verbal request, but no written request. I am assuming that is what my staff is telling me. They did not make the request, but we gave them the money anyway. I know some of my colleagues would like to have that money.

Mr. BOND. Will the Senator yield?

Mr. NICKLES. I will yield.

Mr. BOND. The request for emergency CDBG funds came from our colleagues. If you wish to have all of them speak to you personally, I would be happy to direct them to you. I can assure you that the $260 million in emergency CDBG funding is significantly less than has been requested by our colleagues in this body.

Mr. NICKLES. I am getting too many fights going at the same time. I have a nice engagement with Senator KENNEDY on a HCFA add-on that was put into the budget, which we will be voting on later. And $1.6 billion is on the floor now. That is enough. I am not trying to anger Members; I am trying to have a little bit of fiscal responsibility.

Again, since FEMA did not make this request until yesterday, I cannot believe it is that urgent. But I remind my colleagues, my amendment does not strike the $1.6 billion; it just says that the emergency classification will not be in there. So for next year's budget it will have to live within the caps, and for the following year it will have to live within the caps. That is the essence of my amendment, so we can help protect the surplus and maybe give taxpayers some relief.

So that is my hope, and that is my desire. If there is going to be a motion to table my amendment, I urge colleagues to vote no on tabling the amendment.

Mr. BOND. Madam President, I was preparing to move to table. But I wondered whether my colleague was going to offer a similar amendment to take the emergency designation off of the CDBG, and if he wanted to have one vote serve for two——

Mr. NICKLES. No. The result would be the same.

Mr. BOND. That would certainly expedite matters and allow us to express ourselves. There will not be an effort to change that. So this will be on the second-degree amendment to FEMA.

Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—68

Akaka	Dorgan	Lugar
Baucus	Durbin	Mack
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Moynihan
Boxer	Gorton	Murray
Breaux	Graham	Reed
Bryan	Grassley	Reid
Bumpers	Harkin	Roberts
Byrd	Hollings	Rockefeller
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kennedy	Snowe
Collins	Kerrey	Specter
Conrad	Kerry	Stevens
Coverdell	Landrieu	Thurmond
D'Amato	Lautenberg	Torricelli
Daschle	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lott	

NAYS—31

Abraham	Grams	McCain
Allard	Gregg	Murkowski
Ashcroft	Hagel	Nickles
Brownback	Hatch	Robb
Burns	Helms	Santorum
Coats	Hutchinson	Sessions
Craig	Hutchison	Smith (NH)
Enzi	Inhofe	Thomas
Faircloth	Kempthorne	Thompson
Feingold	Kohl	
Gramm	Kyl	

NOT VOTING—1

Roth

The motion to lay on the table the amendment (No. 2131) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from Alaska is recognized.

AMENDMENT NO. 2123

Mr. STEVENS. Mr. President, I ask for a vote on the pending amendment, the amendment of the Senator from Missouri, Senator BOND. I urge adoption of the amendment at this time.

The PRESIDING OFFICER. Without objection, the underlying amendment of the Senator from Missouri is agreed to.

The amendment (No. 2123) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent to set aside the pending amendment so Senator HELMS may offer his amendment. And I state to the Senate that this amendment will require a rollcall in the not-too-distant future.

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

The distinguished senior Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have an amendment at the desk that I want to call up momentarily, but not at this minute.

Mr. STEVENS. May we have order, Mr. President?

The PRESIDING OFFICER. There are 14 doors. If you want to talk, use one of them.

Mr. HELMS. Mr. President, I thank the Chair.

As I was saying, I, first, want to offer my personal assessment of some of the red hot rhetoric coming from and by critics of the United Nations, and even from this administration, regarding the decision by the Congress to withhold a portion of the funding for the United Nations until genuine reforms are implemented by the United Nations. I happen to know quite a bit about this as a result of my having spent months and hundreds of hours in painstaking negotiations with Members of both the House of Representatives and the U.S. Senate and the administration in coming up with a legislative package to pay the so-called ''U.S. arrearages'' to the United Nations in exchange for meaningful reform of the United Nations.

That package of reforms passed the Senate twice—once by a vote of 90 to 5. And the conference report has been filed with the House and Senate. But, unfortunately, by an astounding display of administration priorities, the White House chose to block this reform bill at the end of the first session of this Congress after the House of Representatives added one single provision protecting unborn babies from deliberate mass destruction.

Amidst all of that, our able and distinguished Secretary of State was reported as having claimed that not paying the United Nations would result in what she called a ''shutdown of our national security policy.'' That statement, by a lady whom I admire and respect, surprised and saddened me, Mr. President, because Madeleine Albright is bound to know better than almost anybody else that U.S. national security policy is run out of the White House, along with the State Department, which Madeleine Albright, of course, heads. And also it is run by the Defense Department.

But, Mr. President, Congress has a critical role in all of this as well—''this'' being a tripartite system of government that we have in our country. The security policies of the United States are not run by the United Nations, nor by the U.N. Security Council, nor by Kofi Annan. Thus, holding out a portion of U.S. funds for the United Nations in exchange for long overdue significant reforms designed to strengthen the U.S. national security certainly will not result in a ''shutdown of our national security policy.''

It is not surprising, however, to hear the familiar anti-American drumbeat out of the United Nations and from some of its members. I find it interesting that some diplomats at the United Nations undiplomatically tossed around the name ''deadbeat,'' referring to the United States. In fact, the U.N. Secretary General, Mr. Kofi Annan, implied as much in his March 9 New York Times op-ed piece entitled, ''The Unpaid Bill That's Crippling the U.N.''

I have a chart here showing that article by the Secretary General, and I hope the people operating the cameras will make that clear.

I like Kofi Annan fine. He has visited me a number of times—one time recently in my office in the last 10 days. But in this piece, the Secretary General made the absurd declaration, a non sequitur, if I ever heard one. And I quote him: ''Fiji has done its part. What about the U.S.?''

Well, Mr. President, the Secretary General is a man, I must reiterate, whom I have regarded and have often described as an honorable man. I brought up his statement when he visited me in my office 2 weeks ago.

And, by the way, Mr. President, just for the record, Fiji's United Nations' assessment for 1998 was precisely $47,636. The assessment for the United States, our country, on the other hand, was billed for $297,727,256. But that is not the all of it. The U.S. taxpayers will pay a total of $901 million to the United Nations and its affiliated agencies and other international organizations in fiscal year 1998. And that does not include another $210 million that American taxpayers are being demanded to pay for U.S. peacekeeping. And that all adds up to $1.110 billion.

So, it goes without saying that our friend, the U.N. Secretary General—I suppose in trying to be a little bit cute—in fact ended up both absurd and untruthful. And I do hope that it was his staff, not the Secretary General himself, that came up with that quip. Because, as I say, I have always regarded Kofi Annan as a sensible man.

Nevertheless, it is a perfect example of the disingenuous, even dishonest arguments being floated to misrepresent the United States of America, designed to make us pay even more than what we are willing to or obliged to pay in support of the United Nations. Clearly, it is time for Congress to meet head on such outrageous charges from those who do not represent American taxpayers. That is what my amendment is intended to do.

AMENDMENT NO. 2130

(Purpose: To recognize the generous support of United States taxpayers towards international peace and security)

Mr. HELMS. Mr. President, I now call up amendment No. 2130 and ask that its text be read in full and the cosponsors identified. I hope the full text of the amendment will appear in the CONGRESSIONAL RECORD at this point, following which I shall continue my discourse.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. LOTT, Mr. GRAMS, Mr. GREGG, Mr. HOLLINGS, Mr. BYRD and Mr. FAIRCLOTH, proposes an amendment numbered 2130.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC __. UNITED STATES TAXPAYER SUPPORT TOWARDS INTERNATIONAL PEACE AND SECURITY.

(a) FINDINGS.—Congress finds that—

(1) 8,500 men and women from the United States Armed Forces are currently serving in and around Bosnia, and 44,200 men and women from the United States Armed Forces are currently serving in and around the Persian Gulf;

(2) the Department of Defense has spent $2,200,000,000 in fiscal year 1995, $3,300,000,000 in fiscal year 1996, and $2,973,000,000 in fiscal year 1997 for the incremental costs of implementing or supporting United Nations Security Council resolutions for which the United States received no credit at the United Nations;

(3) as of March 1, 1998, the United States Federal debt totaled $5,537,630,079,097;

(4) as of the date of enactment of this Act, the United States, according to an audit by the General Accounting Office, has spent more than $6,400,000,000 in incremental costs to the Department of Defense in and around

Bosnia for which the United States received no credit at the United Nations;

(5) the President is now requesting an additional $486,900,000 for United States deployments in and around Bosnia and $1,361,400,000 for United States deployments in and around the Persian Gulf in ''emergency fiscal year 1998 supplemental funds'';

(6) those funds are in addition to the President's request for $1,020,000,000 in arrears for all assessed contributions to international organizations, including a request for $658,000,000 for United States arrears for United Nations peacekeeping operations;

(7) in response to spiraling United Nations peacekeeping costs and excessively broad mandates, the President on April 30, 1994, approved Public Law 103–236, which in section 404 limits the payment of the United States assessed contribution for any United Nations peacekeeping operation to 25 percent of the total of all assessed contributions for that operation;

(8) the United Nations continues to charge the United States for 30.4 percent of the costs of United Nations peacekeeping operations, despite Public Law 103–236;

(9) the United Nations continues to demand payment from the United States of the difference between 25 percent and 30.4 percent of bills for United Nations peacekeeping operations;

(10) United States law prohibits payment of those amounts as arrears to the United Nations, and the United States is not obligated to pay those amounts.

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

(1) United States taxpayers should be commended for their generous and unparalleled support in maintaining international peace and security through these additional contributions in support of United Nations Security Council resolutions, and that the United Nations should acknowledge publicly the financial and military support of the United States in maintaining international peace and stability;

(2) the United Nations should immediately reduce the percentage that the United States is assessed for United Nations peacekeeping operations to 25 percent to reflect United States law that limits assessments the United States will pay to support United Nations peacekeeping operations.

(c) RECOGNITION OF UNITED STATES SUPPORT.—

(1) REPORT BY THE SECURITY COUNCIL.—The President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council, requiring that the Security Council publicly report to all United Nations member states on the amount of funds the United States has spent since January 1, 1990, in implementing or supporting United Nations Security Council resolutions, as determined by the Department of Defense.

(2) DEMARCHE TO SECURITY COUNCIL MEMBERS.—The Secretary of State should issue a demarche to all member countries of the United Nations Security Council, informing them of the amount of funds, both credited and uncredited, the Department of Defense has spent since January 1, 1990, in support of United Nations Security Council resolutions.

(d) REPORT TO CONGRESS.—Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate with regard to actions taken to carry out the provisions of subsection (c).

Mr. HELMS. Mr. President, instead of complaining that the United States is not handing over even more millions and millions of dollars, the United Nations and its members should be thanking the American taxpayers for their generosity for the past 50 years and the support of the United States, which continues to provide it. I doubt that anybody will seriously argue that the United Nations would even exist today had it not been for the United States and for the generous support provided by the American taxpayers through good times and bad times. So the pending amendment stresses this obvious truth and suggests that the United Nations tone down its crybaby rhetoric and acknowledge the plain truth. The amendment also calls upon the United Nations to adjust its peacekeeping assessments to reflect the 25 percent U.S. support for peacekeeping costs that the Congress and the administration have agreed to pay.

The amendment further asks that the administration introduce a resolution in the U.N. Security Council to require the United Nations to report the total amount of money the United States has paid in supporting and/or implementing Security Council resolutions since 1990 and for the Secretary of State to inform all United Nations members of this report.

Finally, the amendment requires the President of the United States to detail all actions taken by the United States to carry out the aforementioned recommendations.

Mr. President, let me offer several examples of why the pending amendment is essential. First, a scandalous situation in which the United States is treated unfairly involves the assessment for regular operations of the United Nations. This past December, the United Nations General Assembly voted to reduce the minimum assessment a country must pay to be a member of the United Nations. They reduced it from one-hundredth of 1 percent, that's 0.01, to one-thousandth of 1 percent, 0.001, and the Clinton administration went along with this giveaway. Of course the U.S. assessment was not reduced 1 cent, not a farthing, not a penny.

Under this new formula, 29 countries now pay just one-thousandth of 1 percent, .001 of the regular U.N. budget, amounting to $10,516 a year for each of the 29 countries for the year 1998. Mr. President, 41 other countries pay between two-thousandths of 1 percent, that is .002, and .009, nine-thousandths of 1 percent. That is between $21,032 and $94,647 of the regular U.N. budget for 1998. Four countries pay one-hundredth of 1 percent, that is .01 of the budget, U.N. budget, for an assessment of $105,163 each. Another 84 countries, like Red China, for example, which regularly undermines U.S. interests in the Security Council, will pay less than 1 percent—less than 1 percent—of the U.N. budget. But the American taxpayers, they will foot the bill for 25 percent of the U.N. regular budget, and that is $297,727,256, or 28,312 times more than what 29 countries pay, and it is far more than what all the rest pay.

Mr. President, 7 years ago I asked my lifelong friend, Adm. Bud Nance, with whom I grew up in Monroe, NC, to assume the responsibilities of chief of staff of the Foreign Relations Committee. Bud Nance had completed a distinguished 38-year career in the Navy. Among other things, he was skipper of the U.S.S. *Forrestal*, an aircraft carrier that had more sailors aboard than we had people in our hometown. He later served as President Reagan's Deputy National Security Adviser. But the point is, Bud Nance, my friend, agreed to serve his country and his friend—that is the way he put it—on one condition. He would come and work as chief of staff if he received no pay. He did not want to be paid a cent because, he said, his country had paid him well while he was in the Navy and now he wanted to return something to his country. So he came.

The admiral and I learned, after he came, that no staff person in the Senate can hold a security clearance, which is essential for holding a job, unless he or she is paid at least a minimum salary, just over $1,000 a year. Several years later Congress applied the laws it forces the rest of America to live under to itself. It was made applicable to Bud Nance, and we had to give Bud a pay raise. It was forced upon him, and he was therefore paid the minimum wage for being chief of staff with one of the Senate's most important committees; that is to say, Bud Nance earns $10,712 a year. That is all he earns. He does not want to accept that.

In any case, when Bud Nance told me that the United Nations reduced the assessment of 29 countries to just $10,560 apiece annually, he reminded me that the minimum annual wage in this country, the $10,712 the Senate pays him, is more than these sovereign countries pay in annual dues to the United Nations.

Mr. President, how about another example? Compare Russia's 2.8 percent U.N. assessment, compare it with the United States 25 percent assessment. And Egypt? Egypt is one of the largest recipients of U.S. foreign aid, and it will receive $2.1 billion in foreign aid from the American taxpayers this year. Yet Egypt will pay just 69-hundredths of 1 percent of the regular U.N. budget, far less than $1 million. By the way, Egypt voted against the United States 61 percent of the time in the United Nations in 1997.

India, which will receive approximately $143 million in foreign aid from the United States, that is to say the American taxpayers—India will pay just three-tenths of 1 percent of the regular U.N. budget. India voted against the United States 76 percent of the time in 1997.

So it is obvious that the United States pays far more than its fair share. And what about the U.S. support for peacekeeping operations? The

amount that I mentioned earlier for this, $210 million, really is only a fraction of the amount the United States will pay for U.N. peacekeeping in fiscal year 1998. As a part of the 1997 appropriations for the Armed Forces, Congress required the Pentagon to report on the costs incurred by the U.S. military in implementing or supporting U.N. Security Council resolutions. Heretofore, the U.N. payment by the United States has been off the books and intentionally hidden from the American taxpayers. This chart will be very interesting to American taxpayers, I think, because it has some rather precise arithmetic, and I hope the camera can focus upon it.

The information on this chart came from the official Department of Defense report for fiscal year 1997: $2,972,938,000 was stripped away from the training and the readiness of our U.S. armed forces and handed over to support the U.N. Security Council resolutions. This is nearly $3 billion, mind you, and it is in addition to the $902,102,000 the American taxpayers provided to the United Nations and its affiliated agencies and other international organizations, also, in addition to the $334,780,000 that the American taxpayers were forced to fork over for U.N. peacekeeping in fiscal year 1997.

So, while the U.N. crybabies whine about not receiving enough of the American taxpayers' money, the real truth is that the United States volunteered more than three times what we were asked to pay; that is a total of $4,209,820,000 to the United Nations in fiscal year 1997. That is almost $3 billion which was taken off the books, courtesy of the American sailors, soldiers, airmen and marines. It was taken from them in terms of what should have been spent for their development in defense of this country.

Most Americans do not even realize that billions of dollars are being siphoned away from the shrinking U.S. military budget to support the United Nations. In fact, most Americans have not the vaguest idea how much money the United States provides for the United Nations. In 1995, the United States—that is to say the American taxpayers—provided 30.7 percent of all of the United Nations peacekeeping costs, far more than any other country. That may have seemed fair in the 1950s, but it is out of line today. That is why Congress and the administration agreed to scale back U.S. payments for U.N. peacekeeping to 25 percent, and that is still far more than any other country pays. Yet, the crybabies continue to whine at the United Nations.

But the United Nations ignores the will of Congress and continues to demand—not anything courteous about it at all—continues to demand that the United States pay the 30.7 percent of the peacekeeping costs.

The United Nations calls this extra 5.7 percent add-on an ''arrear.'' They talk about arrearages, even though it represents hundreds of millions of dollars that we do not owe and that we should never pay, and I respectfully suggest that somebody should inform the international diplomatic corps that the United States controls the U.S. Government purse strings, not the United Nations.

All of which reminds me of Sam Ervin, that great Senator from North Carolina, with whom I was honored to serve a couple of years before he retired. Senator Sam Ervin quoted a Latin proverb that seems apt. He said: ''Small gifts make friends; great gifts make enemies.'' And I can imagine what Senator Sam would be saying if he were still sitting right over there, if he were still around as a Member of the Senate, about what little impact the United States has had on the operations of the United Nations, in light of the total amount of millions and millions of dollars that we have paid to the United Nations, especially since Americans are being smothered under a $5,531,793,429,306.24 Federal debt as of March 23.

Some Americans would mistakenly suppose that at least 25 percent of United Nations employees are American citizens, since the United States provides 25 percent of the budget and that the United Nations headquarters is in New York City. But only 7.1 percent of U.N. employees are U.S. citizens. Surely it is obvious that the Congress needs to pass and President Clinton needs to sign into law the U.N. reforms that Senator JOE BIDEN of Delaware and I negotiated and which were approved by this Senate last year by a vote of 90 to 5.

Mr. President, I am going to close with one final thought. The administration spends a lot of time talking about how the United States has become the indispensable Nation in the post-cold war era, and I agree with that. But at the same time, the administration acts as if America is powerless to act in our own people's interest unless the United Nations is calling the tune. Small wonder that so many Americans are confused about U.S. foreign policy and the direction this country is heading internationally.

No; let the record be clear—let the record be clear—America is anything but a deadbeat nation. The real problem is an administration that has allowed too many handout artists at the United Nations to go unchallenged in their arrogance. Mr. President, enough is enough.

I thank the Chair, and I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, I congratulate the Senator from North Carolina for his amendment, because it clearly outlines the problems which we have as a Congress with the representations that we continue to hear from the United Nations and some of the member nations within the United Nations relative to the obligations of the U.S. arrearages and, as we go into the future, relative to the obligations for the payment of the operation of the United Nations and the payment for the international organizations for the United Nations and the payment for peacekeeping.

The fact is that the United States and the taxpayers of this country, to whom we answer, have been extremely generous with the United Nations—extremely generous. We have undertaken as a nation far more—far more—than our fair share of the costs of initiatives which the United Nations is pursuing, and we are today undertaking far more than is our fair share, both in Southwest Asia and also in Bosnia.

This supplemental appropriations bill has in it $1.9 billion, the purpose of which is to try to put our Defense Department into a position of solvency, for lack of a better term, relative to the costs of these peacekeeping missions, so that we are not culling, draining from our core defense establishment, funds necessary to maintain that establishment in order to undertake these peacekeeping initiatives in two areas where the United Nations has a primary role and has been one of the primary promoters. That is why we are pursuing this supplemental appropriations.

But it is part of a larger picture, and the Senator from North Carolina has outlined it and pointed out rather precisely the dollars involved and the commitments we have made just in these two areas.

I want to highlight a couple of points, because I am very tired, as chairman of the appropriating subcommittee that has responsibility for the U.N. accounts—I am very tired of hearing this constant moaning from New York, from members of the United Nations, about American arrears. Let's look at what those arrears are.

Only $54 million—$54 million—a small number in the context of the entire budget, although a big number in the context of a small State like New Hampshire and certainly a very expensive number for the people of New Hampshire because that is coming out of our taxes—only $54 million goes to the operation of the United Nations of the alleged arrears that are presented to us.

Of the total arrearage—and the debate is out there as to whether it is $600 million, $900 million, or $1.2 billion—of that total arrearage, only $54 million goes to operating accounts within the United Nations. The vast majority of the balance—there are a couple of international organizations involved here—but the vast majority of the balance flows through the United Nations to other nations to reimburse them for their peacekeeping costs.

Let me list a few of these: France alleges it is owed $151 million; Italy alleges it is owed $62 million; Belgium,

$58 million; The Netherlands, $50 million; India, $47 million; Pakistan, $45 million; Russia, $36 million.

So, of the arrearages that are allegedly owed by the United States, they do not go to the operations of the United Nations. So when I see a headline like was held up earlier by the Senator from North Carolina which said we were undermining the United Nations by our failure to pay these arrearages, that is just poppycock. That is purely a statement of politics, not a statement of substance.

The fact is that of the arrearages that are owed, should we end up paying them in full under our definition of what is ''in full,'' almost all that money is not going to stay at the United Nations; it is going to flow out to these other countries.

I think the question has to be asked, What part have these other countries played in undertaking the burden of our activities, for example, in Iraq? Were they participants in the costs that we just incurred as a nation, which were dramatic, in Iraq? The present estimate of the Iraq costs, I think, is somewhere in the vicinity of $4.6 billion to our Defense Department in order to try to contain Saddam Hussein, and this was purely—purely—a U.N. initiative and effort. We were there flying under the flag of the United Nations, although our country obviously bore the biggest responsibility, because we are the most capable military power in the world.

But to the extent we were there, we were picking up this ticketed cost of $4.6 billion to date, and it goes up every day. How much of that cost did these other nations, which are claiming that we are in arrears on peacekeeping and that they want us to pay them, pay for? How much of that cost? Well, France did not participate and has not participated in this most recent Iraqi buildup, to my knowledge. Italy did not participate. Belgium did not participate. The Netherlands did not participate. India did not participate. Pakistan did not participate. Russia did not participate. So, essentially, they are asking us to pay twice. They are saying first we have to pay these peacekeeping arrears to them, and then we have to go out and keep peace for them in Iraq.

At some point, the American taxpayer starts to scratch his or her head and say, ''Hold it. You know, this is our money. We recognize we have a responsibility to the United Nations, but don't try to make fools of us.'' And that is the concern. The concern is that we are being asked to pay a disproportionate share of the burden of the peacekeeping activities of the United Nations today in Bosnia and in Iraq, and we are not getting any credit for it.

To the credit of the Senator from North Carolina, he worked very hard to reach an agreement on how these arrearages should be managed as part of an overall reform package for the United Nations. A basic element of that reform package was that our peacekeeping responsibility would drop from 30 percent to 25 percent and that our dues for the operational aspects of the United Nations would drop from 25 percent down to, hopefully, 20 percent, at least 22 percent.

We have not seen any action in that area, nor have we seen any action in the fundamental reforms which were alluded to, not specifically, but alluded to by the Senator from North Carolina as to the management of the United Nations, where American tax dollars are being used to hire the friend of a friend who happened to be the president of some country somewhere; an institution which is replete with duplication, bureaucracy, and, regrettably, in many instances pure old-fashioned patronage.

American tax dollars are not being accounted for. They do not have a system of telling us where they spent the money. They do not have a personnel system that can tell us whom they hire, and they do not have a system which can tell us how their programs are being delivered and what the overhead of those programs is. So we asked for that as a condition for paying any further arrearages. None of this has been met.

I come here with the same frustration as that of the Senator from North Carolina and, I think, the Senator from West Virginia as a cosponsor of this, and he is certainly a much more eloquent spokesman on issues like this than I am. But I, like many Americans, am saying, how can they continue to come to us and say, ''Give us more,'' when they are not giving us credit for what we have already done?

The American taxpayer has a legitimate complaint here. The amendment of the Senator from North Carolina is a way to try to raise the visibility of that complaint. I congratulate him for it, and I hope we will adopt it. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I strongly support the amendment offered by the senior Senator from North Carolina. The administration has been on a nonstop campaign to color the Congress as irresponsible chiselers on U.N. dues. At the same time, however, we are forking over emergency money for Bosnia operations and for Southwest Asia operations in this bill that amounts to nearly $2 billion.

It was the present NATO-led operation that bailed out the embarrassingly bad failure of the United Nations to keep the peace in Bosnia which had witnessed a modern version of the Holocaust. It was the U.S. military operation, exclusively in Southwest Asia, that gave teeth to the U.N. Secretary General's negotiations with Saddam Hussein, a fact readily admitted by U.N. Secretary General Kofi Annan.

The United States has paid out many times over in unilateral costs the so-called arrearages claimed by the United Nations to be owed by the United States in support of the objectives of the United Nations in both theaters.

The amendment by Mr. HELMS is truth in international funding, truth in international fundraising.

We do not see much in the way of contributions by other members of the Security Council to our operations in either theater.

The figures used by Mr. HELMS, some $6 billion or more in U.S. unilateral outlays since 1990, compared to the trumpeted past due bill of $1 billion we supposedly owe to the United Nations, provides the stark contrast—the stark contrast—the basic unfairness of the charge that the United States is some kind of debtor to the United Nations, some kind of deadbeat, as it were, some kind of chiseler, as it were.

My mom used to keep boarders back in the coal mining community. And we took on boarders who came to our house. I often listened to a new boarder for a few minutes. From time to time I would say to the woman who raised me—''He's going to beat you out of your board bill. That man won't pay you.'' And I was amazed in so many instances to find, to my chagrin, that that man would not pay his board bill. He was a chiseler. That is what we are portrayed to be—chiselers; deadbeats—we will not pay our dues; we will not pay our arrearages.

The United States has been bailing out the rest of the United Nations for years now. Take the United States out of the United Nations, what do you have left? What is there left? The other members of the United Nations, in fact, owe the United States. They owe us a massive back bill for military operations and funding.

The first question that was ever asked in the history of the world, in the history of the universe, in the history of all creation, the first question that was ever asked was when God walked through the Garden of Eden, in the cool of the day, searching for Adam and Eve.

They had forfeited—they had forfeited—their right to that everlasting life in that garden of bliss, a virtual paradise, by eating from the Tree of Knowledge in violation of God's warning not to do so. So God came looking for them in the cool of the day. God asked that first question: ''Adam, where art thou?'' They had hidden themselves from Him. ''Adam, where art thou?''

Mr. President, we might well ask the other members of the United Nations, ''Where were you when we were in the hot sands of the gulf, when we had sent our men and women away from their homes, away from their firesides, away from their children, away from their loved ones to take possible action to protect you and yours? Where were you? Where were you?''

Mr. President, the time has come for the administration to cool down—cool down—it's hot rhetoric on the matter of the so-called arrearages by the United States. The time has come to see the forest—not just the trees—on the matter of who is fulfilling the responsible role—the responsible role—of international leadership against aggression.

I commend the Senator for his amendment. I thank him for allowing me to be a cosponsor of it. I hope that it will get a big vote in this Chamber so that a clear message is sent to the whiners—to the whiners—both in New York and down Pennsylvania Avenue on this whole issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from the great State of Minnesota.

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

Mr. President, I also rise today to support this amendment. The United States has been called a ''deadbeat''; it has been called a ''bully'' at the United Nations. The United States has been accused of being ''heavy-handed'' and not doing its ''fair share'' for the international community. The United States has been berated and belittled at every turn by many of the countries that have been benefiting most from U.S. generosity—both in terms of security guarantees and also in terms of economic assistance.

Mr. President, America bashing is a popular pastime at the United Nations, and this administration is doing nothing to stop it. In fact, this administration has been contributing to the feeding frenzy by trying to undercut the terms of the U.N. reform plan instead of standing by the deal that it helped negotiate. If this administration is encouraging anti-American sentiment at the United Nations in order to gain leverage with Congress to water down the reforms, well, it is unconscionable and it is not going to work.

Mr. President, this administration has been so weak in defending the honor and the reputation of the United States at the United Nations, and so negligent in highlighting the great contributions that America is making to promote international security, that we feel compelled to direct the administration to do so with this amendment.

Now, while the United States is being called a ''deadbeat'' regarding its international obligations, well, the facts say something quite different. The United States may owe arrears to the United Nations, but that is only because the United States received no credit at the United Nations for the $2.97 billion that U.S. taxpayers spent in fiscal year 1997 implementing U.N. Security Council resolutions—again, nearly $3 billion of U.S. taxpayer money to help implement U.N. Security Council resolutions last year alone.

We received no credit for the more than $6.4 billion that the U.S. taxpayers have spent to date in and around Bosnia. We will receive no credit for the emergency funding of an additional $487 million for the Bosnia mission and the $1.4 billion for U.S. deployments in the Persian Gulf that the President is asking for in this bill.

As we all know, our troops are in the gulf to enforce U.N. Security Council Resolution 687 on Iraq. But that does not mean that we will get credit for our contribution at the United Nations. And while we do need to settle our disputed arrears to the United Nations, Mr. President, we should not be myopic. The U.S. taxpayers are doing far more than just pulling their weight in the international community.

Mr. President, this amendment is necessary to ensure that all U.N. member states are aware of the great sacrifices that the American taxpayers are making to support U.N. Security Council resolutions since U.N. bookkeeping obscures the facts.

First, the amendment states that U.S. taxpayers should be commended for their generous support in maintaining international peace and security; the United Nations should publicly acknowledge this support and immediately reduce the U.S. peacekeeping assessment to 25 percent that is in accordance with U.S. law.

Second, it calls on the President to direct the U.S. Ambassador to the United Nations to introduce a Security Council resolution requiring the Security Council to report to all member states on the amount that the United States has spent supporting U.N. Security Council resolutions just since January 1, 1990, as determined by the Department of Defense.

Third, it requests the Secretary of State to notify all members of the Security Council on the amounts—both credited and uncredited—that DOD has spent supporting U.N. Security Council resolutions, again, just since January 1, 1990.

And, fourth, Mr. President, it requires the President to report back to the appropriate committees in the House and the Senate within 45 days on the efforts to carry out these steps in this amendment.

Now, I do not know how far this amendment will go toward getting the U.S. taxpayers the recognition that they deserve for U.S. support of the United Nations, but I do hope it will put the U.S. arrears in perspective. Both the administration and the Congress agree that the U.S. owes only $54 million to the U.N. regular budget and $658 million for peacekeeping expenses. Now, that is $712 million. You compare that to the nearly $3 billion the Department of Defense spent in fiscal year 1997 alone—we spent more than four times that amount last year alone—implementing U.N. Security Council resolutions.

Mr. President, throughout the history of the United Nations, the United States has always been its most generous donor. American taxpayers currently are billed for 25 percent of the entire U.N. operating budget and 30.4 percent of the peacekeeping budget, although the United States now pays 25 percent, as I mentioned, in accordance with a law passed by, again, a Democratic-controlled Congress and signed into law by President Clinton.

Currently, those bills total more than $600 million annually. In contrast, Saudi Arabia, Kuwait and China—which has a veto in the Security Council—only pay about 1 percent of the entire U.N. regular budget. The floor of assessment levels was just lowered from .01 percent of the U.N. operating budget, from about $106,000 a year, to .001 percent, or under $11,000. So each contribution from those nations will not be enough to even cover one-tenth of the salary of one of their highly priced bureaucrats. It will only pay about one-tenth of the salary of one of their bureaucrats at the United Nations. That is all they pay.

Despite this fact, each member of the United Nations has one vote on budget issues. In addition to the assessed payments I just mentioned, the United States voluntarily and generously contributes hundreds of millions of dollars to programs like UNICEF, UNHCR, and the U.N. Voluntary Fund for Victims of Torture. So, Mr. President, the United States pays more than its fair share for world peace, stability, and humanitarian efforts.

That being said, we do need to settle our disputed arrears to the United Nations. We did engage in good-faith negotiations with the administration, and we made a deal on the U.N. reform package. The Senate, with the full support of the administration, passed this bipartisan legislation twice—by a 90–5 rollcall vote and again by unanimous consent. The only thing that prevented this agreement from becoming law was a dispute over an unrelated issue.

This administration then decided to forgo nearly $1 billion for the United Nations and $3.5 billion for the IMF so it could preserve the ability for U.S. grant recipients to lobby foreign governments to liberalize their abortion laws.

Mr. President, Secretary Albright recently said that failure to pay the U.N. arrears would result in a ''shutdown of our national security policy.'' I must admit, I was somewhat taken aback by that statement, as I was not aware that this administration had officially subcontracted our national security policy to the United Nations.

Indeed, I will fight to make sure that it will never happen. But if the United States truly is suffering a loss of prestige and effectiveness in the global arena because of our U.N. arrears, as the administration contends, then it is irresponsible for this administration to jeopardize our security interests and influence for domestic political considerations.

I hope that in the near future Congress will pass the U.N. reform package and the President will sign it into law

so we can put this small matter of the disputed arrears behind us. Regardless of the fate of that legislation, I also believe it is important that we pass this amendment so that the rest of the world will be aware of what we all know, and that is the huge sacrifice that the United States taxpayers make to support U.N. Security Council activities.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I thank the Senator for his remarks, as I do Senator GREGG, and particularly Senator BYRD, who is always eloquent.

Now, Mr. President, I want to be sure that all of the cosponsors are identified. I ask unanimous consent that the distinguished majority leader, Senator LOTT, be listed as a cosponsor, as well as Senator GREGG, Senator GRAMS, Senator HOLLINGS, Senator BYRD, Senator FAIRCLOTH, and Senator ASHCROFT.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Are the yeas and nays ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, parliamentary inquiry. Was there a unanimous consent for a time to vote? If not, I would like to speak for 3 minutes on this amendment.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

Mr. BIDEN. I thank the chairman of the committee for accommodating one of my concerns that I expressed through staff on this amendment that he changed.

I agree fully, as the Senator knows from our many discussions on the United Nations and some disagreements relative to the United Nations, that I, like he, believe we do not get sufficient credit. He may remember the debate we had in the committee where I found myself at odds with some of my colleagues who share my view that we, in fact, owe a good deal of money and should pay it.

I take issue, for the record, with my friend from Minnesota about his characterization of what a terrible job the administration has done. I do not believe that is the case. I believe that Secretary Albright, when she was at the United Nations, and others have never failed to point out the extent of our involvement.

I do not think we should confuse apples and oranges here. The truth of the matter is there are certain things that are U.N. sanctioned and there are other things that are U.N. administered. When folks wear blue helmets, everybody gets repaid. When they are not wearing blue helmets, they do not get repaid unless it is a chapter 7 undertaking administered by the U.N. I will not bore my colleagues with the details that relates to, but let me say we are not the only country who has acted unilaterally under the cover of or with the sanction of a U.N. resolution. There are other countries who have done so and have not been reimbursed for their contributions, from France to Germany to Great Britain.

For example, in 1994 voluntary expenditures by France amounted to $747.5 million, for which they did not seek reimbursement; Italy, $347.7 million, et cetera. We by far and away are the biggest of the contributing non-credit-given countries in the United Nations, I acknowledge that. And I think we should be doing what the Senator from North Carolina is saying: We should make it clear, in part to our folks as well as the rest of the world, that we do a great deal more than we get credit for.

I further say that we could amend—and I am not going to —we could amend this resolution to ask the world body to understand that there are other tens of billions, hundreds of billions, we spend that are not under any U.N. auspices, that are done for the good of the world, that we get no credit for.

It is true we do not get sufficient credit. But I respectfully suggest that it should not be confused with whether or not we owe or do not owe what we agreed to under the deal we signed up to when we joined the United Nations. I make a distinction here. No state receives credit against assessments for unilateral activities in support of U.N. security council resolutions which represent a majority of the U.S. cost incurred during the period my friend from Minnesota is talking about.

Again, I will ask unanimous consent a written statement be printed in the RECORD to explain in more detail the points I know my colleagues understand but maybe the public at large, listening to the truncated debate on my part, may not understand.

For example, let me conclude with this. Italy just spent a lot of money on Albania under a U.N.-sanctioned resolution. Now, Italy did it because if Albania goes bad, Italy is in trouble. Italy has a real problem, a serious problem. It was in their overwhelming interest to see to it that things did not deteriorate more than they did in Albania. So the rest of the world did what they always do with us—they kind of stood by a little bit, and we held Italy's coat, in effect, and we said, ''OK, you go ahead, you go ahead and spend that money. We know basically it is in your interest. You would want to do it even if there were no U.N. resolution authorizing you to do that. You would still want to do it, because it is in your overwhelming interest and it is in the world's interest.''

The no-fly zone in Iraq. We have used an attenuated rationale—which I think we should have—to enforce the no-fly zone. We are paying for the bulk of that, the United States of America. It is not because the rest of the world is saying, go in and enforce the no-fly zone. Half the United Nations might say, don't enforce the no-fly zone. The reason they do not want to pay, the reason it is not a blue helmet operation, they could not get the United Nations to go along.

Here is a case where we believe it is in our overwhelming naked self-interest to enforce the no-fly zone, because oil in that region of the world is as big a deal to us as it is to the rest of the world. Granted, it benefits the whole world, but we are big boys. We have to grow up. We have to understand there are certain times when we do things and expend money that incidentally benefits other people but we would do even if the United Nations was not around.

So the technical distinction that is made in reimbursement is between—to overstate it in the interest of time—a blue helmet being worn and us going in and doing it with the sanction of the United Nations, saying, ''OK, we have a resolution that says it is OK to do that.'' There are two different deals.

So we should do what is being proposed. I am voting with my leader on this issue. He is correct. But let's not get carried away, as I respectfully suggest my friend from Minnesota maybe has in terms of how, (a), the administration has done nothing to make clear our contributions, and (b), that somehow this is the same as what is owed by us and we are trading apples for apples. They are apples and oranges. Maybe we should change the way the charter reads. Maybe we should change it to say, ''Anything done under the guise of''—or ''under the umbrella of a U.N.-sanctioned operation should be given credit for.'' Maybe we should say that. I am not sure we want to say that, because we may find a lot of folks involved in things we do not want to have to contribute to but maybe we should. But it does not say that now. That is not the way it works now.

Mr. President, I compliment my friend, and I do not disagree with the underlying thrust of what my friend from Minnesota is saying, that we do not get enough credit. We do not get enough credit. If we do not get up there and beat our chest a little bit about what we are doing, sure in the heck, no one else will give us credit for it. I think it should at least be done now in part, quite frankly, and you might consider this typically—my friend from North Carolina would be too polite to say this—kind of a typically Biden view of this thing in the following respect: I think it is important to do this now, because we haven't paid.

In other words, I am so upset about us not having met our obligations that

we signed on to, coupled with the damage I think it is doing to our ability to get other things that are in our naked self-interest done in the United Nations, that at least this might, by advertising what we have done, sort of take the stinger out of the rhetoric that is going around up in the United Nations that we do not do anything, that we are the bad guys, we are the pariah, we are the total deadbeat. That is one of the reasons why I am glad we are doing it.

I do not think we should confuse what we have done in other areas, and I will list for the RECORD what they are. I am sure my colleagues already know how we get to the $2,972,938,000. They are: Former Yugoslavia and Iraq operations, including Able Sentry, Deny Flight, IFOR/SFOR operations, Southern Watch, Sentinel, and Provide Comfort. They basically relate to what was cited here, the former Yugoslavia and Iraq, and with the exception of Able Sentry, I think we would find that each of the things we have done in there that have not been compensated for are things we pushed to have done.

There is resistance at the United Nations and in NATO to do —we brought them around through, in effect, sanctioning us to do this.

I end by saying I think my colleagues would probably be apoplectic if everything we did in order to get reimbursed we had Americans with blue helmets on. I think you would all be up here going bananas if that were the case. Be careful what you wish for; you may get it.

In this case, I think it is worth making the case, I think you overstate the criticism of the administration.

I thank the chairman of the full committee for allowing me, and I thank my friend from North Carolina for allowing me to be part of this amendment.

Mr. President, I ask unanimous consent that the written material that I referred to earlier be printed in the RECORD.

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

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, February 13, 1998.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As required by Section 8091 of the Department of Defense Appropriations Act for 1997, I enclose a report on costs incurred by the Department of Defense ''in implementing or supporting resolutions of the United Nations Security Council.'' Specifically, the report provides incremental costs for the fourth quarter of fiscal year 1997 as well as cumulative costs for the 1997 fiscal year to the end of the fourth quarter. The report also provides information on efforts the Department has made to be reimbursed for troop contributions and provision of services and commodities to U.N. peacekeeping operations.

We take seriously our commitment to provide data to the Congress regarding the costs incurred in support of U.N. activities. I trust that you will find the enclosed report to be a useful summary of the costs that the Department has incurred in support of U.N. activities as well as the Department's efforts to seek reimbursement for these activities.

Sincerely yours,

WALTER B. SLOCOMBE.

Enclosure: as stated.

REPORT TO THE CONGRESS FOR THE FOURTH QUARTER, FISCAL YEAR 1997 IN COMPLIANCE WITH SECTION 8091, DEFENSE APPROPRIATIONS ACT OF 1997

The DoD Appropriations Act for 1997 (Act) requires the Secretary of Defense to submit a report at the end of each quarter indicating ''all costs (including incremental costs) incurred by the Department of Defense (DoD) during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council.'' The data included herein are provided in response to section 8091.

The Defense Finance and Accounting Service (DFAS) compiles incremental costs associated with United States military operations based on data provided by the military departments and defense agencies. These data were modified, as necessary, to properly reflect transfer actions and unreported costs applicable to support to U.N. operations. Data are presented below in both quarterly and cumulative (for the fiscal year) format. It is important to note that DFAS cost reports include information received during a particular quarter of the fiscal year: comprehensive cost data are not available in the immediately succeeding quarter. The Department collects only incremental costs, which are defined as additional costs to the DoD component appropriations that would not have been incurred if a contingency operation had not been supported. All incremental costs included below are current as of 30 September 1997, and are aggregated for FY97, and exclude reimbursements received for troop contributions (section 2), which are presented individually.

Operation/Region	Reported for 4Q FY97	Cumulative for FY97 through 4Q
Former Yugoslavia Operations:		
ABLE SENTRY (FYROM)	$2,950,000	$11,727,000
DENY FLIGHT/DECISIVE EDGE	30,101,000	183,266,000
IFOR/SFOR Operations	779,316,000	2,087,518,000
SOUTHERN WATCH/VIGILANT SENTINEL (Iraq)	185,499,000	597,312,000
PROVIDE COMFORT/NORTHERN WATCH (Iraq)	20,627,000	93,115,000
Total	1,018,493,000	2,972,938,000

The Act requires the Secretary of Defense to ''detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.''

The Administration's policy is to seek reimbursement, or compensation as the Act terms it, for all allowable costs of participation in U.N. peacekeeping operations. There are two instances in which costs are allowable: (1) costs related to troop contributions to U.N. peacekeeping operations, and (2) provision of services and commodities to United Nations peacekeeping operations. The provision of services and commodities occurs under a process known as the Letter of Assist (LOA). The LOA process is similar to a contract between the USG and the UN whereby the USG agrees to provide support to the U.N. with the understanding that the U.N. will provide reimbursement under established terms. Only expenditures in support of a peacekeeping operation conducted by the U.N. approved by the Security Council and authorized by the General Assembly (through its annual budget approval process) as a legitimate charge to the UN are eligible for reimbursement. No state receives credit against assessments for unilateral activities ''in support of'' UN Security Council resolutions, which represent the majority of U.S. costs incurred during this reporting period.

Information regarding billings and reimbursements for the fourth quarter of fiscal year 1997 is provided below. Data on reimbursable support are divided into two sections. The first section accounts for the provision of defense articles and services. The Department of Defense submits bills to the U.N. for these articles and services on a monthly basis. The second section identifies reimbursements to the United States Government for troop contributions to a U.N.-mandated and assessed peace operation. The United Nations reimburses troop contributors for specific United Nations peacekeeping operations on a periodic basis depending on the availability of funds. No troop-contributing government submits bills for troop reimbursements. Rather, the U.N. reimburses governments on its own initiative when sufficient funds are available to pay all contributors to a particular mission for at least a one-month increment; all member states involved in a particular mission are reimbursed for troop contributions simultaneously. Reimbursements for incremental troop contribution costs are made by the U.N. directly to the Department of Defense. The Department of Defense has determined that its incremental costs are $318 per soldier per month.

SECTION 1—FY 97 PROVISION OF DEFENSE ARTICLES AND SERVICES

DoD component	Billed (cumulative)	Reimbursements [1]
NIMA	$9,550.32	$00.00
Army	98,939.67	350.32
Total	101,489.99	350.32

[1] The United Nations has not been able to make full payments to the U.S. and to other member states because of a lack of funds resulting from unpaid peacekeeping assessments. All DoD bills that have been presented to the United Nations during FY97 have been certified as legitimate claims.

SECTION 2—FY 97 TROOP CONTRIBUTION REIMBURSEMENTS

Operation	Reimbursements	Period covered by reimbursements [1]
	0	NA

[1] The United Nations has not been able to make full payments to the U.S. and to other member states because of a lack of funds resulting from unpaid peacekeeping assessments. All DoD bills that have been presented to the United Nations during FY97 have been certified as legitimate claims.

Mr. STEVENS. Have the yeas and nays been ordered on the Helms amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent this vote take place at 6:30 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I say to the chairman of the full committee I will summarize my statement here, and when anyone is ready to go with an amendment, I will cease. But I will

speak on the overall supplemental, if I may.

I rise in strong support of the supplemental appropriation for troops in the Persian Gulf and for our troops in Bosnia. I want to say a few words about our policy in the Persian Gulf and then turn to a more detailed discussion, if I have time, of our SFOR mission in Bosnia.

Passing this supplemental appropriations sends an unequivocal message to Saddam Hussein that the United States is committed to thwarting his intent to threaten our national interest. Diplomacy backed by the credible threat of force has put the international inspectors back in business, and for the first time in 7 years these inspectors, Mr. President, are doing their work without hindrance. Maintaining our military force in the gulf is as important as anything else in keeping Saddam Hussein honest, although it is expensive and it is costly in many ways.

I know that some of my colleagues, including the senior Senator from Alaska, have expressed concerns about the willingness of our allies in the gulf to share the financial burden of our current deployment.

Many of these concerns are valid. We should expect our allies to support us militarily and otherwise, especially when our actions safeguard their interests. But I think it is equally important to recognize that we are in the Persian Gulf, first and foremost, to protect our own vital interests.

But I think it is equally important to recognize that we are in the Persian Gulf first and foremost to protect our own vital interests. First, we ignore at our peril the chemical and biological weapons programs of a leader with a demonstrated proclivity for using weapons of mass destruction. Second, whether we like it or not, sixty-five percent of the world's proven oil reserves are in Saddam Hussein's backyard.

None of us wants to hand over our energy security to the whims of a maniacal tyrant. But that is exactly what we would be doing if we withdrew our forces from the Persian Gulf.

Failure to approve this supplemental would lead Saddam to conclude that the United States is losing its resolve. He would resume his defiance in short order, and before long he would menace the region once again with chemical and biological weapons.

Now, Mr. President I want to discuss the mission in Bosnia.

By now the importance of the American-led SFOR mission in Bosnia should be manifest. The Dayton Accords of November 1995 ended three-and-a-half years of carnage and gave Bosnia and Herzegovina a roadmap for rebuilding a peaceful, civil society.

No one can dispute that it is the overall security environment created by the international community through SFOR that makes civilian progress possible.

Mr. President, several Members have already spoken this morning on the Bosnia amendment offered, and then withdrawn, by the junior Senator from Texas.

Had the Senator not withdrawn her amendment, I would have opposed it. If she offers it again on the Defense Appropriations bill, I will speak against it.

For now, however, I would make only two brief comments on the amendment before I turn to a more detailed discussion on our strategy in Bosnia.

First, mention was made of ''shifting goalposts.'' I quite agree, but the shifting has been done by the opponents of our involvement in Bosnia, not by President Clinton.

In an effort to prevent, then shorten, our Bosnia mission, the opponents complained that the Administration had not spelled out clear benchmarks, which, if met, would enable our troops to withdraw from Bosnia.

Now, my friends, he has given us these benchmarks. And what do the opponents of our Bosnia policy say? They say that he has shifted the goalposts by giving specifics. Give me a break!

Second, I understand that the Senator from Texas said that she didn't find the benchmarks to be very concrete. After having examined the conditions and benchmarks, I find her confusion rather puzzling. Therefore, I will now go into detail about them.

I have spoken frequently about the enormous progress that has been achieved in Bosnia since the cessation of hostilities and about the difficult tasks remaining ahead.

Today I will concentrate on showing that in voting to fund a continuation of the SFOR mission, we are not voting for an open-ended commitment.

Rather, the Administration has drawn up clear benchmarks, which, when met, will allow our troops to come home.

But, Mr. President, part and parcel of these benchmarks is interpreting them, and in this connection I will insist that the Senate is part of the process.

Mr. President, ten key conditions have been identified, each containing objectives and concrete benchmarks, which constitute our ''game plan'' in Bosnia.

These ten conditions are: 1. Military Stability; 2. Police and Judicial Reform; 3. Functioning National Institutions; 4. Reformed Mass Media; 5. Democratization and a Functioning Electoral Process; 6. Economic Reconstruction and Recovery; 7. Refugee Returns; 8. A Settlement for Brcko; 9. Resolution of War Crimes; and 10. International Organizations Able to Function without Military Support.

I would like to turn to the benchmarks for each of these conditions.

The precondition for all progress, of course, is the creation of military stability. The benchmarks of this first of the ten conditions include the maintenance of the ceasefire, weapons secure in their cantonment sites, and the arms control limits set since Dayton adhered to.

The special police forces must be disbanded or restructured and inter-entity arms control and confidence and security building measures adopted.

In addition, the American-run Train and Equip Program must be successfully completed, with a traditional support and sustainment arrangement with the Federation Army in place.

Second, the benchmarks for police and judicial reform require that all local police forces are restructured and ethnically integrated. Basic skills and human rights training must be completed so that the police can deal effectively and fairly with civil disturbances. Police academies with professional leadership must be functioning.

The intelligence services and the secret police must be stripped of all police functions, and an effective judicial reform program must be in place.

Benchmarks for attaining the third condition for troop withdrawal are in the governmental area. They include all outlawed pre-Dayton institutions having been dissolved. Foremost among these are the remnants of the Bosnian Croat so-called ''Herceg-Bosna.''

A functioning customs service and control over state revenues must be established, including transparency in budgets and disbursements. Funds must be flowing to national, not entity, institutions, which have permanent staffs and facilities in place.

The fourth condition for the withdrawal of our troops concerns the mass media. Its benchmarks begin with political parties being divested of their control of the broadcast networks. Entity and national-level media policy and regulatory structures must be in place. A new election law must guarantee that opposition parties have access to the airwaves. Independent media, already in existence, should be generally available throughout the country.

Benchmarks for the fifth condition, democratization and the electoral process, are particularly important. Local, entity, and national governments must be beginning to function transparently. Political parties will have to accept binding arbitration for the implementation of the results of contested local elections.

Bosnian electoral laws must be modified to meet the standards of the Organization for Security and Cooperation in Europe (OSCE). The September 1998 elections must be conducted in a free and fair manner, with the need for OSCE supervision reduced.

The sixth condition for withdrawal of American troops involves economic reconstruction and recovery. As benchmarks, agreement must be reached on a permanent national currency. Privatization laws must be drawn in line with Dayton. Major infrastructure including transportation, power grids, and telecommunications must be repaired and functioning.

The program of the International Monetary Fund must be in place with traditional lending programs begun.

The fundamental and emotional issue of refugee returns comprises the seventh condition. The property laws of both entities in Bosnia must comply with the Dayton Accords. Property commissions must be fully functioning. Both the Federation and the Republika Srpska must be participating in phased and orderly cross-ethnic returns.

The key cities of Sarajevo, Banja Luka, and Mostar must have accepted substantial returns of refugees and displaced persons, and the local police throughout Bosnia and Herzegovina must protect returnees, whatever their religion or ethnicity.

The thorny subject of Brcko comprises the eighth condition needed to be met before all troops can be withdrawn. An arbitration award must have been implemented without violence. As we know, Mr. President, in mid-March the arbitration award on Brcko was postponed for the third time.

Specific benchmarks for Brcko include local elections having been implemented, an integrated police force functioning, two-way refugee returns and ethnic reintegration continuing to progress, and job creation underway.

The ninth condition involves war crimes. All parties to the Dayton Accords, including entity justice authorities, must be cooperating with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Local authorities must facilitate the apprehension of indictees.

The tenth and final condition necessary for withdrawal of American troops, Mr. President, concerns the relationship of Bosnia with international organizations. One benchmark is certification that local authorities and the entity armies are capable of assuming responsibility for demining operations.

Another is that the Office of the High Representative in Bosnia (OHR) demonstratres its authority to enforce inter-entity agreements without military back-up.

A third, more general, benchmark is that the OSCE, NATO, and the European Union develop more traditional relationships with Bosnia and Herzegovina.

Mr. President, I believe that these detailed conditions and benchmarks show conclusively that the Administration is not asking for an open-ended commitment. It has the exit strategy that critics have long been demanding.

One or two of the ten conditions, and several more of the individual benchmarks have already been met. Many others are well on their way to fulfillment. Many others are only just beginning to be implemented.

And, Mr. President, I would repeat my cautionary word that the fulfillment of such a detailed formulation leaves much open to interpretation.

If the Senate approves this supplemental appropriation for our troops in Bosnia—as I strongly believe it should—we have the right to insist that the Congress be consulted on an ongoing basis on how the implementation of these civil-military benchmarks is going and also that our NATO and other SFOR partners are continuing to shoulder their responsibilities.

The SFOR mission is of high national security importance for the United States.

We have every right to be pleased with the quite striking progress that has been achieved in Bosnia over the past year. Much remains to be done, and with the game-plan—the ''exit strategy'' if you will—that the Administration has provided, closer cooperation with Congress is possible.

I urge passage of this supplemental appropriation for both Iraq and Bosnia. I think that it is vital that the Senate and House pass this supplemental as soon as possible. The more expeditiously we act, the less our military readiness will suffer. The brave men and women serving in Bosnia and Iraq deserve to know that their missions are adequately funded by a proud Congress and not by cannibalizing important core military accounts.

For that, they should thank the Senator from Alaska, because he has been absolutely, positively—how can I say it politely—consistent in insisting that we undertake these missions without cannibalizing our core accounts.

Both of these missions further America's national security interests. They have achieved real results and what the Chairman of the full committe is suggesting is the way to go.

I compliment the chairman in being able to fend off the amendments put forward so far today. I wish him luck for the remainder of the process here.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Illinois seek time?

Ms. MOSELEY-BRAUN. Yes, only 2 minutes. It was really a very short statement.

Mr. STEVENS. Mr. President, I yield to the Senator for not to exceed 5 minutes because we want to get to the Wellstone amendment as soon as possible.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

THE TRAGEDY IN JONESBORO, ARKANSAS

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a brief moment to express my condolences to the families of the students and teachers killed or wounded during yesterday's tragic shooting at the Westside Middle School in Jonesboro, AR. The Nation's prayers are with those families today and, of course, the thoughts of all Americans are with the people of the Jonesboro community. It is yet another American community whose residents' lives have been changed forever by children who managed to get access to firearms.

The attack yesterday was the third multiple killing in a school by a youth under the age of 16 in the last 6 months. Mr. President, these horrific crimes amply demonstrate that we have a responsibility to oppose the proliferation of violence and to stand fast against any effort to make firearms more freely available. Does anyone in their right mind still believe that it is possible to raise children in a society where guns are so easily obtained? It is clear that we cannot protect our children in such a world. They are such easy prey for those who seek to maim and to kill.

Now, Mr. President, until all the facts have been obtained, it would not be prudent to speculate on the events leading up to the massacre in the school yard yesterday. But this much we do know: We must come together as a society and recommit ourselves to keeping firearms out of the hands of children and guaranteeing that only those people who know how to use guns responsibly have access to them. In order to make our community safer, we must expand programs to train gunowners in the proper use and storage of their weapons.

I believe that responsible gunowners have nothing to fear from reasonable gun laws, and that is what I think we need to have a debate and talk about, and that is what the majority of us who support reasonable gun control seek to have happen—laws that will help to keep tragedies like the one that happened yesterday in that small community in Arkansas from ever happening again. I think it is appropriate for us to have that debate, given the importance to our children, to their safety, to our liberty and freedom and safety in our communities.

I yield the floor.

Mr. BUMPERS. Mr. President, will the Senator yield? Senator MOSELEY-BRAUN was speaking about the shooting in Jonesboro, and I have not said anything on the floor about that. I would like 2 minutes to follow up on that.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Arkansas be recognized for 2 minutes, and following that, the Senator from Ohio be recognized for not to exceed 5 minutes.

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

The Senator from Arkansas is recognized.

THE TRAGEDY IN JONESBORO, ARKANSAS

Mr. BUMPERS. Mr. President, let me just, first of all, express my profound thanks to the distinguished Senator from Illinois for her sensitivity and sincere compassion over what is the most traumatic event, perhaps ever, in my State. We have tornadoes and we lose a lot of lives in tornadoes, and we have a lot of property damage. But for just sheer trauma, this event is really

unique to us, as it would be to any State in the Nation. The grief is indescribable. The circumstances are indescribable. Nobody could speculate with any degree of accuracy as to what possesses an 11- or 13-year-old child to do this. You can wonder how did they lay their hands on such an arsenal of weapons in order to perpetrate the crime? But at this point, I share the comments of the Senator from Illinois that it is premature to speculate on that because that will all come out as the investigation goes forward and is unwound.

I simply want to say that it is a terrible plight in this country when such an event can even be thinkable, let alone happen. It is becoming all too frequent that you pick up the paper and find that this is happening in the school yards of America. This is not a high school, this is a middle school of 11-, 12-, and 13-year-old youngsters. Nineteen were injured and five are dead. It is an unspeakable horror. I know I speak for all the Members of the Senate in expressing our sincere grief, our condolences and sincere sympathies to all the people who have been affected in this, the parents and relatives of the children who have been injured and killed, and to those others who were not but will be traumatized and scarred by this for the rest of their lives.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 5 minutes.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1862 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alaska.

Mr. STEVENS. Mr. President, I believe the Senator from Minnesota now has an amendment that is on the list.

Mr. WELLSTONE. Mr. President, I will be calling up amendment No. 2128, and ask that it be modified with the language that is at the desk right now.

Mr. STEVENS. Mr. President, will the Senator agree to some sort of a time agreement?

Mr. WELLSTONE. I think I can do this in 30 minutes.

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

Mr. STEVENS. Let's get this straight. The Senator wants 30 minutes total on the amendment equally divided.

Mr. WELLSTONE. I would like to have 30 minutes to speak on this. I wasn't aware that there would be opposition.

Mr. STEVENS. I am not sure there will be. I have to reserve some time in case there is someone on this side.

Mr. WELLSTONE. I may be able to do it in less time, but I have been wanting to speak about the IMF amendment. I will try to do it in less. But I would like now to reserve 30 minutes. At one point in time, as my good friend from Alaska knows, I had four amendments.

Mr. STEVENS. Is the Senator prepared to withdraw the other three amendments?

Mr. WELLSTONE. I say to my colleague from Alaska, I will withdraw the other three amendments. And then I would like to have an agreement that I would have 30 minutes with no second degree on this amendment, which I think will generate widespread support.

Mr. STEVENS. I am not prepared to agree that some Senator will not come in with a second-degree amendment. I will not present a second-degree amendment myself. I would like the Senator, if he would agree, to withdraw the other three amendments—the Senator has 30 minutes—and 10 minutes in case we need it.

Mr. WELLSTONE. Mr. President, I can't agree to a time limit if I can't get agreement on a second-degree amendment. I ask unanimous consent that I be able to move to this amendment and that there be no second-degree amendments.

Mr. STEVENS. I can't do that. I will have to object. Mr. President, I cannot accept that. I have not read the amendment myself. I will do that now.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I have the floor. I would like to work this out.

Mr. LEAHY. Mr. President, if the Senator from Alaska will yield for a moment, while he is checking the amendment, I wonder if I might, without he yielding the floor, take 4 minutes while he is looking at the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. LEAHY. Will the Senator from Alaska give me 4 minutes while he is looking at this?

Mr. STEVENS. This is a modification of the amendment sent to the desk. I am trying to figure out if there would be a second-degree amendment to it. I am informed that it is modified and that we would not have a second-degree amendment. And I am prepared to agree to the Senator's suggestion of 30 minutes for him. I still want to reserve 10 minutes on this side in case someone wants to speak on it to answer the Senator. I do not intend to do that. But I then ask unanimous consent that the Senator be recognized to call up amendment No. 2128, as modified, and that he have 30 minutes, and we reserve 10 minutes on this side. My advice to the Senator would be to yield 2 minutes to the Senator from Vermont.

Mr. LEAHY. Reserving the right to object, would he be willing to modify that to give me the first 3 minutes on the pending amendment before he brings up his amendment?

Mr. WELLSTONE. Mr. President, I am pleased to do that.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What happens? The Senator gets 5 minutes. The Senator from Minnesota gets 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont will have 3 minutes to speak with respect to the amendment previously offered, followed by the Senator from Minnesota to speak with respect to the amendment which he is prepared to modify, for 30 minutes, followed by up to 10 minutes in response to his amendment.

Mr. WELLSTONE. With no second degree.

The PRESIDING OFFICER. There would be no second-degree amendment to the amendment of the Senator from Minnesota.

Is there objection?

Without objection, it is so ordered.

Under the agreement, the Senator from Vermont is now recognized for up to 3 minutes.

AMENDMENT NO. 2130

Mr. LEAHY. I tell my friend, the Presiding Officer, if I could have the attention of the Presiding Officer, I will not give a great speech but a small speech.

Mr. President, just a few weeks after we pushed the U.N. Security Council to support strong resolutions against Iraq, we are on the amendment by the distinguished senior Senator from North Carolina proposing ways to further undercut the effectiveness of the United Nations and our leadership in the United Nations. In regular U.N. peacekeeping operations, blue helmet operations, we sought reimbursement for our in-kind contributions, and we are reimbursed today. But there are many other U.N. operations that have the blessings of the Security Council but are not actually U.N. peacekeeping operations, including U.N. troops that were included because it was important to the United States interests.

I will give you an example. Operation Provide Comfort in northern Iraq is an example. The United Nations has given its blessing because we, the United States, asked the United Nations to support it. But it is, above all else, as we all know, a U.S. operation.

There are other examples where we pushed for a U.N. Security Council resolution in support of our position to give a broader degree of support. But if the United Nations were to adopt all of these operations as its own, I expect that the Senator from North Carolina would probably be the first to object. I doubt he would want our troops to be wearing blue helmets in those operations.

As Senator BIDEN has said, maybe we should seek to change the U.N. charter

so all activities blessed by the Security Council require reimbursement. But do we really want to have to pay for everything the Security Council decides? I doubt it. Other nations undertake operations after receiving the blessings of a U.N. Security Council resolution. We may support that. But we don't want to participate in it and we don't want to pay for it.

It is easy to take a shot at the United Nations. It is a little bit more difficult to make it work. I remind Senators that just last year many in the leadership of the House and the Senate, the majority leadership in the House and the Senate, promised, along with the President of the United States, that we would pay our arrearage in dues to the United Nations. But then in what was probably the most irresponsible foreign policy action I have seen in 23 years here, the most irresponsible actions on the very day that the United States was before the U.N. Security Council begging the U.N. Security Council to back us in Iraq, the leadership in the House of Representatives broke their commitment and killed the appropriations for the payment of dues to the United Nations.

If we want to get out of the United Nations, then let us vote to do that. If we want to say we will never spend another cent in the United Nations, let us vote to do that. But to first give our word that we will pay what we contractually owe and then on the day when we desperately are pushing the United Nations to back us in Iraq, to say we break our word, we can't do that.

I see the Senator from Minnesota is ready.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent the Senators from New Mexico now have each 5 minutes to report a sad event to the Senate.

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

Following that, the pending question will be the Wellstone amendment numbered 2128, as modified. Under the previous order, amendments 2125, 2126, and 2127 have been withdrawn.

The Senator from New Mexico.

U.S. REPRESENTATIVE STEVEN SCHIFF

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I are on the floor of the Senate today in a sense to report bad news to the Senate about a wonderful New Mexican.

Late this morning, in my home city in Albuquerque, New Mexico, U.S. Representative STEVE SCHIFF, 51 years of age, died as a result of a lingering cancer. We both felt we ought to share a few thoughts with the Senate and with our people.

So I would just like to say to the Senate that you know when you meet different people in political life certain things stand out about them. STEVE SCHIFF used to almost brag about the fact that he came from Chicago, that he was a Jewish boy from Chicago who came to New Mexico. Some would not want to talk about being from Chicago if they were representing New Mexicans, but somehow or another he kind of thought he would like to tell them that, so he told it to them so often, they never cared. He served as a district attorney and probably was the best prosecutor we have had in terms of getting his job done.

As I was coming over, I told Senator BINGAMAN I was voting one day in a precinct of my home in Albuquerque and I saw two elderly women behind me checking off whom they would vote for. One said to the other, ''Vote for STEVE SCHIFF.'' And the other lady, probably about 75 said, ''Why?'' She said, ''Because he was a great district attorney and he did his job well there. He'll do it well in Washington.'' That said to me that people really understand when you have a real public servant.

In behalf of my wife Nancy and myself, I guess I want to say that we have been very lucky because we got to know STEVE SCHIFF. We are very fortunate because we got to know a public servant who just exemplified what we would think a public servant should be. He was of the highest integrity, he had a deep and fundamental decency, and, yes, he had an acute and open mind. He was very, very bright.

New Mexico and the rest of this Nation have lost a wonderful public servant. He was the best of political leaders. And I lost a good friend. He was of my party, but he had great bipartisan support. He was always around to listen and always gave great advice.

Today on the Senate floor I extend, on behalf of my wife and myself, our condolences to his many close friends, to his wife and their two wonderful children, and I look forward to seeing all of them when we attend his wake. But here today in the Senate, I just want to say, ''Thank you, STEVE. Thanks for what you were, thanks for what you left us to understand and remember about you, and may more people try to be like STEVE SCHIFF, a real, decent, honest public servant.''

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I join my colleague, Senator DOMENICI, in expressing our grief at the loss of STEVE SCHIFF. He is someone I became friends with when we—he and I—were both young lawyers in New Mexico, beginning our legal careers. Of course, when he became district attorney for Bernalillo County, I had the good fortune to be attorney general and worked with him very closely on many issues in those jobs.

STEVE did have the respect of the people he represented because of the good, hard, nonpolitical work that he did for them, first as district attorney and later as U.S. Representative. He was not partisan in his approach to his job. He was quick to reach across party lines. I can remember many phone calls from STEVE where he would call and say, ''I have a bill that we have been able to pass in the House, and I need your help in the Senate.'' And I can remember many phone calls I made to him, asking for his help with legislation that I was pursuing as well.

STEVE was a person who kept clearly in mind the commitment and the job that he was sent here to do for the people of our State. He had great respect in our State and here in the Congress as well. His family deserves our condolences. We certainly send those to his wife and children.

The State of New Mexico has lost a tremendous public servant. Senator DOMENICI put it well by pointing out he was, first and foremost, a public servant in the very best sense of that term. He did not see himself as a politician who was trying to put a good face on the job he was doing. Instead, he saw himself as a mechanic, working in the machine and in the engine of Government to do the right thing for the people of New Mexico and for the country.

STEVE was a good friend to many of us and a great contributor to our State and to the Nation. I join Senator DOMENICI in expressing our grief and our condolences to his family.

I yield the floor.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Alaska.

Mr. STEVENS. The Senator from Wyoming has an amendment. I would like him, at this time, to offer it and ask for its consideration so we can set it aside and bring it up after the Wellstone amendment.

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

Mr. STEVENS. Will the Senator send his amendment to the desk and ask for its consideration? We will take it up after the amendment of Mr. WELLSTONE, which is the next amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2133

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities)

Mr. ENZI. I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself and Mr. BRYAN, Mr. REID and Mr. SESSIONS, proposes an amendment numbered 2133.

Mr. STEVENS. Mr. President, I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

Mr. STEVENS. Mr. President, I ask unanimous consent this amendment be considered immediately after the amendment presented by the Senator from Minnesota, for which there is a time agreement already.

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

AMENDMENT NO. 2128, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 30 minutes.

The amendment (No. 2128, as modified) is as follows:

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet requisite policy goals, particularly those set forth as follows:

(1) in this Act;

(2) in Article I (2) of the Fund's Articles of Agreements, to promote and maintain high levels of employment and real income and the development of the productive resources of all members;

(3) in Section 1621 of P.L. 103–306, the Frank/Sanders amendment on encouragement of fair labor practices;

(4) in Section 1620 of P.L. 95–118, as amended, on respect for, and full protection of, the territorial rights, traditional economies, cultural integrity, traditional knowledge, and human rights of indigenous peoples;

(5) in Section 1502 of P.L. 95–118, as amended, on military spending by recipient countries and military involvement in the economies of recipient countries;

(6) in Section 701 of P.L. 95–118, on assistance to countries that engage in a pattern of gross violations of internationally recognized human rights; and

(7) in Section 1307 of P.L. 95–118, on assessments of the environmental impact and alternatives to proposed actions by the International Monetary Fund which would have a significant effect on the human environment.

(d) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, I will try not to take 30 minutes. Since the manager of the bill supports this amendment, if we want to do it on voice vote, if that will be better for colleagues, I will be pleased to do it that way as well.

Mr. STEVENS. Mr. President, I welcome that opportunity. I want to say Senators ought to be on notice we will get to the Enzi amendment sooner, and I thank the Senator.

Mr. WELLSTONE. Mr. President, this amendment says that the Treasury Secretary shall appoint an advisory committee, composed of eight members, at least two of whom are from organized labor, two from nongovernment environmental groups, and two from nongovernmental human rights or social justice organizations. This is an advisory group on IMF policy, which the Senator in the Chair right now has worked very hard on. I know that.

This advisory group would meet at least twice a year to advise the Treasury Secretary on IMF's compliance with existing statutory requirements relating to IMF promotion in a variety of different areas: High levels of income and employment in other countries, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights, and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and provide advice on IMF compliance with these mandates.

There is no legislative mandate. All the Treasury Secretary has to do is meet twice per year with the committee to hear their views on IMF compliance with existing mandates.

Let me explain to my colleagues why I bring this amendment to the floor. We spent, yesterday, altogether 30 minutes in debate on IMF. We are talking about, roughly speaking, $17 billion to go to IMF. We are talking about countries in Asia—I have heard my colleague from Alaska say this very forcefully—that are really right now in economic trouble. We are talking about a lot of economic pain. I agree—I am an internationalist—what happens in these countries will dramatically affect people in our country as well. There is no question about it.

But I want to suggest to colleagues that the question is whether or not the IMF, as I look at the record of the IMF, has been helpful or not helpful in helping these economies and helping the people in these countries. What happens in some of the Asian countries will dramatically affect the lives of people in our country in a number of different ways. Either people in countries like Thailand or Indonesia will not be able to work at decent jobs, will make subminimum poverty wages—in which case, they will not be able to have the money to purchase goods—or, because of IMF policies, which has too often been the case, they will be forced to currency devaluation and they will try to work themselves out of trouble through cheap exports to our country. Either way, working families in Nebraska and Minnesota and Alaska and around our country are hurt if we do not put some focus in the IMF.

I am about to go through existing laws and statutes that the IMF is supposed to live up to, and I am just going to talk about a whole history of noncompliance. We have not had this discussion on the floor of the Senate. We should. I mean, if in fact what happens in these Asian countries is that we have the IMF pouring fuel on the fire, if you have an International Monetary Fund that imposes austerity measures on these countries, depresses wage levels, has no respect for international labor standards, shows no respect for human rights—people cannot even organize to make a decent living, people cannot even organize in these countries like Indonesia in order to make sure that they are paid decent wages—then what is going to happen is, you have countries with a populous where the vast majority of the people cannot buy what we produce in our country. This is like economics lesson No. 1. Or—and this has happened all too often because of IMF prescriptions—what happens is, these countries try to export themselves out of trouble: Currency devaluation, cheap exports to our country, and our workers and our families cannot compete.

Let me just go through some existing laws right now that are supposed to govern the International Monetary Fund. By the way, they are in noncompliance. The problem is, the administration has not spent much time really insisting on accountability. The problem is, we have turned our gaze away from this. I wish our country would be stronger in supporting international labor standards, stronger in supporting environmental standards, stronger in supporting basic human rights for people. But we have not done that.

The Secretary of Treasury shall direct the United States executive directors of the international financial institutions to use the voice and vote of the United States to urge the respective institution [this covers

the IMF] to adopt policies to encourage borrowing countries to guarantee internationally recognized worker rights and to include the status of such rights as an integral part of the institution's policy dialog with each borrowing country.

I suggest to colleagues, even though we have not discussed this on the floor of the Senate, that the IMF has ignored this law and that the International Monetary Fund pays precious little attention to whether or not these countries that we bail out live up to internationally recognized labor rights.

Mr. President, to go on:

Beginning 2 years after the date of enactment of this section, the Secretary of the Treasury shall instruct the United States executive director of each multinational development bank not to vote in favor of any action proposed to be taken by the respective bank which would have a significant effect on the human or environmental assessment for at least 120 days before the date of the vote until an assessment analyzing the environmental impacts of the proposed action and alternatives to the proposed action has been completed by the borrowing country or institution.

Again, another law that the IMF is supposed to live up to, another relevant statute that there ought to be an environmental impact statement. We ought to look at what these countries are doing; we ought to look at where the money is going. These countries—or many of these countries—are in noncompliance, and the IMF just turns its gaze away from this, as does the United States, our Government. This is not in the name of our people, because I think people in our country support human rights, support respect for the environment.

Human rights title:

The U.S. Government in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the InterAmerican Development Bank, the African Development Bank [so on and so forth] the International Monetary Fund, shall advance the cause of human rights including by seeking to channel assistance toward countries other than those whose governments engage in a pattern [and I am quoting] of gross violations of internationally recognized human rights such as torture or cruel, inhumane or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty and the security of person.

Mr. President, in this connection, let me point out that a labor leader in Indonesia, Mochtar Pakpahan—we are about to provide the IMF, and the IMF is about to provide, based upon, in part, the U.S. contribution, Indonesia with bailout money—and this man, this labor leader, I say to my colleagues, is in prison. Why is he in prison? He is in prison for organizing workers in support of a higher minimum wage, people who work for wages that don't enable them or their families even to be able to have enough food to eat. And this man's crime, this labor leader's crime in Indonesia is that he has organized workers to get better wages.

I just read the statute that applies to IMF policy. The way I read this—maybe I will read it again—is that the ''International Monetary Fund shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in gross violations of humans rights of citizens.''

What do we think is happening in Indonesia? Does any Senator on the floor of the Senate want to defend the Government of Indonesia for imprisoning a labor leader?

Mr. President, I will suggest—and I will go on and read other laws that apply to the IMF—that what is wrong with this IMF provision, the amendment that we are going to vote on eventually, is that nowhere in here do we have any conditions dealing with labor, human rights standards, nowhere in here do we have any conditions dealing with environmental standards, nowhere in here do we have any discussion about the importance of promoting employment and higher wage levels for the citizens of these countries.

So, it is a flawed institution. I am all for making sure these countries do better, but I don't think the IMF is going to help these countries do better. In fact, I think what the IMF does over and over again is make matters worse. I look at the record in some of these countries, and I see no evidence whatsoever that IMF policies have led to an improvement in the living standards of people in these countries. For the bankers, yes; for the investors, yes; and for some of these governments which are all too often corrupt, yes, but not for the people.

We have an IMF agreement. I know that the Chair has worked hard on this. I know that the Senator from Alaska has been involved in this. And that is why I come out with an amendment that is very reasonable, because all this amendment says is, look, we have these existing statutes, it is already law, this is what the IMF is supposed to live up to, but we have a clear record of flagrant noncompliance.

At the very minimum, let's make sure the Secretary of the Treasury meets with an advisory committee made up of some non-Government people dealing with human rights, dealing with labor, dealing with the environment at least twice a year so that we can put this on the radar screen.

I know colleagues feel strongly that we must do something. I hope it works out. But I have to say that on the basis of the record of the IMF, I see no evidence whatsoever that the IMF's economic policies are going to help the Asian countries or help the people in the Asian countries. Instead, what I think is going to happen, since we have not had any clear provisions with real teeth in this legislation—and the best I can do today is to get a strong vote on this advisory committee, and I am intending to send a message to the administration.

Secretary of the Treasury Rubin is a fine Secretary. He is skillful, he has been gracious, and I think he is committed to doing better. It isn't even personal, because I think he believes that we have to do better. But in all due respect, we at the very minimum ought to begin to put these questions on the table. We ought to put these issues on the table. In all due respect, I say to my colleagues, I am just telling you this is a flawed institution.

We are about to invest a lot of money in the International Monetary Fund, which has a record of imposing economic policies on countries which depress the living standards of most of the people in those countries. That is the record. As a result, those people don't have the economic power, the dollars to consume products that we make in our country; as a result, quite often these countries barrel down the path of exporting cheap products to our country, and, again, working families in the United States of America pay the price.

It is a lose-lose situation. The people in Indonesia are not going to win, the people in Thailand are not going to win, and the people in the United States are not going to win.

Let me go on and read a few other provisions. Talking about the International Monetary Fund, one of the goals must be to ''facilitate the expansion and balanced growth of international trade and to contribute thereby to the promotion and maintenance of high-level employment and real income and to the development of productive resources of all members as primary objectives of economic policy.''

I have to say to colleagues, I cannot believe that this is a statute that applies to the IMF, because that is not what the International Monetary Fund has been about. I do not know how anybody here can make the case that the IMF's economic prescriptions for these countries have been about promoting ''high levels of employment and real income and the development of productive resources of all members as primary objectives of economic policy.'' That is almost laughable. That is not what the IMF has done.

I think what we have done is we have forfeited a historic opportunity to strengthen the position of working people in these other countries, to support the human rights of citizens in these other countries, to take a look at Thailand and Indonesia, who are among the worst offenders in Asia denying worker rights, among the worst offenders in Asia in violating the human rights of their citizens, and, basically, what we have on the Senate floor is silence on these questions.

Why don't we have any connection to what are, I think, the most important factors in determining whether or not the people in these countries are going to do well and the majority of the people in our own country are going to do well?

As I look at these provisions—and I will go back and I will summarize this amendment—this amendment essentially instructs the Treasury Secretary to appoint an advisory committee composed of eight members, at least two of which will be from organized labor, two from nongovernmental environmental groups and two from nongovernmental human rights or social justice organizations. This advisory committee will meet with the Secretary of the Treasury twice a year, and they will talk about IMF policy, whether or not the IMF is in compliance or not with existing statutory requirements relating to IMF promotion of high levels of income, employment, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and to provide advice on IMF compliance with these mandates.

I will say one more time, by way of conclusion, the IMF is not in compliance with these mandates, not in compliance with the existing laws that apply to IMF, not in compliance on internationally recognized labor rights, not in compliance of respect for indigenous people, not in compliance in human rights, not in compliance with sensitivity to environmental concerns. We have a golden opportunity, and we are missing it. That is why I am not going to vote for this amendment that deals with International Monetary Fund assistance to these countries to make things much better.

I believe that what we are about to do, the amendment we are going to adopt on the International Monetary Fund, will, in fact, not help those countries in Asia, not help the peoples of those countries that are struggling, and will end up hurting not only people in countries like Indonesia, but also will hurt families in our country as well.

Why in the world don't we have more to say about a brutal dictatorship in Indonesia? Why don't we have more to say about the ways in which this dictator crushes people in his own country? Why don't we have more to say about the depressing of living standards of people in Indonesia? Why don't we have more to say about all the ways in which those people, not having decent jobs and decent wages, cannot buy what our working people produce? Why don't we have more to say about the way in which the IMF comes in, bails out the bankers, bails out the investors, insists on currency devaluation, insists on austerity and, therefore, forces those countries into currency devaluation and to exporting cheap products into our country, thereby hurting, again, working families in the United States of America? Not a word about that.

I think the Senate is in serious error for not focusing like a laser beam on these concerns. But I will thank my colleagues for at least supporting this amendment, which I will fight very hard to keep in conference committee, because I really do believe that if we can have this advisory committee which will meet with the Secretary of the Treasury twice a year and which will raise these issues twice a year and which will discuss with the Secretary and analyze with the Secretary whether or not the IMF is in compliance with all of the statutory requirements relating to environmental protection, relating to human rights, relating to international labor standards, I think this will at least be a step forward.

I am, on the one hand, just saying to colleagues that I think the provisions we have out here in relation to the IMF, the investment we make in the International Monetary Fund is mistaken. I think we miss a tremendous opportunity to exert leadership, the United States of America exerting leadership in behalf of working people in other countries, in behalf of human rights, in behalf of the environment. We are not doing that. But at the very least, I hope my colleagues will support this amendment.

I said to my colleague from Alaska that if the Senate is, in its wisdom, going to support this amendment, then I am pleased to have a vote right now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see the Senator from Minnesota has finished his comments on his amendment. I have had no request for time. So if the Senator is prepared to vote, I am prepared to yield back the time allocated to our side. I so yield back the time.

Mr. WELLSTONE. I am prepared to vote.

Mr. STEVENS. The Senator said we will have a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment No. 2128, as modified.

The amendment (No. 2128), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the next order of business will be the amendment of the Senator from Wyoming. I ask unanimous consent that that be the pending business.

The PRESIDING OFFICER. The Senator is correct, the pending business is the amendment of the Senator from Wyoming.

Mr. STEVENS. Is it possible, Mr. President—I know the Senator from Wyoming is for the amendment and I understand the Senator from Hawaii is opposed to the amendment. Can we have a time agreement on the amendment?

Mr. ENZI. Mr. President, 40 minutes on a side; 80 minutes equally divided will be agreeable. We were just talking about reducing that by 10 minutes a few moments ago, but I have not had a chance to check with the other side.

Mr. STEVENS. Seventy minutes equally divided. I say to the Senator, that is agreeable, but we have a time already set for the vote on the Helms amendment. Mr. President, parliamentary inquiry. If we enter into a time agreement, what happens to the vote at 6:30?

The PRESIDING OFFICER. We would suspend consideration on the Enzi amendment until we have the vote on the Helms amendment, and after that, we would resume debate on the Enzi amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that we enter into such an agreement, 70 minutes equally divided on this amendment and no second-degree amendments be in order to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming.

AMENDMENT NO. 2133

Mr. ENZI. Mr. President, I call up amendment No. 2133.

The PRESIDING OFFICER. That is the pending question.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Andrew Emrich and Katherine McGuire be granted the privilege of the floor during the course of the debate.

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

Mr. ENZI. Mr. President, I rise to offer an amendment with my colleagues, the distinguished Senators from Nevada, Senator BRYAN and Senator REID, and the Senator from Alabama, Senator SESSIONS.

This bipartisan amendment touches an issue that is very important to me, and that is the issue of States rights. This amendment is very simple and straightforward. It would prohibit the Secretary of the Interior from finalizing the proposed rules published on January 22 of this year. It would also prohibit the Secretary from proposing or promulgating any similar regulations. In effect, this amendment would prohibit the Secretary of the Interior from bypassing the States in the process of approving class III Indian casino gambling.

Mr. President, I must admit that I am disappointed this amendment is necessary at all. Last year, I offered an amendment, along with a number of my colleagues, on the Interior appropriations bill. We debated that on the floor. That prohibited the Secretary of the Interior from approving any new tribal-State gambling compacts which had not first been approved by the State in accordance with existing law.

Although that amendment provided only a 1-year moratorium, the intent of

the amendment was clear. Congress does not believe that it is appropriate for the Secretary of the Interior to bypass the States or to spend money bypassing the States in an issue as important as whether or not casino gambling will be allowed within a State's borders.

The debate bore out that intent. I think it was clearly understood. It ended with a voice vote. It was passed by wide bipartisan support. Unfortunately, the Secretary did not think, evidently, that Congress was serious when we passed the amendment last year.

On January 22 of this year, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations which would allow the Secretary of the Interior to bypass the State's authority in the compacting process. In effect, these proposed regulations would allow Secretary Babbitt to approve casino gambling agreements with the Indian tribes without the consent or approval of the States. This is precisely what Congress prohibited in last year's amendment. Evidently, Secretary Babbitt did not think we were serious.

Mr. President, this amendment is designed to ensure that the proper process is followed in the tribal-State compacting process. There may be those who argue that changes need to be made to the Indian Gambling Regulatory Act. I would not necessarily disagree with my colleagues on that point. However, if any changes are to be made, the changes must come from Congress, not from an unelected Cabinet official. By proposing these regulations, the Secretary of the Interior has shown an amazing disregard for Congress and for all 50 States.

Mr. President, I have to admit that I find the timing of the Secretary's actions ironic. Just recently, the Attorney General appointed an independent counsel to investigate Secretary Babbitt's actions in regard to approving and denying tribal-State gambling compacts from Indian tribes in Wisconsin.

Although we will have to wait for the investigation to take its course, it is evident that serious questions have been raised about the Secretary of the Interior's objectivity in approving Indian gambling compacts. We should not allow the Secretary of the Interior to usurp the rightful role of Congress and the States in addressing the difficult question of Indian casino gambling.

Mr. President, this amendment has the strong endorsement of the National Governors' Association. At their annual convention this year, the Governors adopted a resolution strongly opposing the Secretary's proposed regulations. I have a copy of that letter. I ask unanimous consent that the letter be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 25, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.
Hon. TED STEVENS,
Chair, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. THOMAS A. DASCHLE,
Senate Minority Leader, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER LOTT, MINORITY LEADER DASCHLE, CHAIRMAN STEVENS, AND SENATOR BYRD: This letter is to confirm Governors' support for the Indian gaming-related amendment offered by Senators Michael B. Enzi, Richard H. Bryan, and Harry Reid to the Senate supplemental appropriations bill. This amendment prevents the secretary of the U.S. Department of the Interior from promulgating a regulating or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact, as required by law.

The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary of the Interior to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states.

Further, the secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes.

We urge your support of the Enzi/Bryan/Reid amendment. Please contact us if you have any questions about our position on these matters, or call Larry Magid of NGA, at 202/624–7822.

Sincerely,

RAYMOND C. SCHEPPACH.

Mr. ENZI. Mr. President, I also have a letter from the Western Governors' Association, signed by the Governor of Alaska, who is the chairman of that association, again, reiterating their concerns about bypassing the States rights. I ask unanimous consent that that letter also be printed in the RECORD.

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

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, December 5, 1997.

WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: It is the understanding of the Western Governors' Association, that the Secretary of Interior has proposed a rule-making on Indian Gaming that would usurp the Governors authority to enter into compact negotiations on gaming with Indian tribes. States have repeatedly voiced their concerns about the Secretary's desire to promulgate this rule. On October 10, a letter was sent by the National Governors' Association Chairman and Vice-Chairman to the Secretary of Interior on this rule-making proposal.

It is evident that the states' concerns have gone unheard or at least have not been responded to by the Secretary. As a former Governor, you can appreciate how troubling it is when a cabinet member fails to consider or enter into a dialogue with us about state's legitimate concerns.

The Secretary is using the Seminole Tribe of Florida vs. Florida decision by the Supreme Court to inappropriately expand his authority. The Indian Gaming Regulatory Act (IGRA) established a procedure whereby decisions could be made when a state and tribe were unable to agree to the terms of a compact. Before the Secretary is authorized to provide a compact to a tribe under IGRA, the courts must first make a finding of bad faith on the part of the state. When the Supreme Court stuck down the portion of IGRA that permitted tribes to sue states in Federal Court, it eliminated the mechanism for arriving at a finding of bad faith by the court. It would be inappropriate for the Secretary to now take the authority to render a finding of bad faith and then to authorize a gaming compact to a tribe over the objections of a state. Moreover, the Secretary's action contradicts the clear intent of Congress as embodied in the final Interior conference report that you signed, which imposes a one-year moratorium on imposition of a procedure that would result in tribal Class III gaming in the absence of a tribal-state compact as required by law.

As the National Governors' Association policy states ''nothing remains in the Indian Gaming Regulatory Act or any other law that endows the Secretary with the authority to independently create such a process. . . . The Governors will actively oppose any independent assertion by the Secretary of the power to authorize tribal governments to operate Class III Gaming. State and tribal governments are best qualified to craft agreements on the scope and conduct of Class III Gaming under IGRA.''

Furthermore, under the duties of the office, the Secretary has a special legal relationship to Native Americans, and it would be impossible for him to be objective in making decisions settling compact differences between states and tribes—in effect the Secretary becomes a self-appointed judge and jury.

These are difficult issues, and we understand the Secretary interpreting his role as advocate for Native Americans. However, Governors have Constitutional responsibilities to all of the people of our states. Based on these responsibilities we are compelled to tell you that the Secretary started down an unproductive path when he concluded that the Interior Department should become the sole arbiter in the compact process.

We urge you to find a resolution to the conflicts between the states and tribes that is more appropriate than that initiated by the Secretary. The Western Governors' Association stands ready to participate in such an effort.

Sincerely,

TONY KNOWLES,
Governor of Alaska, Chairman.

Mr. ENZI. Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution passed by the National Association of Attorneys General at their spring meeting.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

RESOLUTION; OPPOSING PROPOSED DEPARTMENT OF INTERIOR REGULATIONS REGARDING SECRETARIAL PROCEDURES FOR CLASS III GAMING

Whereas, Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. Sections 2701 to 2721 (1998)(''IGRA''), creating a statutory basis for the regulation of gaming by Indian tribes; and

Whereas, IGRA provided the States a role in the regulation of class III gaming through a process utilizing compacts; and

Whereas, IGRA provided a remedial process for tribes seeking to allege that a State has failed to negotiate for class III gaming in good faith; and

Whereas, this statutory remedial process could not be initiated until a federal court determined that the State had failed to negotiate in good faith; and

Whereas, on March 27, 1996, the Court in *Seminole Tribe* v. *Florida,* 116 S.Ct. 1114 (1996), held that Congress could not abrogate the States' 11th Amendment immunity pursuant to the powers granted to it in the Indian Commerce Clause, thereby closing the door to the remedial process in IGRA unless a State consents to being sued; and

Whereas, on May 10, 1996, the Bureau of Indian Affairs published an Advanced Notice of Proposed Rulemaking in response to the decision in *Seminole Tribe* v. *Florida,* seeking comment on, among other things, whether and under what circumstances the Secretary of the Interior is empowered to prescribe procedures for the conduct of class III gaming when a State interposes its 11th Amendment immunity to suit under IGRA; and

Whereas, some 22 State Attorneys General have signed a letter concluding that ''It is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested'' in the Advanced Notice of Rulemaking; and

Whereas, on January 22, 1998, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations governing class III gaming procedures;

Now, Therefore Be It Resolved That the National Association of Attorneys General:

(1) opposes promulgation of the proposed rules by the Department of the Interior, Bureau of Indian Affairs, on the basis that the Department lacks the legal authority to promulgate such regulations, as more fully set forth in General Butterworth's letter of June 28, 1996 to Secretary Babbitt (see attached);

(2) opposes the proposed regulations because they empower the Secretary of the Interior to determine which games are ''permitted'' in a given state, as that term is used in IGRA, a determination that requires an interpretation of state law which should be the exclusive province of the states themselves;

(3) opposes the proposed regulations because they empower the Secretary of the Interior to determine whether a State has negotiated with a Tribe in good faith, even though the Secretary has an acknowledged trust responsibility for the Tribes, thus creating a clear conflict of interest;

(4) opposes the proposed regulations because, in direct defiance of the Supreme Court's holding in Seminole Tribe, 116 S. Ct. at 1133, they ''rewrite the statutory scheme in order to approximate what [the Department] think[s] Congress might have wanted had it known that section 2710(d)(7) [the lawsuit provision] was beyond its authority''; and

(5) authorizes the executive director and General Counsel of NAAG to transmit copies of this resolution to the Department of the Interior, Bureau of Indian Affairs, before the close of the comment period for the proposed regulations on April 22, 1998, and to other interested individuals, members of Congress, and agencies, as appropriate.

Mr. ENZI. Mr. President, finally, I ask unanimous consent to have printed in the RECORD relevant excerpts from a 1996 letter from Attorney General Butterworth from Florida and signed by 22 State Attorneys General. This letter explains that the Attorneys General believe any attempts to circumvent the States in the compacting process violates the language and meaning of the Indian Gambling Regulatory Act.

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

STATE OF FLORIDA,
OFFICE OF ATTORNEY GENERAL,
June 28, 1996.

Re comments on establishing departmental procedures to authorize class III gaming on Indian lands when a State raises an eleventh amendment defense to suit under the Indian Gaming Regulatory Act, Vol. 61 Fed. Reg. No. 92, pg. 21394 (5/10/96).

Hon. BRUCE BABBITT, SECRETARY OF THE INTERIOR, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC.

DEAR SECRETARY BABBITT: Please accept this letter as the comments of the undersigned Attorneys General relating to the above referenced Advance Notice of Proposed Rulemaking. The undersigned, on behalf of our respective states, have a vital interest in the proper execution of the Indian Gaming Regulatory Act and in gambling activities in our states generally. In *Seminole Tribe v. Florida,* 116 S.Ct. 1114 (1996), the Supreme Court upheld the Eleventh Circuit's opinion that Congress had no authority to abrogate the Eleventh Amendment immunity of the States in the passage of IGRA and that the doctrine of *Ex parte Young* could not be used to circumvent the States' immunity. The court did not however address the issue raised by Part V of the lower court opinion regarding the remaining remedy for Tribes faced with States allegedly not bargaining in good faith, as required by IGRA.

INTRODUCTION AND BACKGROUND

It is uniformly the legal view of the undersigned state Attorneys General that, absent congressional authorization, the Secretary of Interior has no authority to prescribe class III tribal gaming procedures when a state raises an Eleventh Amendment bar to a ''bad faith'' lawsuit under IGRA. Further, there is no legal question but that if the Secretary were to assume such power, without congressional authorization, the Secretary would be constrained by existing federal law, including the federal Gambling Devices (Johnson) Act, 15 U.S.C. 1175, from prescribing procedures that include any form of electronic or electro-mechanical gambling devices.

Section 23 of IGRA also bars the Secretary from prescribing any gambling procedures that are inconsistent with ''State laws pertaining to the licensing, regulation, or prohibition of gambling.'' Section 11(d)(6) of IGRA lifts the prohibition of the Johnson Act only if there is a tribal-state compact in a state where ''the gambling devices are legal'' under state law. If the Secretary were to adopt procedures governing gaming procedures inconsistent with or abrogating state law, it would be in violation of federal law.

Nor can the Secretary legally ''fuzz'' the statutory distinction between a tribal-state compact and post-mediator secretarial procedures—the Congress gave these matters legally distinct and meaningful definitions. Congress intended secretarial procedures in lieu of a compact to occur only when a state has been adjudged to have negotiated, or to have refused to negotiate, in ''bad faith.'' The raising of an Eleventh Amendment defense by a State is not itself ''bad faith''—indeed, the Constitution permits it, as the Supreme Court has noted. Certainly the Secretary, who holds a trust responsibility to the tribes, is in no position to judge a State to be in ''bad faith.'' Nor can the Secretary re-write the statute to provide for a new form of ''secretarial procedures,'' designed to apply only when there has been no finding of ''bad faith.'' If there were the law Congress intended, it could have simply provided for the Secretary of Interior to provide for tribal gaming procedures and regulations in all cases as a matter of federal law.

An analysis of the legal error in Part V of the Eleventh Circuit's Seminole opinion clearly demonstrates these points. In the opinion that was appealed to the Supreme Court, the Eleventh Circuit Court of Appeals included dicta stating that if a State invoked its Eleventh Amendment immunity, then a Tribe could apply directly to the Secretary for the promulgation of procedures for class III gambling in that state. By request of the Supreme Court, the Solicitor General filed a brief for the United States addressing the petition and cross petition in the Seminole case. With respect to the remedy suggested by the appeals court, he stated at page 9,

''The state petitioners in Nos. 94–35 and 94–219 seek review of the court of appeals' expression of the view that, if a state does not consent to suit by a Tribe, the Secretary of the Interior would have the authority to prescribe regulations to govern the conduct of gaming on the Tribe's Indian lands. *That discussion in the opinion below is dicta,* since the court ordered the case dismissed on sovereign immunity grounds[.]'' (emphasis added)

Because the appeals court held that the case should be dismissed on sovereign immunity grounds, the dicta in part V of the opinion does not provide any legal authority for the Department of the Interior to act. In contrast to the dicta of the Eleventh Circuit, the Ninth Circuit Court of Appeals stated in Spokane, that:

''The Eleventh Circuit was concerned by the regulatory void that it might leave by invalidating the IGRA's provisions for federal judicial enforcement. Those concerns illustrate the problem caused when state sovereignty is injected into the federal scheme. The Eleventh Circuit reasoned that a void was not necessary because the provisions of the statute authorizing the Secretary of Interior to impose regulations would come into effect once a state asserted immunity from suit.

When that occurred the Secretary of the Interior would, in the Eleventh Circuit's view, remain authorized to impose regulations for Class III gaming. Seminole Tribe, 11 F.3d at 1029. *In our view, however, such a result would pervert the congressional plan.* This is because the Secretary of the Interior under the statute is to act only as a matter of last resort, and then only after consulting with the court appointed mediator who has become familiar with the positions and interests of both the tribes and the states in court directed negotiations. 25 U.S.C. Sec. 2710(d)(7)(B)(iv)–(vii). *The Eleventh Circuit's solution would turn the Secretary of the Interior into a federal czar, contrary to the congressional aim of state participation.''—Spokane Tribe of Indians v. Washington State,* 28 F.3d 991, 997 (C.A.9 (Wash.) 1994) (emphasis added)

Any proposal to allow a direct by-pass to the Secretary is inconsistent with Congressional intent for two reasons: (1) it allows the tribes to circumvent State participation, thereby not recognizing a legitimate interest of the States; and (2) it ignores IGRA's design to include the states. It should be clearly understood that the proposed remedy has the effect of taking the states completely out of the IGRA process. A Tribe would be able to request a compact with a demand it knows the State cannot accede to, thereby

guaranteeing that there will be no compact within 130 days, and providing the ''predicate'' for a ''bad faith'' lawsuit. This is possible because IGRA does not require that the *Tribe* negotiate in good faith. At the end of 180 days, with no progress toward a compact, the Tribe may file suit. If the State raises its Eleventh Amendment defense, the Tribe will petition directly to the Secretary of the Interior, undoubtedly for the gaming activities it knew the State could not agree to, including, in most cases, gambling devices and activities criminally prohibited in the state. State participation has thereby been rendered meaningless.

The proposed Secretarial remedy is inconsistent with the plain language of the statute and is an effort to grant a remedy to the Tribes not found in IGRA. The Eleventh Circuit erroneously stated that the new remedy is consistent with the intent of Congress. By creating the remedy, the Eleventh Circuit sacrificed the States' role in an effort to effectuate its notion of the broad intent of Congress.

''Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statute's primary objective must be the law.''—*Rodriguez* v. *United States,* 480 U.S. 522, 526 (1987). The process and the remedy set forth in §2710(d)(7) was: ''[T]he result of the Committee balancing the interests and rights of the tribes to engage in gaming against the interests of the States in regulating such gaming.'' S. Rep. 100–446, S. 555, 100th Cong., 2d Sess., 14. The Eleventh Circuit even recognized that IGRA was passed: ''[A]fter contentious debate concerning the appropriate state role in the regulation of Indian gaming.''—*Seminole Tribe,* 11F.3d at 1019.

The Eleventh Circuit's attempt to legislate a new remedy and the Department of the Interior's proposal to implement such a remedy are inappropriate and it should be left to Congress to reevaluate the balance of interests and purposes of this act in fashioning a new remedy, if one is needed. The Court of Appeals is not free to fashion remedies that Congress has specifically chosen not to extend. *Landgraf* v. *U.S.I. Film Products,* ___U.S.___. n 36, 62 U.S.L.W. 4255, 4267 n. 36 (April 26, 1994); *see, Northwest Airlines, Inc.* v. *Transportation Workers.* 451 U.S. 77, 97 (1981). Nor can the Secretary fashion such a remedy.

The legal error underlying the suggested process can be shown by the facts of the *Seminole* case itself. The Seminole Tribe requested a compact and proceeded to file suit against the State of Florida with a demand for slot machines and gambling activities criminally prohibited by Florida. The District Court found that the State had not failed to negotiate in good faith. Accordingly, the Tribe was not entitled to mediation or the ''secretarial procedures'' that follow a court-appointed mediator's involvement. However, under the suggested ''Secretarial remedy,'' the Seminole Tribe could apply to the Secretary for gaming procedures, even in the face of a finding of good faith on the part of the State. This locks the State out of the process, contrary to the intent of Congress.

The states have a legitimate interest in what transpires on Indian reservations within their borders. It is clear that the patrons of Indian gambling operations are not tribal members, but generally non-Indian members of the surrounding communities. Further, the States have an interest in protecting all state citizens.

* * * * *

CONCLUSION

The undersigned Attorneys General strongly believe that it is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested. If Congress determines that there needs to be a change in IGRA based on the Supreme Court's holding in Seminole, then it is the appropriate forum for discussion of the balancing of interests among the state, federal and tribal governments.

''Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statutes primary objective must be the law.''—Rodriguez v. United States, 480 U.S. 522, 526 (1987).

Thank you for the opportunity to comment on the proposed rulemaking.

Sincerely,

Robert A. Butterworth, Attorney General of Florida; Jeff Sessions, Attorney General of Alabama; Winston Bryant, Attorney General of Arkansas; Daniel E. Lungren, Attorney General of California; Grant Woods, Attorney General of Arizona; Richard Blumenthal, Attorney General of Connecticut; M. Jane Brady, Attorney General of Delaware; Alan G. Lance, Attorney General of Idaho; Frank J. Kelly, Attorney General of Michigan; Joseph P. Mazurek, Attorney General of Montana; Frankie Sue Del Papa, Attorney General of Nevada; Margery S. Bronster, Attorney General of Hawaii; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Don Stenberg, Attorney General of Nebraska; Jeffrey R. Howard, Attorney General of New Hampshire; Betty D. Montgomery, Attorney General of Ohio; Thomas W. Corbett, Jr., Attorney General of Pennsylvania; Jeffrey L. Armestoy, Attorney General of Vermont; William U. Hill, Attorney General of Wyoming; Drew Edmondson, Attorney General of Oklahoma; Jeffrey B. Pine, Attorney General of Rhode Island; Darrel V. McGraw, Jr., Attorney General of Virginia.

Mr. ENZI. Mr. President, the rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, social services, and communities are seriously impacted by the expansion of casino gambling on Indian tribal lands. Therefore, a decision about whether or not to allow casino gambling on Indian lands should be approved by popularly elected representatives, not by an unelected Cabinet official.

I urge my colleagues to stand up for the rights of the States and the rights of this Congress, as popularly elected leaders, by voting for this amendment. And, Mr. President, the chairman of the subcommittee, Senator GORTON, also approves of the amendment. I do ask for your consideration of that amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming for yielding me time.

I rise to endorse the comments made by Senator ENZI. In 1996, I was the attorney general of the State of Alabama, and I was one of the 22 attorneys general that signed the letter that Senator ENZI mentioned earlier. This letter, which was initiated under the leadership of Attorney General Bob Butterworth of Florida, was a 13-page letter discussing the legal reasons why the attorneys general believe that the Secretary of the Interior ought not to be setting the gambling policies for our various States. Why did we take this position? Because our review of applicable law revealed to us that there was no legal basis for the Secretary of Interior to act this way, especially in light of the important *Seminole Tribe* v. *Florida* case decided by the U.S. Supreme Court in 1996.

The issue of tribal gaming is a matter of extreme importance. My home state of Alabama has consistently rejected casino gambling in the State. We have one small Indian tribe that owns several pieces of property in the State. If that tribe were able to go to the Secretary of the Interior and obtain approval to build casinos on their property, we would soon have three major, active casinos in the State of Alabama bringing with them all the problems that are associated with casino gaming. The tribal reservations are extremely small, however they would impact the community to a great degree.

As the Senator from Wyoming so eloquently said, it is the States who will bear the burdens and the responsibility and the consequences of having the Secretary of Interior impose gambling on them. The Secretary of the Interior should not be imposing tribal gaming decisions on the States. In the past, the Secretary had indicated that he would prefer not to intervene in these matters. If that is so, then he certainly should not oppose this legislation that would prohibit his ability to unilaterally decide state gaming issues. I think this issue is a matter that we need to treat very significantly.

Make no mistake about it, having been involved in the process, I learned something that is quite important, and that is just how much money is involved. When the Secretary of the Interior, one man, can look at one group of claimants, or favor one Indian tribe over another, and he can then select a group and say, ''You can get a gambling casino,'' he may have made that group hundreds of millions of dollars—I do not mean one million, I mean hundreds of millions of dollars—and another tribe may get nothing from that. The Secretary's ability to make one decision which makes certain groups rich and certain groups poor is one reason why the committee testimony concerning Mr. Babbitt's dealing with contributions tied to Indian gaming was such a dramatic, and unseemly, event.

So I think that is not the way public policy and gambling policy ought to be set in America. It ought to be set on a rational basis by the people of the State who would have to live with that

activity. I think Senator ENZI is correct. Similar legislation passed once before, I think, with consent. I hope that it will again. I believe we need to make clear that the people of our States will be the ones to decide whether or not gambling occurs.

I would just like to share a quote from an editorial appearing in the Montgomery Advertiser last year. In this editorial the Advertiser, the newspaper of the capital of Alabama, says:

> Regardless of whether one favors or opposes legalized gambling on Indian lands, surely there can be little dispute over the legitimate interest of states in having some say in the matter, rather than having gambling instituted within their borders through federal-level negotiations.

Respecting the role of states is fundamental to this issue, and Senator ENZI's amendment solves the problem of Federal intrusion created by the regulations put forward by the Secretary of Interior. I salute Senator ENZI for his amendment, and I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield such time as Senator BRYAN needs, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank you.

I am happy to yield to the distinguished Senator from Hawaii, who has not had an opportunity to speak. If he wishes to precede me, I would be happy to yield.

Mr. President, I think it is helpful to our colleagues if we put this amendment in some context.

In 1988, the Congress enacted the Indian Gaming Regulatory Act. That act says that to the extent that States permit gaming activities within the States, that Indian tribes within those States should have the same opportunity. Let me say that I am in support of that philosophy.

In Nevada, we have a full range of casino gaming activity. There is no question in my State that tribes within Nevada have the same opportunity, and, indeed, we have five compacts that have been ratified between the Governor and the tribes in my State permitting those tribes to conduct the same kind of activity for gaming enterprises that we have in Nevada.

Let me give a contrast, if I may. My friend from Hawaii and our colleagues from Utah—in those two States a determination has been made that no form of gaming activity should be permitted, something that I believe is a matter of public policy for those two States to make a determination. So it is equally clear under the act that Indian tribes would have no opportunity to participate in Indian gaming unless the States chose to permit it because they have made a public policy not to have any form of gaming.

In between, there are 48 other States that have adopted variations of gaming. So there are a number of States that have entered into compacts; that is, agreements between Governors and tribes. The Enzi-Bryan-Reid amendment in no way impacts those States that have previously entered into compacts. Those are valid and continue to be effective.

What is at issue here is that some tribes, particularly in California and Florida, have tried to force the respective Governors of those States to permit gambling activity, which those States do not permit, specifically in the form of slot machines. California has made a determination that they do not, as a matter of public policy, favor slot machines, so therefore slot machines are not permitted in California. In Florida, the same public policy prevails. And the tribes have sought to force those Governors to negotiate this kind of gambling activity.

In California today, there are 40 tribes that operate 14,000 illegal slot machines, slot machines that are not part of negotiated compacts. Recently, the Governor of California and the Pala Band Indian Tribe have entered into a compact that does not, Mr. President, include the gambling activity that currently illegally exists in these 20 reservations; namely, slot machines.

What is troublesome to my colleagues who join me on this amendment and what was of concern to the Congress in the last session is the Secretary of the Interior has moved forward with regulations that would say the Governors and the tribes are not the ones to determine the scope of gaming in a given State; the Secretary of the Interior should have that right.

So in the Interior appropriations bill that was approved last year, we offered a provision that said, in effect, the Secretary of Interior is prohibited from expending any money to implement a regulation which would give to him the authority to be the final arbiter between a tribe and a State as to what should be negotiated.

What causes our renewed concern is, the Secretary of Interior has now begun a rulemaking process that has been out for public comment, that is currently before the Office of Management and Budget for review, that is doing the very sort of thing that we sought to prohibit in the appropriations bill last year.

What this amendment does is to reaffirm the policy of the Congress that the Secretary of Interior shall not move forward in overriding, if you will, a determination between a Governor and the tribe as to the scope of gaming. I am familiar with no circumstance—none—in which a Governor today has refused to negotiate in good faith for gambling activity on a tribal reservation that is consistent with that State's public policy. So what we are really talking about here are tribes that have been putting a lot of pressure on Governors to, in effect, open up casino gaming, as the distinguished Senator from Alabama pointed out. I believe that is a determination the States, the Governors, ought to make.

The law is clear, once a State crosses the Rubicon and permits a form of gaming, the tribal governments within that State should be entitled to the same. That is fair. What is sauce for the goose is sauce for the gander. There is no quarrel with that.

But the tribes have sought to push some of the Governors and say, ''Look, we want slot machines. Even though you do not permit that as a matter of public policy, we believe you ought to be required to negotiate that, and if you won't negotiate that, we will accuse you of acting in bad faith and will go to the Secretary of Interior and have him make that determination.''

I believe however we line up on the political spectrum in this Chamber, that is not a decision that the Secretary of Interior ought to be making. That is a decision which the State, as a matter of public policy, should determine for itself—how much, how little, if any, gaming activity should be allowed.

What our amendment does is to refine the amendment that was offered as part of the appropriation process and goes further and says, ''Look, you shall not go forward with this rulemaking process,'' in the context of the appropriations for this year. I believe that is totally consistent with what we began last year, and I believe it is something this Chamber ought to reaffirm.

My concern is that the rate in which this rulemaking process is proceeding is, the day after the current appropriations bill expires, October 1, we have a regulation out there and the Secretary of Interior will begin to make determinations as to the scope of gaming permitted in States. May I say in the two States in question, one of them presided over by a Democrat, one by a Republican, this is bipartisan. Both of those Governors have resisted that. The National Governors Association has gone on record as opposing the Secretary of Interior's position, the National Association of Attorneys General has gone on record as opposing it, Democrats and Republicans in both of those two associations, because in effect the Secretary of Interior would be allowed to preempt State public policy. That is something that I believe none of us would want to occur.

I yield the floor.

AMENDMENT NO. 2134

(Purpose: To express the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs)

Mr. BUMPERS. I ask unanimous consent I be permitted to send an amendment to the desk, the same be immediately laid aside, and later brought for consideration.

Mr. STEVENS. Reserving the right to object, what is the amendment?

Mr. BUMPERS. I will send the amendment to the desk to be set aside to be brought up at your discretion.

Mr. STEVENS. Is this the one on which I was to have the colloquy with the Senator from Arkansas?

Mr. BUMPERS. I will discuss that with you in just a moment.

Mr. STEVENS. The Senator has that right.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2134.

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

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

The amendment is as follows:

At the appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the FY98 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the FY98 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives FY98 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

The PRESIDING OFFICER. The amendment is set aside.

The Senator from Hawaii has the floor.

Mr. INOUYE. Parliamentary inquiry. Is there a vote scheduled at 6:30?

The PRESIDING OFFICER. The Senator is correct; there is a vote scheduled for 6:30.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2130

The PRESIDING OFFICER. Under the previous order, debate on the Enzi amendment will be suspended in order to vote on amendment No. 2130.

The question is on agreeing to the amendment of the Senator from North Carolina, Mr. HELMS.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—90

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Allard	Feingold	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boxer	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hatch	Roberts
Campbell	Helms	Roth
Chafee	Hollings	Santorum
Cleland	Hutchinson	Sessions
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Jeffords	Snowe
Coverdell	Johnson	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerrey	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden

NAYS—10

Bingaman	Kerry	Sarbanes
Dodd	Lautenberg	Wellstone
Feinstein	Leahy	
Kennedy	Rockefeller	

The amendment (No. 2130) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are waiting on an agreement on what to do with the bill for the remainder of the evening and tomorrow. I urge Senators—again, we are making up a list. We call it a finite list. We hope to get an agreement before we leave here that amendments, unless they are on the list, will not be in order for this bill. So I urge Senators to speak to their respective sides to see to it. That is the suggestion.

I yield to the Senator from Virginia. He wants to qualify an amendment now.

Mr. ROBB. Mr. President, I thank the Senator from Alaska.

AMENDMENT NO. 2135

(Purpose: To reform agricultural credit programs of the Department of Agriculture, and for other purposes)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB) proposes an amendment numbered 2135.

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

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

The amendment is as follows:

At the appropriate place, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

''(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

''(i) consolidation, rescheduling, reamortization, or deferral of a loan;

''(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

''(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.''.

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

''(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.''.

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

''(2) RESERVATION AND ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

''(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may

reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.''.

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.''.

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

''(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.''.

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

Mr. ROBB. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

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

Mr. ROBB. Mr. President, very briefly, this is an amendment to correct a measure that was in the 1996 agriculture bill. There are $48 million in this emergency bill to provide for direct operating loans to farmers. But most of the minority and small farmers are not able to get to those loans because of a disqualifying provision. This corrects that. We will try to work it out so it will be accepted when it is taken up on the floor.

Mr. President, I rise today to offer an amendment to improve access to the USDA's lending programs for farmers.

The emergency supplemental appropriations bill we're considering contains enough funds to allow $48 million more money to be available for direct operating loans. These loans are crucial to farmers, especially in the spring, because they use the borrowed funds to buy the seed, fertilizer and other material essential for planting, which they repay after harvest.

Unfortunately, there are many minority and socially disadvantaged farmers who will not have access to these critical loan funds because of a provision in the 1996 farm bill. That provision bars a farmer—forever—from turning to the USDA's loan programs if they have ever defaulted previously on a federally-backed agricultural loan. This inflexible provision permanently eliminates the farmers' access to these loan programs, even if the cause of the previous default was the result of racial discrimination against the farmer perpetrated by the Federal Government, or a disaster beyond the farmer's control, or a medical condition which affected the farmer's ability to pay.

My amendment addresses this situation.

FARAD

Mr. BAUCUS. Mr. President, I understand that the USDA is working toward the release of funds relating to the competitively awarded Smith Lever 3(d) Food Safety grants program. An eligible activity of this program is the Food Animal Residue Avoidance Database (FARAD). The American people are demanding higher levels of food safety, and the FARAD program will help develop better methods of assuring the safety of food products from our livestock sector.

The Smith Lever 3(d) Food Safety program contains a total of $2,365,000, but it has been suggested that only $195,000 would be available for the FARAD activities. However, I understand that FARAD is not limited by the suggested amount of $195,000 and that additional funds under the Smith Lever 3(d) Food Safety grants program could be directed to FARAD as a competitive award. I further understand that no funds under this program have been obligated for the current fiscal year.

Mr. BUMPERS. The Senator from Montana is correct. The suggested figure of $195,000 is not a binding cap on the funds potentially available to FARAD in fiscal year 1998. I understand that grants under the Smith Lever 3(d) Food Safety program will be awarded in the near future and that proponents of the FARAD program should be advised that additional competitive funds may be available and they may wish to craft their applications to reflect this opportunity.

DISASTER ASSISTANCE

Mr. CLELAND. Mr. President, I would first like to thank my distinguished colleagues, the Chairman, Senator STEVENS and Ranking Member Senator BYRD for addressing the issue of providing relief for Georgia disaster victims in this bill. And, to my colleague, Senator COVERDELL the Senior Senator from Georgia for his direct involvement and for offering his amendment to see that adequate relief is obtained for Georgia. I am proud to be a co-sponsor of his amendment. I would also like to thank my colleague Senator BUMPERS, for his skillful work as the Ranking Member on the Agriculture Appropriations Subcommittee in his efforts to incorporate the valuable requests for disaster assistance into this bill.

Mr. BUMPERS. I thank the Senator.

Mr. CLELAND. I would like to follow up on the comments made yesterday by my colleagues, Senator COCHRAN and Senator COVERDELL with a question to Senator BUMPERS. I wanted to confirm the report that the $60 million from the Emergency Conservation Program along with the amendment providing an additional $50 million from the Emergency Watershed and Flood Prevention program provided in the 1998 Emergency Supplemental Appropriations Bill will be sufficient to fully cover the losses in Georgia resulting from the recent flooding and tornado?

Mr. BUMPERS. My colleague from Georgia is correct. The reports from officials at the Department of Agriculture would suggest that with an additional $50 million, which would bring the total supplemental appropriation for the Emergency Watershed and Flood Prevention account to $100 million along with the $60 million allocated for the Emergency Conservation Program, the needs of Georgia as well as the numerous other Americans around the country who are in need of natural disaster relief will be met.

Mr. CLELAND. I thank my colleague for his assistance. The vital funds for disaster assistance provided in this bill will be a blessing for those farmers in Georgia who have been so devastated by the severe weather that they have endured for the past year. I also will be thankful to see that relief is provided to those in the Northeast and California as well as the many other Americans who have been victims of natural disaster. I thank Senator BUMPERS for his leadership in this effort for the people of Georgia and all those affected.

Mr. WARNER. Mr. President, I am privileged to be the chairman of the Subcommittee on Transportation and Infrastructure of the full Committee on Environment and Public Works. I have been involved in the Patent and Trademark Office space consolidation for the past 4 years. However, this has had a much longer history of review. In August of 1995, GSA, the Department of Commerce, and the PTO negotiated with OMB on alternatives for proceeding to consolidation and the placement of the PTO's expiring leases scheduled for 1996. The administration determined that there were insufficient funds available in the President's budget for the foreseeable future to pursue these alternatives of direct Federal construction or an equity lease.

Let me repeat, Mr. President: That history has shown that often construction is less expensive than the option of leasing. There is no mystery here. The problem is, we do not have $250 million to construct such a building. Budget constraints dictate a lease in this instance.

For this reason OMB then authorized the General Services Administration to transmit a prospectus, pursuant to the Public Buildings Act, to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committees requesting authorization to acquire a competitively procured, 20-year operating lease for 1,989,116 occupiable square feet (osf) to consolidate the PTO on a Northern Virginia site within boundaries extending from the Potomac River along the Dulles corridor. Once again, let me stress that this is a competitively procured lease.

Mr. President, the prospectus was approved by the Senate Committee on Environment and Public Works on October 24, 1995, and the House Committee on Transportation and Infrastructure on November 16, 1995. The Senate

Committee on Environment and Public Works carefully considered the need for the facility, various alternatives, and the costs of each approach before authorizing the lease procurement to be conducted by the GSA for the PTO. Further, both Committees directed GSA to amend its Source Selection approach to provide ''that any evaluation used for such acquisition considers proximity to public transportation, including MetroRail, to be a factor as important as any other non cost factor.''

I have been assured by the PTO, Senator GREGG, that prior to the issuance of the Solicitation for Offerors (SFO), the PTO undertook a detailed analysis and review of case law, news articles, and recent Federal acquisitions and leases such as: the Internal Revenue Service, the Federal Communications Commission, and the Ronald Reagan Building etc. to identify potential problems with the PTO procurement.

In short, the analysis that the Senator seeks was performed by the Administration in developing the prospectus, was reviewed by both the House and Senate authorizing committees, and approved in 1995. Furthermore, as I have already stated, the PTO and the Administration are continuing to revalidate that analysis.

Mr. President, to date, all analysis of this procurement has shown that under the current budget scenario, this procurement is needed by the PTO, and is in the best interest of the taxpayers. PTO currently resides in expired holdover leases. This is an untenable and costly situation that must be addressed immediately.

Senator GREGG will now join in a colloquy.

As we discussed, am I correct that the current language as drafted excludes comparison in the requested report between leasing and federal construction?

Mr. GREGG. That is correct.

Mr. WARNER. Would the Senator also agree that the budget will not likely enable us to proceed with any project which will be scored as a capital investment?

Mr. GREGG. That is correct.

Mr. WARNER. Does the Senator have a view as to whether the Appropriations Committee would be prepared to fund a lease/purchase arrangement, given the scoring impacts that would result in such a transaction?

Mr. GREGG. No we are not.

Mr. WARNER. Is it the Senator's understanding that a lease-purchase would require that budget authority be scored against this project? Where as a operating lease is only scored for the annual rent payment?

Mr. GREGG. Yes, that is my understanding.

Mr. WARNER. I thank the Senator. Is it true that this budget authority for any lease-purchase would be scored against GSA's Federal Buildings Fund?

Mr. GREGG. That is my understanding.

Mr. WARNER. Is it the Senator's understanding that there is no capital available for either construction or lease-purchase of this project? That is what the Senate Environment and Public Works Committee was relying upon when we authorized this long-term lease.

Mr. GREGG. That is also my understanding.

Mr. WARNER. Finally, I am concerned that the study comparing the cost versus the benefit of relocating to a new facility compares ''apples to apples''. Therefore, it is important that such things as the cost of space required to accommodate new staff at the PTO's existing locations; the costs of bringing existing facilities into compliance with current, not grandfathered, codes for life safety and accessibility for the disabled, and the costs of providing amenities such as day care facilities be considered as part of the costs of PTO's remaining in its current space. Do you agree?

Mr. GREGG. I believe that these things should be considered in the cost versus benefit analysis.

Mr. WARNER. I have taken a very active role in this matter because of the wonderful, loyal, dedicated service of the thousands of employees of PTO. I think our Federal Government owes them no less than the opportunity to have a new facility to perform their valuable work, and I hasten to say this building will largely be financed not by Federal taxpayers funds but by funds derived from the sevices performed by the people.

I yield the floor.

Mr. STEVENS. Mr. President, I do not know of any further amendments on our side. There will be a managers' package. I understand Senator SMITH has an amendment, and Senator MURKOWSKI has an amendment.

Mr. President, before we do anything more, I would suggest the absence of a quorum and wait for the leader to come.

Mr. KENNEDY. Will the Senator withhold so I may speak briefly?

Mr. STEVENS. We have a pending matter with people entitled to speak now if we go back on the bill. I would suggest the absence of a quorum so we can straighten that out, and the Senator can speak. If we make this arrangement, anyone who wants to speak may do so.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. STEVENS. Mr. President, in behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, March 26, that immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

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

Mr. STEVENS. Mr. President, tomorrow the Senate will resume consideration of this emergency supplemental appropriations bill with 50 minutes remaining on the Enzi amendment to begin at 10 o'clock. We have a couple of calendar items to take place before that time. So we will start on the bill at 9:30.

I further ask unanimous consent that the vote on or in relation to the Enzi amendment occur at the expiration of the 50 minutes, which will be at 10:50 a.m.

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

Mr. STEVENS. Following that vote, I anticipate final action on IMF, amendment No. 2100. And that leaves the Nickles amendment as the only other issue that is presently brought to debate to be concluded prior to ending this bill.

It is my understanding that about seven amendments on what we call the finite list are before the body now. We have two that have been brought forward on this side.

I now ask unanimous consent that, unless an amendment is listed on that list tonight before we conclude business today, no further amendment other than what is on that list be in order for tomorrow.

If you want to read that list, I will be happy to read that list.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I wonder if we could find out if our amendments are on the list?

Mr. STEVENS. They have both been identified and they are on the list as far as I am concerned. We will put them on the list now.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. I would like to, if I could, include a slot for an amendment that will be related to the Nickles amendment if it is necessary to call that up.

Mr. STEVENS. All right. As long as it is disclosed tonight, fine.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. As I understand, that will be a Kennedy amendment to the Nickles amendment, relating to the Nickles amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Will the Senator from Massachusetts clarify, is the amendment a second-degree for Nickles or a substitute for Nickles?

Mr. KENNEDY. It would be a second-degree.

Mr. STEVENS. I have on the list, for everyone's notification, another version of the IMF amendment should the pending McConnell amendment be defeated, which I don't anticipate, but I just want people to know that.

Mr. BYRD. Will the distinguished Senator restate what the situation will be in the event that the IMF amendment is defeated?

Mr. STEVENS. If the IMF amendment is defeated, we would call up another version of that amendment.

Mr. BYRD. Would amendments then be in order?

Mr. STEVENS. No other amendments would be in order unless they are on the list tonight, but the second IMF amendment is on the list, Senator. It is my amendment.

Mr. BYRD. Mr. President——

Mr. STEVENS. Will the Senator permit me to make a statement?

Mr. BYRD. Yes.

Mr. STEVENS. On behalf of the majority leader, I announce there will be no further votes tonight.

Mr. BYRD. Mr. President, if the Senator will allow me, I am hearing that further amendments would be in order if the IMF amendment is defeated. I just want to be sure that the agreement allows for such an eventuality.

Mr. STEVENS. I know there are at least three IMF amendments on the amendments listed on your side, and I have another one on my side, which is another IMF amendment similar to the one that is already before the Senate should the McConnell amendment be defeated.

Mr. BYRD. But it is my understanding other Senators may be at liberty to offer additional amendments; they need to be able to offer additional amendments, in the event the IMF amendment is defeated.

Mr. STEVENS. There are four that are there. You mean other Senators? If the Senator wishes to do this, I would say this: If the McConnell amendment is defeated, any amendment pertaining to IMF will be cleared on this list. Any amendment—any Senator will be free to offer an amendment on IMF if the McConnell amendment is defeated.

Mr. BYRD. Mr. President, I am advised that is satisfactory.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, would the distinguished Senator state again what time tomorrow morning the first vote will occur?

Mr. STEVENS. The first vote will not occur under the agreement that has already been entered before 10:50 a.m.

Mr. BYRD. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am informed by the Parliamentarian that the correct request would have been, since the Nickles amendment is to strike, that my amendment to that would be in the first-degree rather than the second-degree, and I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. That amends the previous agreement. That very much clarifies it, that the amendments discussed with Senator SMITH and Senator MURKOWSKI are on the list, my IMF amendment is on the list, and the amendments that are on the list that the lady has here—and the managers' package. There is a managers' package. That is ours that is on the list, also. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. For clarification, to offer those amendments we can offer them at any time? Tomorrow morning? Whenever?

Mr. STEVENS. There will be no more votes tonight, so if anyone has votes they will not be in order tonight.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask there be a period for routine morning business with Senators being allowed to speak for not to exceed 5 minutes.

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

Mr. STEVENS. I thank the Chair.

PASSAGE OF NATIONAL TARTAN DAY RESOLUTION

Mr. LOTT. Mr. President, today, I rise to personally commend Senator HATCH, my colleague and friend, for his leadership in helping obtain the passage of the National Tartan Day Resolution.

Last week, the Senate passed the resolution by unanimous consent. This was no easy task and I want to acknowledge his efforts to ensure that the contributions of Americans of Scottish ancestry are recognized. I, along with many other Scottish-Americans, were very pleased with the passage of this legislation.

I also want to thank the national and state associations which represent citizens of Scottish ancestry for their efforts to get the word out. They made sure that the members of the Senate were fully informed on the merits of this legislative initiative. They were active in obtaining cosponsors. They certainly made a difference in the legislative success of Senate Resolution 155.

Mr. President, Scottish Americans have made many great contributions to our country. They work in many different fields and professions. They add to the very essence of what is known across the globe as the American character. Let me name a few of the more prominent Scottish-Americans: Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, William Faulkner, Malcolm Forbes and Elizabeth Taylor, just to name a few. Today many Americans of Scottish ancestry continue to make an impact.

Mr. President, National Tartan Day is more than a recognition of Americans with Scottish ancestry. National Tartan Day is about liberty. It is about the demand of citizens for their freedom from an oppressive government. Freedom is the significance of April 6th. On this day nearly seven hundred years ago, a group of men in Arbroath, Scotland asserted their independence from the English king. These Scots declared ''We fight for liberty alone.'' These are powerful words that should not be forgotten today or in the future.

These were daring words. These Scotsmen were claiming liberty as their birthright. These were enduring words, like the mountains, hills and stones of Scotland. These words still ring true.

The words and thoughts of those long-ago Scottish patriots live on in America. Liberty has been good to their descendants in the United States.

Beyond all the accomplishments of Scottish-Americans are those words of strength, courage and perseverance: ''We fight for liberty alone, which no good man loses but with his life.''

By honoring April 6, Americans will annually celebrate the true beginning of the quest for liberty and freedom.

Mr. President, I want to thank my colleagues who joined me in supporting this resolution; so that we may never forget, so that the world, in some small way, may never forget, far-away, long-ago Arbroath and the declaration for liberty.

''THE LEADERS LECTURE SERIES''—REMARKS OF SENATOR MIKE MANSFIELD

Mr. LOTT. Mr. President, last night was a memorable night for this Senator and I believe a number of others in this Chamber. On Tuesday evening, I was honored and humbled to introduce to this body, Senator Mike Mansfield for an address in the old Senate Chamber. This inaugural lecture was the first of what I hope will be a continuing number of addresses for ''The Leader's Lecture Series''.

I think I can speak for all Members of this Senate in saying we were honored in having as the first speaker in

this series, the longest serving majority leader of this body, Senator Mike Mansfield of Montana.

I look forward to future addresses from former Senate leaders and other distinguished Americans in sharing their insights about the Senate's recent history and long-term practices.

I ask unanimous consent that the remarks of the distinguished former majority leader be printed in the RECORD.

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

THE SENATE AND ITS LEADERSHIP: A SECOND LOOK

(Remarks by Mike Mansfield—March 24, 1998)

Thank you for your very kind introduction. I am deeply appreciative of what you have had to say, even though I think you put too much icing on the cake. The real credit of whatever standing I have achieved in life should be given to my wife Maureen, who, unfortunately, could not be with us this evening. She was and is my inspiration. She encouraged and literally forced a dropout 8th grader to achieve a University degree and at the same time make up his high school credits. She sold her life insurance and gave up her job as a Butte High School teacher to make it possible. She initiated me into politics—the House, the Senate and, diplomatically speaking, the Tokyo Embassy. She gave of herself to make something of me. She has always been the one who has guided, encouraged and advised me. She made the sacrifices and deserved the credits, but I was the one who was honored. She has always been the better half of our lives together and, without her coaching, her understanding, and her love, I would not be with you tonight. What we did, we did together.

In short, I am what I am because of her.

I would like to dedicate my remarks tonight to my three great loves: Maureen, Montana, and the United States Senate.

It is an honor to ''kick off'' the first in the Senate Lecture Series with the Majority Leader, Senator TRENT LOTT, and the Minority Leader, Senator TOM DASCHLE, in attendance. They represent the continuity of the office first held by Democratic Senator John Kern of Indiana in 1913 and by Republican Senator Henry Cabot Lodge of Massachusetts in 1917. They—the two Leaders—represent positions of trust and responsibility in today's Senate. They are the two among one hundred whom their respective parties have placed first among equals. Incidentally, it is my understanding that less than 3,000 men and women have served as Senators since the beginning of our Republic. They have been the ''favored few'' among the hundreds of millions in their overall constituencies.

Twenty-two years ago, on June 16, 1976, an audience of senators and their guests filled this chamber, much as you do this evening. On that occasion, the Senate convened here in formal legislative session. Their purpose was similar to ours today. Carving out a few moments from crowded and distracting schedules, those Senators of the 94th Congress came to honor the history and the traditions of the United States Senate. On that occasion, they came to rededicate this grand chamber—to celebrate the completion of a five-year-long restoration project.

The idea for this room's restoration to its appearance of the 1850's may have first surfaced in 1935. In that year, the Supreme Court, a tenant since 1860, moved into its new building across the street. I know for sure that the idea received close attention in the early 1960's. This once-elegant chamber had become an all-purpose room—whose uses included conference committee meetings, catered luncheons and furniture storage. Where once stood the stately mahogany desks of Clay, Webster and Calhoun, there then rested—on occasion—stark iron cots. These cots accommodated teams of senators on call throughout the night to make a quorum against round-the-clock filibusters. By the late 1960's, the idea for this room's restoration moved toward reality—and the 1976 ceremony—thanks largely to the vision and persistence of the legendary Mississippi Senator, John C. Stennis.

And we now have Senator Stennis' immediate successor, Senator TRENT LOTT, to thank for inaugurating his ''Leader's Lecture Series.'' Here is another welcome opportunity, on a periodic basis, to consider the foundations and development of this United States Senate. Thank you for inviting me, Mr. Leader.

There are very few advantages to outliving one's generation. One of them is the opportunity to see how historians describe and evaluate that generation. Some historians do it better than others.

One such historian is Senator ROBERT C. BYRD. As all of you know, ROBERT BYRD has combined a participant's insights with a scholar's detachment to produce an encyclopedic four-volume history of the Senate. Near the end of his first volume appear two chapters devoted to the 1960's and '70's. ROBERT has entitled them ''Mike Mansfield's Senate.''

Now, I have no doubt that he would be the first to acknowledge the accuracy of what I am about to say. If, during my time as Senate leader, a pollster had asked each Senator the question, ''Whose Senate is this?'' that pollster would surely have received 99 separate answers—and they would all have been right. Only for purposes of literary convenience or historic generalization could we ever acknowledge that one person—at least during my time—could shape such a body in his own image.

Senator BYRD has been doubly generous in assigning me a seat in the Senate's Pantheon. Volume Three of his history series contains forty-six so-called ''classic speeches'' delivered in the Senate over the past century and a half. Among them is an address that was prepared for delivery in the final weeks of the 1963 session. My topic was ''The Senate and Its Leadership.''

By mid-1963, various Democratic senators had begun to express publicly their frustration with the lack of apparent progress in advancing the Kennedy administration's legislative initiatives. Other Senators were less open in their criticism—but they were equally determined that I, as majority leader, should begin to knock some heads together. After all, they reasoned, Democrats in the Senate enjoyed a nearly two-to-one party ratio. With those numbers, anything should be possible under the lash of disciplined leadership. Sixty-five Democrats, thirty-five Republicans! (Think of it, Senator DASCHLE.) Of course, I use the word ''enjoy'' loosely. Ideological differences within our party seriously undercut that apparent numerical advantage.

I decided the time had come to put down my views in a candid address. There would then be no doubt as to where I stood. If some of my party colleagues believed that mine was not the style of leadership that suited them, they would be welcome to seek a change.

I had selected a Friday afternoon, when little else would be going on, to discuss ''The Senate and Its Leadership.'' The date was Friday, November 22, 1963.

That day's tragic events put an end to any such speechmaking. On the following week, as the nation grieved for President Kennedy, I simply inserted my prepared remarks into the CONGRESSIONAL RECORD. (November 27, 1963)

I have waited thirty-five years to give that speech. I wish to quote from that address to present views that I believe are as relevant today as they were more than a third of a century ago. But first, before I do so, I would like to quote Lao Tsu, a Chinese philosopher of ancient times, who said, ''A leader is best when the people hardly know he exists. And of that leader the people will say when his work is done, 'We did this ourselves'.''

''THE SPEECH

''Mr. President, some days ago, blunt words were said on the floor of the Senate. They dealt in critical fashion with the state of this institution. They dealt in critical fashion with the quality of the majority leadership and the minority opposition. A far more important matter than criticism or praise of the leadership was involved. It is a matter which goes to the fundamental nature of the Senate.

''In this light, we have reason to be grateful because if what was stated was being said in the cloakrooms, then it should have been said on the floor. If, as was indicated, the functioning of the Senate itself is in question, the place to air that matter is on the floor of the Senate. We need no cloakroom commandos, operating behind the swinging doors of the two rooms at the rear, to spread the tidings. We need no whispered word passed from one to another and on to the press.

''We are here to do the public's business. On the floor of the Senate, the public's business is conducted in full sight and hearing of the public. And it is here, not in the cloakrooms, that the Senator from Montana, the majority leader, if you wish, will address himself to the question of the present state of the Senate and its leadership . . . It will be said to all senators and to all the members of the press who sit above us in more ways than one.

''How, Mr. President, do you measure the performance of this Congress—any Congress? How do you measure the performance of a Senate of one hundred independent men and women—any Senate? The question rarely arises, at least until an election approaches. And, then, our concern may well be with our own individual performance and not necessarily with that of the Senate as a whole.

''Yet that performance—the performance of the Senate as a whole—has been judged on the floor. Several senators, at least, judged it and found it seriously wanting. And with the hue and cry thus raised, they found echoes outside the Senate. I do not criticize senators for making the judgment, for raising the alarm. Even less do I criticize the press for spreading it. Senators were within their rights. And the press was not only within its rights but was performing a segment of its public duty, which is to report what transpires here.

''I, too, am within my rights, Mr. President, and I believe I am performing a duty of the leadership when I ask again: How do you judge the performance of this Congress—any Congress? Of this Senate—any Senate? Do you mix a concoction and drink it? And if you feel a sense of well-being thereafter, decide it is not so bad a Congress after all? But if you feel somewhat ill or depressed, then that, indeed, is proof unequivocal that the Congress is a bad Congress and the Senate is a bad Senate? Or do you shake your head back and forth negatively before a favored columnist when discussing the performance of this Senate? And if he, in turn, nods up and down, then that is proof that the performance is bad? . . .

''There is reference (by members and the media), to be sure, to time-wasting, to laziness, to absenteeism, to standing still, and so forth. But who are the time wasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment of any other member. On that score, each of us will answer to his own conscience, if not to his constituents.

''But, Mr. President, insofar as the performance of the Senate as a whole is concerned, with all due respect, these comments in time wasting have little relevance. Indeed, the Congress can, as it has—as it did in declaring World War II in less than a day—pass legislation which has the profoundest meaning for the entire nation. And by contrast, the Senate floor can look very busy day in and day out, month in and month out, while the Senate is indeed dawdling. At one time in the recollection of many of us, we debated a civil rights measure twenty-four hours a day for many days on end. We debated it shaven and unshaven. We debated it without ties, with hair awry, and even in bedroom slippers. In the end, we wound up with compromise legislation. And it was not the fresh and well-rested opponents of the civil rights measure who were compelled to the compromise. It was, rather, the exhausted, sleep-starved, quorum-confounded proponents who were only too happy to take it.

''No, Mr. President, if we would estimate the performance of this Congress or any other, this Senate or any other, we will have to find a more reliable yardstick than whether, on the floor, we act as time wasters or moonlighters. As every member of the Senate and press knows, even if the public generally does not, the Senate is neither more nor less effective because the Senate is in session from 9 a.m. to 9 p.m., or to 9 a.m. the next day.

''Nor does the length of the session indicate a greater or lesser effectiveness. We live in a twelve-month nation. It may well be that the times are pushing us in the direction of a twelve-months Congress. In short, we cannot measure a Congress or a Senate by the standards of the stretch-out or of the speedup. It will be of no avail to install a time clock at the entrance to the chamber for Senators to punch when they enter or leave the floor.

''There has been a great deal said on this floor about featherbedding in certain industries. But if we want to see a featherbedding to end all featherbedding, we will have the Senate sit here day in and day out, from dawn until dawn, whether or not the calendar calls for it, in order to impress the boss—the American people—with our industriousness. We may not shuffle papers as bureaucrats are assumed to do when engaged in this art. What we are likely to shuffle is words—words to the President on how to execute the foreign policy or administer the domestic affairs of the nation. And when these words pall, we will undoubtedly turn to the Court to give that institution the benefit of our advice on its responsibilities. And if we run out of judicial wisdom, we can always turn to advising the governors of the states, or the mayors of the cities, or the heads of other nations, on how to manage their concerns.

''Let me make it clear that Senators individually have every right to comment on whatever they wish, and to do so on the floor of the Senate. Highly significant initiatives on all manner of public affairs have had their genesis in the remarks of individual Senators on the floor. But there is one clear-cut, day-in-and-day-out responsibility of the Senate as a whole. Beyond all others, it is the constitutional responsibility to be here and to consider and to act in concert with the House on the legislative needs of the nation. And the effectiveness with which that responsibility is discharged cannot be measured by any reference to the clocks on the walls of the chamber.

''Nor can it be measured, really, by the output of legislation. For those who are computer-minded, however, the record shows that 12,656 bills and resolutions were introduced in the 79th Congress of 1945 and 1946. And in the 87th Congress of 1961 and 1962, (that number had increased by) 60 percent. And the records show further that in the 79th Congress, 2,117 bills and resolutions were passed, and in the 87th, 2,217 were passed.

''But what do these figures tell us, Mr. President? Do they tell us that the Congress has been doing poorly because in the face of an 8,000 increase in the biannual input of bills and resolutions, the output of laws fifteen years later had increased by only a hundred? They tell us nothing of the kind.

''If these figures tell us anything, they tell us that the pressures on Congress have intensified greatly. They suggest, further, that Congress may be resistant to these pressures. But whether Congress resists rightly or wrongly, to the benefit or detriment of the nation, these figures tell us nothing at all.

''There is a (more meaningful way to measure) the effectiveness of a Democratic administration. I refer to the approach which is commonly used these days of totaling the Presidential or executive branch requests for significant legislation and weighing against that total the number of congressional responses in the form of law.

''On this basis, if the Congress enacts a small percentage of the executive branch requests, it is presumed, somewhat glibly and impertinently, to be an ineffective Congress. But if the percentage is high, it follows that it is classifiable as an effective Congress. I am not so sure that I would agree, and I am certain that the distinguished minority leader (Senator Dirksen) and his party would not agree that that is a valid test. The opposition might measure in precisely the opposite fashion. The opposition might, indeed, find a Democratic Congress which enacted little, if any, of a Democratic administration's legislation, a paragon among congresses. And yet I know that the distinguished minority leader does not reason in that fashion, for he has acted time and time again not to kill administration measures, but to help to pass them when he was persuaded that the interests of the nation so required. . . . I see no basis for apology on statistical grounds either for this Congress to date or for the last. But at the same time, I do not take umbrage in statistics. I do not think that statistics, however refined, tell much of the story of whether or not a particular Congress or Senate is effective or ineffective.

''I turn, finally, to the recent criticism which has been raised as to the quality of the leadership. Of late, Mr. President, the descriptions of the majority leader, of the Senator from Montana, have ranged from a benign Mr. Chips, to glamourless, to tragic mistake.

''It is true, Mr. President, that I have taught school, although I cannot claim either the tenderness, the understanding, or the perception of Mr. Chips for his charges. I confess freely to a lack of glamour. As for being a tragic mistake, if that means, Mr. President, that I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, or a wheeler and dealer, then I must accept, too, that title. Indeed, I must accept it if I am expected as majority leader to be anything other than myself—a Senator from Montana who has had the good fortune to be trusted by his people for over two decades and done the best he knows how to represent them, and to do what he believes to be right for the nation.

''Insofar as I am personally concerned, these or any other labels can be borne. I achieved the height of my political ambitions when I was elected Senator from Montana. When the Senate saw fit to designate me as majority leader, it was the Senate's choice, not mine, and what the Senate has bestowed, it is always at liberty to revoke.

''But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I would not, even if I could, presume to a tough-mindedness which, with all due respect to those who use this cliché, I have always had difficulty in distinguishing from soft-headedness or simple-mindedness. I shall not don any Mandarin's robes or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader—however a majority leader is supposed to look or sound. I am what I am, and no title, political face-lifter, or image-maker can alter it.

''I believe that I am, as are most Senators, an ordinary American with a normal complement of vices and, I hope, virtues, of weaknesses and, I hope, strengths. As such, I do my best to be courteous, decent, and understanding of others, and sometimes fail at it.

''I have always felt that the President of the United States —whoever he may be . . . is worthy of the respect of the Senate. I have always felt that he bears a greater burden of responsibility than any individual Senator for the welfare and security of the nation, for he alone can speak for the nation abroad; and he alone, at home, stands with the Congress as a whole, as constituted representatives of the entire American people. In the exercise of his grave responsibilities, I believe we have a profound responsibility to give him whatever understanding and support we can, in good conscience and in conformity with our independent duties. I believe we owe it to the nation of which all our States are a part—particularly in matters of foreign relations—to give to him not only responsible opposition, but responsible cooperation.

''And, finally, within this body, I believe that every member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the nation. And to the extent that the Senate may be inadequate in this connection, the remedy lies not in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body.

''The constitutional authority and responsibility does not lie with the leadership. It lies with all of us individually, collectively, and equally. And in the last analysis, deviations from that principle must in the end act to the detriment of the institution. And, in the end, that principle cannot be made to prevail by rules. It can prevail only if there is a high degree of accommodation, mutual restraint, and a measure of courage—in spite of our weaknesses—in all of us. It can prevail only if we recognize that, in the end, it is not the Senators as individuals who are of fundamental importance. In the end, it is the institution of the Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic.''

Thus ended my abridged observations of November 1963.

In my remarks during the 1976 dedication ceremonies in this chamber, I returned to the themes of 1963. I stated my belief that, in its fundamentals, the Senate of modern times may not have changed essentially from the Senate of Clay, Webster, and Calhoun.

What moved Senators yesterday still moves Senators today. We have the individual and collective strength of our predecessors and, I might add, their weaknesses. We are not all ten feet tall, nor were they. Senators act within the circumstances of their fears no less than their courage, their foibles as well as their strengths. Our concerns and our efforts in the Senate, like our predecessors and successors, arise from our goals of advancing the welfare of the people whom we represent, safeguarding the well-being of our respective States and protecting the present and future of this nation, a nation which belongs—as does this room—not to one of us, or to one generation, but to all of us and to all generations.

The significance of that 1976 gathering—and perhaps of our being here tonight—is to remind us that in a Senate of immense and still unfolding significance to the nation, each individual member can play only a brief and limited role. It is to remind us that the Senate's responsibilities go on, even though the faces and, yes, even the rooms in which they gather, fade into history. With the nation, the Senate has come a long way. And still, there is a long way to go.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 24, 1998, the federal debt stood at $5,542,617,421,989.90 (Five trillion, five hundred forty-two billion, six hundred seventeen million, four hundred twenty-one thousand, nine hundred eighty-nine dollars and ninety cents).

One year ago, March 24, 1997, the federal debt stood at $5,370,449,000,000 (Five trillion, three hundred seventy billion, four hundred forty-nine million).

Five years ago, March 24, 1993, the federal debt stood at $4,222,103,000,000 (Four trillion, two hundred twenty-two billion, one hundred three million).

Ten years ago, March 24, 1988, the federal debt stood at $2,480,220,000,000 (Two trillion, four hundred eighty billion, two hundred twenty million).

Fifteen years ago, March 24, 1983, the federal debt stood at $1,223,450,000,000 (One trillion, two hundred twenty-three billion, four hundred fifty million) which reflects a debt increase of more than $4 trillion—$4,319,167,421,989.90 (Four trillion, three hundred nineteen billion, one hundred sixty-seven million, four hundred twenty-one thousand, nine hundred eighty-nine dollars and ninety cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 20TH

Mr. HELMS. Mr. President, the American Petroleum Institute's report for the week ending March 20, that the U.S. imported 8,724,000 barrels of oil each day, 2,318,000 more barrels than the 6,406,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 57.6 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America s oil supply.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,724,000 barrels a day.

A TRIBUTE TO ZION GROVE MISSIONARY BAPTIST CHURCH

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous community which exemplifies citizenship, character, and service to humanity, the Zion Grove Missionary Baptist Church.

On January 18, 1998, the members of the Zion Grove Missionary Baptist Church held their long and eagerly anticipated ''Mortgage Burning Party.'' Under the guidance of their respected pastor, the Reverend Frank L. Selkirk III, Ph.D., the Zion Grove Missionary Baptist Church will draw to a close its financial debts and begin to look forward, with faith, hope and love to a future filled with opportunity.

The history of this wonderful church has been nothing short of a small blessing. From its humble beginning on October 15, 1938, with a congregation of only eight members, Zion Grove Missionary Baptist Church continued to grow and flourish with each year and each dedicated pastor until it reached its present location at 2801 Swope Parkway in Kansas City, Missouri. This church and the community which comprises it are examples of dedication, perseverance, and commitment to the future.

With God's blessing, and the faithful support of the Zion Grove Missionary Baptist Church community, ''The Mortgage Burning Party'' will be a celebration of the blessings that will continue to reward the Zion Grove Missionary Baptist Church.

TRIBUTE TO HELEN COX

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Helen Cox.

Helen Cox of Willow Springs, Missouri has been a foster parent since 1989. Throughout her tenure as a foster parent, Helen has cared for over 150 foster children. Helen has spent countless hours drying tears, rocking children to sleep, and sitting up night after night with children unable to sleep. The golden rule of doing unto others as you would have them do unto you is exemplified in Helen's home. Through patience and firmness, Helen has taught these children that household tasks, school work and other responsibilities are a part of learning how to survive and thrive in the world. The comfortable country environment, that includes the friendship and therapy of animals, has nurtured many children.

Helen recently celebrated her seventy-second birthday and was honored at a reception on December 7, 1997, by the Foster Parent Association of West Plains, Missouri. Even at the age of seventy-two, she is serving others and maintaining frequent contact with many of the children who were placed in her home. It is an honor to commend Helen for her commitment to provide a loving home for the many children she has served as a foster parent.

MESSAGES FROM THE HOUSE

At 11:55 a.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participant on the part of the House to the National Summit on Retirement Savings to fill the existing vacancy thereon: Mr. Jack Ulrich of Pennsylvania.

The message also announced that pursuant to the provisions of section 801(b) of Public Law 100–696, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission: Mr. WALSH of New York.

The message further announced that the Houses has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 118. An act to provide for the collection of data on traffic stops.

H.R. 2843, An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 3211. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

H.R. 3213. An act to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in State of Virginia, and for other purposes.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act.

At 6:03 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 395. *Resolved*, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 118. An act to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

H.R. 2843. An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons; to the Committee on Governmental Affairs.

H.R. 3211. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3213. An act to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act; to the Committee on Small Business.

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–361. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 66

Whereas, Our country is in the midst of remarkable change in the amount and the variety of information communicated across the spectrum of radio frequencies. The communications age is having an effect on all Americans. Radio frequencies are a finite resource used to handle news, information, entertainment, education, vital services, and commercial activity. Computers, cell phones, television and radio, and emergency equipment compete for access to the spectrum of radio frequencies; and

Whereas, As the federal government, through the Federal Communications Commission, allocates space on the spectrum, it is critical that local police and fire operations have enough access to handle the communications challenges of saving lives in emergency situations. This has long been a point of concern for those closest to public safety issues. The FCC last allocated channels for public safety in 1987. Since that time, the number of communications devices and capacity needs have exploded. During crisis situations, for example, heavy use of cellular phones in a disaster area can impede the lifesaving work of emergency personnel; and

Whereas, Authorities need space on the radio frequency spectrum not only for voice communications, but also for transmitting fingerprints, mugshots, medical information, and other data. Without adequate access to communications, the results in a specific incident or community will one day result in a disaster that is entirely preventable if we act wisely today; now, therefore, be it.

Resolved by the Senate, That we memorialize the Congress of the United States to ensure that pubic safety agencies are allotted sufficient access to radio frequency space; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–362. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 11

Whereas, In recognition of the fact that the maintenance of high-quality potable water is essential to safeguard the health and welfare of the nation's citizens, the federal government enacted the Safe Drinking Water Act (42 U.S.C. s.300f et al.); and

Whereas, The State of New Jersey enacted the ''Safe Drinking Water Act'' in 1977, empowering the Department of Environmental Protection to assume primary enforcement responsibility under the federal Safe Drinking Water Act, and to adopt and enforce additional State rules and regulations to purify drinking water prior to its consumption by the public; and

Whereas, It was recently discovered that the drinking water in parts of Ocean County, most notably in Toms River and Dover Township, contain a SAN trimer that is a by-product from the manufacturing of a plastic, styrene acrylonitrile copolymer, from the manufacturing of a plastic, styrene acrylonitrile copolymer, from the chemicals styrene and acrylonitrile; and

Whereas, Although acrylonitrile, through scientific analysis, has been associated with certain brain and central nervous system cancers, and styrene is listed in the federal regulations as a substance that must be tested for in public drinking water supplies, there are no drinking water standards for the various substances created when these two independently hazardous substances are combined; and

Whereas, The abnormally high incidence of cancer, especially in children, in the Toms River area of Ocean County, coupled with the identification of high levels of a potentially carcinogenic substance in that area's drinking water supply, have created an urgent need for additional action; and

Whereas, Further testing is necessary to determine the effects of the SAN trimer by-product on human health and to establish a federal standard, the exceedance of which would result in immediate remediation efforts; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House memorializes the Congress of the United States and the United States Environmental Protection Agency to establish a safe drinking water standard for the SAN trimer by-product of manufacturing processes using styrene and acrylonitrile.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of Congress elected from the State of New Jersey, the Administrator of the United States Environmental Protection Agency, the Region II Administrator of that agency, the Commissioner of the New Jersey Department of Environmental Protection, and the Commissioner of the New Jersey Department of Health and Senior Services.

POM–363. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

JOINT RESOLUTION

Whereas, the Government of the United States of America, the Government of Canada and the Government of Mexico resolved in 1993 to implement the provisions of the North American Free Trade Agreement, commonly referred to as NAFTA; and

Whereas, an objective of the North American Free Trade Agreement is to eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the parties and to promote conditions of fair competition in the free trade area; and

Whereas, despite the free trade agreement and the worldwide tendency toward more open borders, there remains a barrier gravely affecting trade along the Maine-New Brunswick border; and

Whereas, the barrier concerns the disparity created by the tax-free personal allowance exemptions of the United States and Canada. Currently, Canadians are permitted to bring $50 in American purchases back to Canada in any 24-hour period. The United States, however, allows a $200 exemption for Canadian purchases; and

Whereas, steps need to be taken to achieve parity between Maine and the Province of New Brunswick to ensure that Maine businesses are able to compete in Canada; now, therefore, be it

Resolved: That We, your Memorialists, recommend and urge the Congress of the United States to act upon the current barrier affecting trade along the Maine-New Brunswick border; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the United States Trade Representative, Charlene Barshefsky, and to each Member of the Maine Congressional Delegation.

POM–364. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

RESOLUTION

Whereas, 1998 begins on a rare note of cautious hope for Northern Ireland, as multiparty talks aimed at achieving a lasting peace in the North have recommenced; and

Whereas, the American people have a deep and abiding interest in the ongoing Northern Ireland peace process, to the extent that the current peace talks are chaired by special envoy and former U.S. Senator George Mitchell at the behest of President Clinton; and

Whereas, the Northern Ireland peace process is of particular concern to the citizens of Massachusetts, owing to the Commonwealth's unique bonds with Ireland and all 32

counties that comprise historical Ireland, forged over centuries; and

Whereas, citizens of Massachusetts and their elected representatives have an honorable tradition of speaking out against inequality and intolerance wherever they occur in the world, including South Africa, Burma, and the People's Republic of China; and

Whereas, the Massachusetts General Court and its members have long been staunch advocates for peace and justice in Northern Ireland, with Massachusetts being the first State in the Union to embrace and ratify the MacBridge Principles, a set of guidelines designed to fight job discrimination and secure economic justice for the minority citizens of Northern Ireland; and

Whereas, it is universally recognized that permanent peace in Northern Ireland must be built upon the foundation stones of equality, liberty, justice, and democracy, all basic principles embodied in such documents as the United States Constitution and Bill of Rights, in domestic and international law and treaties, and in basic concepts of fair play and equity; and

Whereas, such a blueprint for a just and equitable society now exists in the form of the Charter for Change, a document conceived by concerned citizens of Northern Ireland as a vehicle to achieve and ensure basic rights for all citizens of Northern Ireland; and

Whereas, tenets of the Charter for Change include such fundamental and necessary reforms as overhaul of the judicial system and reformulation of the police department; and

Whereas, the Charter for Change seeks a Northern Ireland where minority and majority citizens may enjoy full human rights and the fruits of their labors in an environment free from fear or reprisal, all prerequisites for ensuring that any peace agreement emerging from the current talks may be a long-lasting one: Now, therefore, be it

Resolved, That the Massachusetts Senate welcomes and endorses the Charter for Change as a democratic concept that points the way to and can be a catalyst for peace, justice, and reconciliation in Ireland, and urges the President and the Congress of the United States to join in endorsing the Charter for Change; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

POM–365. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 197

Whereas, Rapid advancement in technology and science are bringing serious challenges to conventional thinking about humankind's ability to manipulate the most basic building blocks of life. As a result, we face critical decisions on central moral questions. The application of cloning technologies holds profound implications for our society and the entire world. The 1997 news of the cloned sheep in Scotland and the recent announcement by a Chicago scientist of plans to create a cloned human being demonstrate the urgency of addressing this issue; and

Whereas, In June 1997, the National Bioethics Advisory Commission issued a series of recommendations. This group of prominent scholars, scientists, and ethicists presented a unanimous finding that it is ". . . morally unacceptable for anyone to attempt to create a child" with the technology of cloning used to create the cloned sheep known as Dolly. The President has called for implementation of the commission's recommendation, particularly its call for the enactment of legislation to prohibit cloning of human life; and

Whereas, In response to the disturbing implications of creating human beings through cloning, nineteen European nations signed an agreement to prohibit the genetic reproduction of human beings. The international community expressed deep concerns over the moral issues and the scientific implications of possible effects on the character of the human species; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–366. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Labor and Human Resources.

JOINT RESOLUTION

Whereas, the State of Maine has suffered one of the worst natural disasters in its history; and

Whereas, 800,000 people have been without power for a week or more; and

Whereas, the need for emergency assistance is growing; and

Whereas, the State of Maine is seeking every avenue of assistance possible; and

Whereas, the State of Maine is still responding to the emergency and is preparing to start the recovery process; and

Whereas, the United States Government has a $300,000,000 Low-Income Home Energy Assistance Program (LIHEAP) emergency fund set aside to ensure that unique demands for assistance be addressed in situation such as the one being experienced in the State of Maine; and

Whereas, the United States Government through its LIHEAP emergency fund assisted other states that have experienced similar disasters; and

Whereas, the State of Maine's situation is equally compelling, due to the widespread loss of electricity and severe weather; and

Whereas, the State of Maine is requesting assistance from the United States Government for its low-income households through the LIHEAP emergency fund; and

Whereas, the State of Maine requests that the United States Government act quickly so that it may make the most efficient use of the funds and can assist families that have been affected by this disaster; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge the President of the United States to release from the Low-Income Home Energy Assistance Program emergency funds to assist the citizens of Maine during their current crisis; and, be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

POM–367. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

SENATE RESOLUTION NO. 112

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The application of the Fair Labor Standards Act to recipients who are placed in jobs, whether in subsidized or unsubsidized work, is proper. Further, welfare recipients ought not be used to supplant existing workers. However, welfare recipients who are receiving training such as planned work experience, job shadowing, mentoring, and cooperative education activities and are not receiving monetary compensation are not employees of the state. They are beneficiaries who are being introduced to the world of work; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States Department of Labor ruled that a host of labor laws, regulations, and taxes apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, The Department of Labor ruling is harmful to recipients who do not receive compensation for their participation in training programs or community service. It would be much more realistic and fairer to extend an exemption to these people for a period of time not to exceed one year; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling affects recipients who do not receive compensation for their participation in training programs or community service projects. We urge that the ruling be modified to permit these recipients with an exemption for a period of time not to exceed one year; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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. GRASSLEY (for himself, Mr. BREAUX, Mr. JEFFORDS, Mr. GRAHAM, Mr. BAUCUS, and Mr. HATCH):

S. 1856. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1857. A bill for the relief of Olga, Igor, and Oleg Lyamin; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. HARKIN):

S. 1858. A bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. LUGAR):

S. 1859. A bill to correct the tariff classification on 13″ televisions; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1860. A bill to amend Section 313(p)(3) of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether (''MTBE''), a finished petroleum derivative; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1861. A bill to amend the Tariff Act of 1930 to permit duty-free sales enterprises to be located in certain areas; to the Committee on Finance.

Mr. DEWINE:

S. 1862. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 1863. A bill to suspend temporarily the duty on certain polyethylene base materials; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS:

S. Con. Res. 87. A concurrent resolution to correct the enrollment of S. 419; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. JEFFORDS, Mr. GRAHAM, Mr. BAUCUS, and Mr. HATCH):

S. 1856. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Finance.

THE ENHANCED SAVINGS OPPORTUNITY ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation that lifts the unfair limits on how much people can save in their employer's pension plan. Last year, Congress took an important first step in helping people prepare for retirement through educating the public about private savings and pensions. But education can only go so far. We also must remove the barriers that prevent working Americans from achieving a secure retirement.

Removing the barriers means taking a fresh look at some of the provisions in the Internal Revenue Code which discourage workers and employers from putting money into pension plans. One of the most burdensome provisions in the Internal Revenue Code is the 25 percent limitation contained within section 415(c). Under 415(c), total contributions by employer and employee into a defined contribution (DC) plan are limited to 25 percent of compensation or $30,000 for each participant, whichever is less. That limitation applies to all employees. If the total additions into a DC plan exceed the lesser of 25 percent or $30,000, the excess money will be subject to income taxes and a penalty in some cases.

To illustrate the need for elimination of the 25 percent limit let me use an example. Bill works for a medium size company in my home state of Iowa. His employer sponsors a 401(k) plan and a profit sharing plan to help employees save for retirement. Bill makes $25,000 a year and elects to put in 10 percent of his compensation into the 401(k) plan, which amounts to $2,500 per year. His employer will match the first 5 percent of his compensation, which comes out to be $1,250, into the 401(k) plan. Therefore, the total 401(k) contribution into Bill's account in this year is $3,750. In this same year Bill's employer determines to set aside a sufficient amount of his profits to the profit sharing plan which results in an allocation to Bill's account in the profit sharing plan the sum of $3,205. This brings the total contribution into Bill's retirement plan this year up to $6,955.

Unfortunately, because of the 25 percent of compensation limitation only $6,250 can be put into Bill's account for the year. The amount intended for Bill's account exceeds that limitation by $705. Hence, the profit sharing plan administrator must reduce the amount intended for allocation to Bill's account by $705 in order to avoid a penalty. Bill is unlikely to be able to save $705, a significant amount that would otherwise be yielding a tax deferred income which would increase the benefit Bill will receive at retirement. Bill's retirement saving is shortchanged by $705 plus the tax-deferred earnings it would have generated.

Now let us look at Irene. Irene works for the same company, but she makes $45,000 a year. She also puts in 10 percent of her compensation into the 401(k) plan, and her employer matches five percent of her salary into the account. That brings the combined contribution of Irene and her employer up to $6,750. She would also receive a contribution of $3,205 from the profit sharing plan. This brings the total contribution into Irene's pension plan for that year to $9,955. She is also subject to the 25 percent limit, but for Irene, her limit would not be reached until $11,200. She is able to put in her 10 percent, receive the five percent match and receive the full amount from the profit share because her amount doesn't exceed the limit.

Despite the fact that Bill and Irene have the same discipline to add to their pension plans and save for their retirements, Bill is penalized by the 25 percent limitation. By lifting the 25 percent limit, we can provide a higher threshold of savings for those who need it most.

Permitting additional contributions to DC plans will help women ''catch up'' on their retirement savings goals. Women are more likely to live out the last years of their retirement in poverty for a number of reasons. Women have longer lifespans, they are more likely to leave the workforce to raise children or care for elderly parents, are more likely to have to use assets to pay for long-term care for an ill spouse, and traditionally make less money than their male counterparts. Anyone who has delayed saving for retirement will get a much needed boost to their retirement savings strategy if the 25 percent limit is eliminated for employees.

Not only does this proposal help individual employees save for retirement but it also helps the many businesses, both small and large which are affected by 415(c). First, the 25 percent limitation causes equity concerns within businesses. Low and mid-salary workers do not feel as if the Code treats them equitably, when their higher-paid supervisor is permitted to save more in dollar terms in a tax-qualified pension plan.

Second, one of the primary reasons businesses offer pension plans is to reduce turnover and retain employees. Employers often supplement their 401(k) plans with generous matches or a profit-sharing plan to keep people on the job. The 415(c) limitation inhibits their ability to do that, particularly for the lower-paid workers who are unfairly affected.

Third, this legislation will ease the administrative burdens connected with the 25 percent limitation. Dollar limits are easier to track than percentage limits.

Finally, I want to placate any concerns that repealing the 25 percent limit will serve as a windfall for high-paid employees. The Code contains other limitations which provide protection against abuse. First, the Code limits the amount an employee can defer to a 401(k) plan. Under section 402(g) of the Code, workers can only defer up to $10,000 of compensation into a 401(k) plan in 1998. In addition, plans still must meet strict non-discrimination rules that ensure that benefits provided to highly-compensated employees are not overly generous.

The value to society of this proposal, if enacted, is undeniable. Increased savings in qualified retirement plans can prevent leakage, meaning the money is less likely to be spent, or cashed out as might happen in a savings account or even an IRA.

There will be those out there who recognize that this bill does not address the impact of the 415 limit for all of the plans that are subject to it. I have included language that would provide relief to 401(k) plans and 403(b)

plans, for example. Plans authorized by section 457 of the Code—used by state and local governments and non-profit organizations have not been specifically addressed. I want to assure organizations who sponsor 457 plans that I support ultimate conformity for all plans affected by the 415(c) percentage limitation. Over the next couple of weeks, I hope to work with these organizations to identify the changes that are necessary to achieve equity and simplicity for their employees. In the mean time, this is a positive step toward enhancing the retirement savings opportunities of working Americans.

We have begun to educate all Americans about the importance of saving for retirement, but if we educate and then do not give them the tools to allow people to practically apply that knowledge, we have failed in our ultimate goal to increase national savings. Let's help Americans succeed in saving for retirement. In helping them achieve their retirement goals, they help us to achieve our goal as policymakers of improving the quality of life for Americans.

I would like to thank the Profit Sharing Council of America and the many members of the Retirement Savings Network for their considerable help in championing this proposal. I ask unanimous consent that their letter of support be included in the RECORD. I also want to thank an Iowa company, IPSCO, in Camanche, Iowa, and its many employees for bringing this issue to the forefront. I ask unanimous consent to include a letter from IPSCO in the RECORD, and note that their letter was accompanied by a petition signed by nearly 200 employees. Finally, I want to extend my appreciation to Senators BREAUX, JEFFORDS, GRAHAM, and BAUCUS for co-sponsoring this important bill. I encourage all of my colleagues to give careful consideration to lending your support to this legislation.

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

MARCH 25, 1998.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

We, the undersigned organizations, commend you for introducing the Enhanced Savings Opportunity Act that repeals the Section 415(c) 25% limitation currently imposed on employees participating in defined contribution plans and pledge our support of your efforts to obtain passage.

This legislation promotes a conducive environment for expanding the savings opportunities in employer-provided retirement programs by removing one of the impediments that prevents employees, especially lower-paid employees, from taking full advantage of profit sharing, 401(k), 403(b), and other defined contribution programs. It will also decrease the burdensome testing currently imposed on plan administrators and better enable companies to take advantage of the new SIMPLE 401(k) program for small employers.

For example, the Enhanced Savings Opportunity Act will permit employees who leave and reenter the workforce, many of whom are women, to make larger contributions when they are working, in effect allowing them to ''catch up'' their contributions. It will also promote equal treatment by allowing all employees to defer up to $10,000 of their income into a 401(k) plan. Finally, the existing section 415(c) 25% limitation frequently requires that a company limit its contributions to lower-paid employees who take full advantage of the savings feature of a 401(k) plan. By modifying Section 415(c) you will permit more generous company matching and profit-sharing contributions to its employees. Similarly, your legislation will allow participants in 403(b) plans to increase savings in those plans. We appreciate your efforts to preserve equity by extending relief to 401(k), 403(b), and other types of defined contribution plans.

Again, thank you for introducing the Enhanced Savings Opportunities Act. Please feel free to call on us as you move forward to seek its enactment.

American Bankers Association, American Council of Life Insurance, American Society of Pension Actuaries, APPWP—The Benefits Association, Association for Advanced Life Underwriting, Employers Council on Flexible Compensation, The ERISA Industry Committee, Financial Executives Institute, Investment Company Institute, National Association of Manufacturers, National Employee Benefits Institute, National Rural Electric Cooperative Association, National Telephone Cooperative Association, Profit Sharing/401(k) Council of America, Securities Industry Association, Small Business Council of America, Society for Human Resource Management, Stable Value Investment Association, and United States Chamber of Commerce.

MARCH 20, 1998.

Hon. CHARLES GRASSLEY,
Washington, DC.

DEAR SENATOR GRASSLEY: Currently Code 415(c) of the IRS rules does not permit an employee to receive contributions that total more than 25% of his or her income or more than $30,000. The intent was meant to limit the contributions of highly paid executives. Defined contribution plans have become a very popular method to save for retirement, but the rules have not kept pace with the times. Now, non-executives are slighted by the rules that were designed to help them by limiting the amount that can be put away for retirement.

Since 1994 the 415(c) code has prevented IPSCO from contributing the fully allocated, pretax funds, to each employee's retirement fund. Each year several thousand dollars of pretax money, earmarked for retirement, has been disbursed as taxable income to many employees. The employee's retirement plan is short changed, because the plan cannot receive all of the funds that it should and the employee ends up with taxable earnings that were intended for retirement. Non-executive employees should not have artificial limits set on their retirement savings.

If your efforts are successful and a bill is passed to lift the percentage limits on contributions to retirement contributions this problem will be redressed.

Yours truly,

IPSCO EMPLOYEES.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. HARKIN);

S. 1858. A bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient; to the Committee on Finance.

THE WORK INCENTIVES IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, it is with great pleasure that I rise today, with my friend and colleague, Senator EDWARD KENNEDY, to introduce the Work Incentives Improvement Act of 1998.

This bill has developed over many months with the help of the disability community, the Social Security Administration, the Health Care Financing Administration and other Congressional offices to help the insurmountable health barriers to individuals who wish to work, but must remain dependent on the Social Security Disability system to continue to access needed health benefits provided by the Federal and State governments.

Mr. President, the current system has had very limited success. The benefits offered are too expensive, time limited, and offer too few health care services for the many persons with disabilities who wish to work. Currently, less than 5 percent of beneficiaries have taken advantage of this so called work incentive.

Mr. President, I have worked for more than a year with Senator KENNEDY to assess why so few SSI and SSDI beneficiaries return to work. We have found that the primary barrier is a lack of available health care coverage—this needed coverage is either unavailable or unaffordable in the private sector for those with disabilities.

Specific barriers facing individuals with disabilities who want to work include an inability to obtain affordable health insurance through Medicare. After a period of time on the current SSDI work incentives program, the individual must pay full fare—more than $370 a month. We researched how many individuals take advantage of this and would you believe, Mr. President, that out of more than 3.5 million beneficiaries, only 114 have chosen to buy in to Medicare. People with disabilities simply cannot afford the coverage over more than a short period of time.

Another barrier is that the critical services people with disabilities need are unavailable. Personal assistance services and drugs are available only through a state's Medicaid plan. SSDI beneficiaries do not have access to Medicaid unless they impoverish themselves to get it. When we looked into this we found that SSDI people who need Medicaid covered services, those so-called ''dual eligibles,'' are the fastest growing entitlement population in the government. For those SSI beneficiaries who have access to Medicaid, personal assistance services are covered in only half the states.

Mr. President, our Work Incentive Improvement Act will provide incentives for persons with disabilities to return to work and still be able to access health insurance. It will ensure that an attempt to work, or an inability to remain working, does not penalize participants for future SSDI and SSI eligibility.

Under our legislation, those SSDI applicants who want to return to work could access Medicare Part A for free. If their incomes rise above 250 percent of poverty they would buy-in based on 10 percent of earned income above 250 percent. Part B premium contributions would remain the same. They would also be able to access a new State Work Options Program that provides personal assistance services and prescription drugs to those states that chose to set one up.

Long term disabled SSDI beneficiaries who have been receiving cash benefits for more than 24 months would be eligible for Medicare A&B for the same rates as described above, the State Work Options Program, and an expanded Impairment Related Work Expense to include the cost of automobiles in areas where accessible transportation is unavailable. Such an incentive would do much to keep an individuals income below SGA, and be more likely to keep their cash benefits.

Persons with disabilities who are working under SSI's work incentive program would have access to the State Work Options Programs if they needed personal assistance services to begin working. The legislation also strengthens current State Medicaid Waiver projects that provide health services and supports to persons with disabilities who want to work.

This legislation also supports the development of demonstration projects that gradually phase out the loss of cash benefits as a worker's income rises, instead of the current cash cutoff that so many disabled persons who return to work face today.

Finally, this legislation will enable Congress to obtain the kind of information it needs to undertake more comprehensive reform of disability work incentive programs.

Mr. President, no one in this body can disagree with the idea that work is a central part of the American dream. I am committed to ensuring this Congress that we pass legislation to provide cost-effective assistance to help disabled Americans pursue a career, and the American dream.

Mr. KENNEDY. Mr. President, it is an honor to join Senator JEFFORDS and Senator HARKIN in introducing the Work Incentives Improvement Act to provide more affordable and accessible health care for persons with disabilities so they can work and live independently.

Despite the extraordinary growth and prosperity the country is enjoying today, persons with disabilities continue to struggle to live independently and become fully contributing members of their communities. We know that of the 54 million disabled people in this country, may have the capacity to work and become productive citizens, but they are unable to do so because of the unnecessary barriers they face.

We have made progress through a special education system committed to excellence in learning, and through a rehabilitation system designed to promote independent living skills. Too often, however, the goals of independence are still out of reach. Too often, disabled people are afraid that if they take jobs they will lose the medical coverage that makes such a large difference in their lives. Too often, disabled people are afraid of losing their current cash benefits if the salary they earn at work is too large. We need to do more so that the benefits of our prosperous economy are truly available to all Americans, including our fellow citizens with disabilities. We need to ensure that all disabled children and adults have access to the benefits and supports they need to achieve their full potential as American citizens.

Our long term goal is to restructure and improve existing disability programs so that they do more to encourage and support a disabled person's dream to work and live independently. That goal should be the birthright of all Americans—and when we say all, we mean all.

This bipartisan work incentive legislation will help us to remove the unfair barriers facing persons with disabilities who want to work. It will make health insurance coverage more widely available, through opportunities to buy-in to Medicare and Medicaid at an affordable rate. Social Security will be able to fund demonstration projects that gradually phase out the loss of cash benefits, instead of the arbitrary sudden cutoff that so many disabled workers face today.

Our goal is to create fair and realistic new assistance that offers greater support for disabled persons who want to work, live independently, and be productive and contributing members of their community. This bill is the right thing to do, and it is the cost effective thing to do. For too long, our fellow disabled citizens have been left out and left behind.

I commend Senator JEFFORDS and Senator HARKIN for their impressive leadership on this issue. We look forward to working with all members of Congress to help give disabled persons across the country a better opportunity to fulfill their dreams and fully participate in the social and economic mainstream of our nation.

Mr. HARKIN. Mr. President, I am pleased to be an original co-sponsor of the Work Incentives Improvement Act of 1998. I would like to thank Senator KENNEDY and JEFFORDS for all their work on this important piece of legislation. I'd also like to commend the work of their staff, Connie Garner and Chris Crowley.

Many individuals receiving SSI and SSDI want to work and are able to work. But less than ½ of 1% of these individuals leave the Social Security rolls and become self-sufficient. Clearly, there is something wrong with the system.

When we enacted the ADA, we put our nation on a new path. A path toward independence, not dependence. Toward inclusion, not exclusion. Toward empowerment, not paternalism. The ADA opened the door to employment opportunities for people with disabilities.

Today, we take another major step along that path. The Work Incentives Improvement Act removes artificial impediments faced by people with disabilities when they are ready to work. The bill offers persons with disabilities affordable and accessible health care, so that they no longer have to face the choice between working and paying taxes, on the one hand, or having access to health care benefits on the other.

In the wake of the ADA, we must now bring our other federal policies into the 1990s. This Act begins to do that. Access to health care is critical if people with disabilities are to live independently and remain self-sufficient. If we can provide a reasonable support structure for people with disabilities who can work and who want to work, then we should. It's the right thing to do.

Things usually don't get done because they are right. They get done because people stand up and take action. Now is the time to take action on this issue. If our efforts here are successful, Americans with disabilities will no longer face disincentives for working, for wanting a piece of the American dream, for remaining vital members of our society, and for reminding all of us that disabled does not mean unable.

I hope my colleagues in the Senate quickly take action on this bill, and that this bill soon becomes law.

By Mr. ROTH (for himself and Mr. LUGAR):

S. 1859: A bill to correct the tariff classification of 13″ televisions; to the Committee on Finance.

THE TECHNICAL CORRECTION ACT OF 1998

Mr. ROTH. Madam President, I rise today to introduce legislation to make a technical correction to the diagonal measurement of video displays in the Harmonized Tariff Schedule of the United States (HTSUS).

During the Uruguay Round negotiations, the United States agreed to phase down U.S. tariffs on ''13-inch'' television receivers, monitors, and picture tubes, and on combination TV/VCRs, over the period from 1995 to 1999. The tariff on receivers and monitors was to be reduced from 5 percent to zero, on picture tubes from 15 percent to 7.5 percent, and on combination TV/VCRs from 3.9 percent to zero. The ''13-inch'' designation historically has included television products whose picture tubes are approximately, but not exactly, 13 inches by diagonal measurement. The 1997 HTSUS, however, converted the diagonal picture tube measurement into 33.02 centimeters or exactly 13 inches. With the implementation of the 1997 HTSUS, the former ''13-inch'' televisions have been classified as larger than 13-inches and assessed a higher rate of duty.

I am proposing this technical correction to amend the HTSUS to allow television receivers, monitors, and picture tubes, and combination TV/VCRs with a diagonal measurement of up to ''34.29 centimeters'' (or 13.5 inches) to be classified as ''13-inches''. This action is consistent with our Uruguay Round commitments.

I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TARIFF CLASSIFICATION OF 13 INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking ''33.02 cm'' in the article description and inserting ''34.29 cm'':

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this Act apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act,

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry, and

(C) that is—

(i) unliquidated,

(ii) under protest, or

(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

By Mrs. FEINSTEIN:

S. 1861. A bill to amend the Tariff Act of 1930 to permit duty-free sales enterprises to be located in certain areas; to the Committee on Finance.

THE DUTY FREE SALES ENTERPRISES ACT AMENDMENT ACT OF 1998

Mrs. FEINSTEIN. Mr. President, in 1988, Congress passed the Duty Free Sales Enterprises Act which, among other things, gave Customs the authority to audit duty free stores to ensure compliance with laws and regulations governing import activities. The Act also permitted off-airport sites, as long as they were in within 25 miles of the airport. What happens is: tourists visit the off-airport site, buy duty-free goods and those goods are shipped to meet them when they arrive home.

When the bill was passed, audits were conducted in person by Customs inspectors. The 25-mile limit was imposed so as not to unduly burden inspectors who would otherwise have to travel great distances between stores. However, audits are no longer conducted in person; rather they are done by computer. Inspectors no longer have to travel between stores.

This legislation adds new section to the law establishing the 25-mile limit to allow exceptions if Customs is reasonably assured the goods being sold are duty free items for people leaving through international airports. All of the other regulations controlling audits and inspections are still in effect; this simply allows stores outside of the 25-mile limit.

I urge my colleagues to support this bill.

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. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting ''; or'', and

(3) by adding at the end the following new subparagraph:

''(C) the customs territory, if reasonable assurance can be provided that the purchaser of the duty-free merchandise will depart from an international airport located within the customs territory.''.

By Mr. DEWINE:

S. 1862. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Labor and Human Resources.

THE POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT

Mr. DEWINE. Mr. President, I rise today to introduce the Poison Control Center Enhancement and Awareness Act of 1998.

Mr. President, America's poison control centers do important work—and they need our help. The number of centers has been declining over the last several years. Their funding has been unstable—and this has resulted in the closing of many of them.

Poison control centers manage poisonings over the telephone, direct those that cannot be managed at home to a local hospital for treatment, provide professional and public education and training, and collect data on poisoning exposures.

Each year, more than 2 million poisonings are reported to poison control centers throughout the United States. More than 90% of these poisonings happen in the home—and over fifty percent of poisoning victims are children younger than 6 years of age.

By providing expert telephone advice to distraught parents, poisoning victims, and health care professionals, poison control centers decrease the severity of illness and prevent deaths. Let me illustrate the value of poison control centers by telling you about two similar poisoning cases that had very different outcomes.

In the first case, a 3 year old child swallowed several tablets of aspirin. His mother called the poison control center and was told to give the child syrup of Ipecac (pronounced ip-ah-kak) to make the child vomit before taking him to the emergency room. The boy was examined in the emergency room and sent home.

In the second case, another toddler swallowed several aspirin while visiting her grandmother's house. Her family was unaware that aspirin can be very dangerous for children, and did not think to call the poison control center. Nine hours later, the child started to have a seizure. When she arrived at the hospital, she was severely ill and nearly died. She spent almost two weeks in the pediatric intensive care unit.

Mr. President, I can tell you that even after eight children, it's often hard to know exactly what to do in these emergencies. In this kind of situation, poison control centers can save lives.

They are life-saving—and they are truly cost-effective public health services. For every dollar spent on poison control center services, $7 in medical costs are saved. The average cost from a poisoning exposure call is $31.28, while the average cost if other parts of the health care system are used is $932.

In spite of their obvious value, poison control centers are seriously underfunded, and the funding situation threatens to get worse. These centers have so far been financed through unstable arrangements involving a variety of public and private sources.

In Ohio, poison control centers are funded primarily by hospitals, with some funds coming from the State. Ohio's poison control centers are working together to coordinate services and consolidate resources, while they continue to look for stable funding sources.

Currently, the Federal Government provides 5% of poison control center funding, but reaps most of the cost-savings benefits from poison control center services. It is only fair that the Federal Government pay for its share of the cost burden for poison control center services. This legislation provides Federal dollars to stabilize poison control center funding and improve poison control center services. I have

tried to write this legislation so that existing private and state dollars can be leveraged, rather than displaced, by Federal funds.

Over the last two decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. In 1978, there were over 600 poison control centers; now, there are 75. This trend has jeopardized the capacity of poison control centers to provide equitable services to all Americans. As a result, more people may die, more people may be injured and the costs for treating poisonings may increase.

For example, in 1991, Louisiana closed its poison center and referred all calls to Alabama. After its closing, Louisiana found that ''the cost attributable to unnecessary emergency department visits was more than three times the amount allocated to operate the poison control center each year.'' Louisiana also found that medically treated poisonings, those treated in emergency rooms or by physicians, increased 42%. It reopened its poison control center.

My office has consulted with a number of experts on how we can best improve poison control operations on a national scale, and my legislation contains a number of their suggestions.

Here's what the bill does.

It establishes a national toll-free number to ensure that all Americans have access to poison control center services. This number is then automatically routed to the center designated to cover the caller's region. This system will improve access to poison control center services for everyone. It will also simplify efforts to educate parents and the public about what to do in the event of a poisoning exposure and how to do it quickly.

It begins a nationwide media campaign to educate the public and health care providers about poison prevention, and advertise the new, nationwide toll-free number. I've seen the great work done by some non-profit groups, and how effective their public health campaigns have been. That's what I'd like to see here.

It establishes a grant program to stabilize the funding mechanism and prevent certified regional poison control centers from closing. This program will support activities to prevent and treat poisonings; develop standard education programs; develop standard patient management protocols for commonly encountered toxic exposures; improve and expand the poison control data collection system; and improve national toxin exposure surveillance.

Mr. President, I have always been a supporter of the prevention and treatment services provided by poison control centers. As a member of the Congressional Prevention Coalition, I hope to increase awareness of this very important issue. Federal support for poison control centers will help ensure that all Americans continue to have access to quality poison control center services.

It will reduce the inappropriate use of emergency medical services and other costly health care services.

And, most importantly, it will save lives.

Mr. President, I ask unanimous consent that this statement and 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. 1862

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 ''Poison Control Center Enhancement and Awareness Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. 53 percent of poisoning victims are children younger than 6 years of age.

(2) Poison centers are life-saving and cost-effective public health services. For every dollar spent on poison control centers, $7 in medical costs are saved. The average cost of a poisoning exposure call is $31.28, while the average cost if other parts of the medical system are involved is $932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Currently, there are 75 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

SEC. 3. DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 1999 through 2001.

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $600,000 for each of the fiscal years 1999 through 2003.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

(a) REGIONAL POISON CONTROL CENTERS.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

(1) develop standard education programs;

(2) develop standard patient management protocols for commonly encountered toxic exposures;

(3) improve and expand the poison control data collection systems; and

(4) improve national toxic exposure surveillance.

(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (a) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, local or private funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is equal to not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1999 through 2001.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 775

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the

computation of capital gain net income for purposes of the earned income credit.

S. 1344

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1344, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia.

S. 1406

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1481

At the request of Mr. DEWINE, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1481, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide for continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1722

At the request of Mr. FRIST, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. COVERDELL), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Nevada (Mr. REID), the Senator from Michigan (Mr. ABRAHAM), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week.''

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1481

At the request of Mr. DEWINE the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. MACK) were added as cosponsors of amendment No. 1481 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 2081

At the request of Mr. CRAIG the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 2081 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 2082

At the request of Mr. CRAIG the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 2082 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 2083

At the request of Mrs. HUTCHISON the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 2083 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

SENATE CONCURRENT RESOLUTION 87—TO CORRECT THE ENROLLMENT OF S. 419

Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike ''1997'' and insert ''1998''.

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and insert ''1999''.

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and all that follows through ''2001'' and insert ''1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002''.

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

FEINGOLD AMENDMENT NO. 2121

Mr. FEINGOLD proposed an amendment to the bill (S. 1768) making emergency supplemental appropriations for

recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30 1998, and for other purposes; as follows:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $184,000,000: *Provided,* That of such amount, $72,500,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $22,300,000: *Provided,* That of such amount, $19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $5,100,000: *Provided,* That of such amount, $3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $10,900,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,100,000: *Provided,* That of such amount, $2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,886,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $33,272,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $21,509,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-wide'', $1,390,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for ''Operation and Maintenance, Defense-wide'', $44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further,* That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $650,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $229,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $175,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,556,000,000, to remain available until expended, of which $46,000,000, shall be available for classified programs: *Provided,* That of such amount, $1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,

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BOND (AND OTHERS) AMENDMENT NO. 2122

Mr. BOND (for himself, Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT—BLOCK GRANT FUNDS

For an additional amount for ''Community development block grants funds'', as authorized under title I of the Housing and Community Development Act of 1974, $260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided,* That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further,* That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further,* That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further,* That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further,* That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further,* That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further,* That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further,* That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of

the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BOND (AND MIKULSKI) AMENDMENT NO. 2123

Mr. BOND (for himself and Ms. MIKULSKI) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster relief'', $1,600,000,000, to remain available until expended: *Provided*, That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, that the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2124

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 29, line 20, strike ''(PANO'', and insert ''(JPANO''. At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike ''**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**'', and insert ''**PLANNING AUTHORITY.**''.

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A–2 of the Unser Middle Transportation Corrider Record of Decision prepared by the city of Albuquerque dated December 199? * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter ''the Director''), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting ''(1)'' after ''(a)'';

(C) by adding at the end the following:

''(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—''.

On page 34, line 9, strike ''DOCUMENT.—''.

On page 34, line 12, after ''Corridors','', insert ''dated October 30, 1997,''.

WELLSTONE AMENDMENTS NOS. 2125–2128

Mr. WELLSTONE proposed four amendments to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2125

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies,including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institutions that had extended such credit make a significant prior contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an

overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

GREGG AMENDMENT NO. 2129

Mr. GREGG proposed an amendment to the amendment No. 2103 proposed by Mr. FAIRCLOTH to the bill, S. 1768, supra; as follows:

At the end, add the following:

(4) EXPENDITURES FROM TRUST FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Trust Fund shall be available to the Secretary of Education for making expenditures to carry out subsection (a).

(B) RESERVATION.—

(i) IN GENERAL.—The Secretary of the Treasury shall reserve $1,000,000,000 of the amounts in the Trust Fund for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) USE.—Amounts reserved under clause (i) shall be available to the Secretary of Education, during the 5-year period beginning on the date of establishment of the Trust Fund, for use in carrying out activities under such part B.

HELMS (AND OTHERS) AMENDMENT NO. 2130

Mr. HELMS (for himself, Mr. LOTT, Mr. GRAMS, Mr. GREGG, Mr. HOLLINGS, Mr. BYRD, Mr. FAIRCLOTH, and Mr. ASHCROFT) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC __. UNITED STATES TAXPAYER SUPPORT TOWARDS INTERNATIONAL PEACE AND SECURITY.

(a) FINDINGS.—Congress finds that—

(1) 8,500 men and women from the United States Armed Forces are currently serving in and around Bosnia, and 44,200 men and women from the United States Armed Forces are currently serving in and around the Persian Gulf;

(2) the Department of Defense has spent $2,200,000,000 in fiscal year 1995, $3,300,000,000 in fiscal year 1996, and $2,973,000,000 in fiscal year 1997 for the incremental costs of implementing or supporting United Nations Security Council resolutions for which the United States received no credit at the United Nations;

(3) as of March 1, 1998, the United States Federal debt totaled $5,537,630,079,097;

(4) as of the date of enactment of this Act, the United States, according to an audit by the General Accounting Office, has spent more than $6,400,000,000 in incremental costs to the Department of Defense in and around Bosnia for which the United States received no credit at the United Nations;

(5) the President is now requesting an additional $486,900,000 for United States deployments in and around Bosnia and $1,361,400,000 for United States deployments in and around the Persian Gulf in ''emergency fiscal year 1998 supplemental funds'';

(6) those funds are in addition to the President's request for $1,020,000,000 in arrears for all assessed contributions to international organizations, including a request for $658,000,000 for United States arrears for United Nations peacekeeping operations;

(7) in response to spiraling United Nations peacekeeping costs and excessively broad mandates, the President on April 30, 1994, approved Public Law 103–236, which in section 404 limits the payment of the United States assessed contribution for any United Nations peacekeeping operation to 25 percent of the total of all assessed contributions for that operation;

(8) the United Nations continues to charge the United States for 30.4 percent of the costs of United Nations peacekeeping operations, despite Public Law 103–236;

(9) the United Nations continues to demand payment from the United States of the difference between 25 percent and 30.4 percent of bills for United Nations peacekeeping operations;

(10) United States law prohibits payment of those amounts as arrears to the United Nations, and the United States is not obligated to pay those amounts.

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

(1) United States taxpayers should be commended for their generous and unparalleled support in maintaining international peace and security through these additional contributions in support of United Nations Security Council resolutions, and that the United Nations should acknowledge publicly the financial and military support of the United States in maintaining international peace and stability;

(2) the United Nations should immediately reduce the percentage that the United States is assessed for United Nations peacekeeping operations to 25 percent to reflect United States law that limits assessments the United States will pay to support United Nations peacekeeping operations.

(c) RECOGNITION OF UNITED STATES SUPPORT.—

(1) REPORT BY THE SECURITY COUNCIL.—The President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council, requiring that the Security Council publicly report to all United Nations member states on the amount of funds the United States has spent since January 1, 1990, in implementing or supporting United Nations Security Council resolutions, as determined by the Department of Defense.

(2) DEMARCHE TO SECURITY COUNCIL MEMBERS.—The Secretary of State should issue a demarche to all member countries of the United Nations Security Council, informing them of the amount of funds, both credited and uncredited, the Department of Defense has spent since January 1, 1990, in support of United Nations Security Council resolutions.

(d) REPORT TO CONGRESS.—Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate with regard to actions taken to carry out the provisions of subsection (c).

NICKLES AMENDMENT NO. 2131

Mr. NICKLES proposed an amendment to amendment No. 2123 proposed by Mr. BOND to the bill, S. 1768, supra; as follows:

Beginning on page 1, line 5, strike everything after the word ''expended:''.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

DODD AMENDMENT NO. 2132

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code for 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

ENZI (AND OTHERS) AMENDMENT NO. 2133

Mr. ENZI (for himself, Mr. BRYAN, Mr. REID, and Mr. SESSIONS) proposed an amendment to the bill (S. 1768) supra; as follows:

At the appropriate place, insert the following:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian

tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

BUMPERS AMENDMENT NO. 2134

Mr. BUMPERS proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the fiscal year 1998 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the fiscal year 1998 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives fiscal year 1998 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the fiscal year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

ROBB AMENDMENT NO. 2135

Mr. ROBB proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

''(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

''(i) consolidation, rescheduling, reamortization, or deferral of a loan;

''(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

''(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.''.

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

''(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.''.

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

''(2) RESERVATION AND ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

''(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.''.

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.''.

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

''(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.''.

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 25, 1998, in open session, to receive testimony on the situation in the Persian Gulf.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 1998, to conduct a hearing on the re-nomination of Arthur Levitt, Jr., to be a commissioner and chairman of the Securities and Exchange Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to continue markup of S. 8, the Superfund Cleanup Acceleration Act of 1997, Wednesday, March 25, 9:30 a.m., Hearing room (SD–406).

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 25, 1998, at 10 a.m., for a hearing on the Government Secrecy Act of 1997, S. 712.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. 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 25, 1998 beginning at 9:30 a.m., until business is completed, to receive testimony on the Federal election Commission's budget authorization request for FY99.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs requests unanimous consent to hold a joint hearing with the House Committee on Veterans Affairs to receive the legislative presentations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, and the Retired Officers Association.

The hearing will be held on March 25, 1998, at 9:30 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. STEVENS. 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 25, 1998 at 3 p.m. and Thursday, March 26, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet on Wednesday, March 25, 1998, at 10 a.m., in open session, to receive testimony on Tactical Aviation Modernization.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 25, 1998, at 2:30 p.m., on 271 Application Process.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 25, 1998 at 2 p.m., to hold a hearing in Room 226, Senate Dirksen Building, on: ''The Tradition and Importance of Protecting the United States Flag.''

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 890, the Dutch John Federal Property Disposition and Assistance Act of 1997; S. 1109, a bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements; S. 1468, a bill to provide for the conveyance of one (1) acre of land from Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire substation; S. 1469, a bill to provide for the expansion of the historic community cemetery of El Rito, New Mexico, through the special designation of five acres of Carson National Forest adjacent to the cemetery; S. 1510, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; S. 1683, a bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; S. 1719, the Gallatin Land Consolidation Act of 1998; S. 1752, a bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; H.R. 1439, a bill to facilitate the sale of certain lands in Tahoe National Forest in the State of California to Placer County, California; H.R. 1663, a bill to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 1998, at 10 a.m., to hold a hearing.

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

ADDITIONAL STATEMENTS

REAUTHORIZATION OF THE CORPORATION FOR NATIONAL SERVICE

● Mr. REED. Mr. President, the New England Governors recently passed a resolution calling on Congress to adopt legislation to reauthorize the Corporation for National Service this year.

As a strong supporter of national and community service, I am heartened by the New England Governors' enthusiasm for AmeriCorps, the National Senior Service Corps, the Learn and Serve program, and other Corporation for National Service initiatives. It is my hope that the Corporation for National Service reauthorization legislation will be considered by the Senate this year.

Mr. President, I ask that the New England Governors' resolution be printed in the RECORD.

The resolution follows:

RESOLUTION NO. 140

Whereas, the citizens of New England have benefited in a variety of ways from the important contribution made by the service programs of the Corporation for National Service in partnership with the states of the region; and

Whereas, New England states have profited from the power and promise of citizen service and traditional volunteers through the efforts of 90,000 New Englanders who serve our states each day through AmeriCorps, Learn and Serve America, and the National Senior Service Corps programs of the Corporation for National Service; and

Whereas, New England states have been assisted by the Corporation for National Service programs that use service as a strategy to improve the quality of life in the region; and

Whereas, AmeriCorps members and National Senior Service Corps volunteers have improved education achievement, enhanced our environment, made our neigbhorhoods safer, and addressed other human needs; and

Whereas, the students in Learn and Serve America have been afforded the opportunity to serve their communities and reflect on the meaning of that service; and

Whereas, AmeriCorps and the other programs supported by the Corporation for National Service have provided critical resources to our states; and

Whereas, the proposed reauthorization legislation, entitled the National and Community Service Amendments Act of 1998 will devolve more authority and greater flexibility to states in the implementation of programs funded by the Corporation for National Service; and

Whereas, the existing distribution of AmeriCorps grant funds, two-thirds for AmeriCorps State and one-third for AmeriCorps National, is retained in the proposed legilation; and

Whereas, New England has benefited substantially from the law's existing allocation of state funds which redistribute one-half through formula and one-half through national competition; Now, therefore, be it *Resolved*, That the Governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, through their New England Governors' Conference, Inc., urge their respective Congressional delegations and the Congress to support the National Community Service Amendments Act of 1998, reauthorizing the Corporation for National Service, to support the bill's devolution provisions that add authority and flexibility to states and state commissions, to support the bill's directives that AmeriCorps State funds provide Governor-appointed state commissions more control over program selection, and particularly to support the bill's continuation of the existing 50/50 state funds disitribution division between formula and nationally competitive AmeriCorps grant funds.

Adoption certified by the New England Governors' Conference, Inc. on February 24, 1998.●

TRIBUTE TO DR. JOHN R. KREICK AS HE RETIRES FROM SANDERS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dr. John R. Kreick as he retires from Sanders after a distinguished 28-year career. I commend and admire his dedication and commitment to the defense industry, the community and the employees of Sanders.

John joined Sanders in 1969, after receiving his doctorate in theoretical physics as a research physicist. He proceeded to manage and direct the development and production of infrared countermeasure systems that are

today deployed on U.S. and allied helicopters and fixed-wing aircraft around the world. John moved up to technical director for the Sanders Defense and Information Systems Division in 1983 and was then promoted to vice president and chief engineer for the division that same year. He was named vice president of the company's airborne countermeasures product line in the Electronic Warfare Division in 1984 and was named President in 1988.

John is nationally recognized as a leader in the electronic warfare field. He was honored in 1995 by Aviation Week magazine with the Aerospace Laurels Award and he holds a gold medal award from the Electronic Warfare Association.

As Chairman of the U.S. Senate Strategic Forces Subcommittee, I have witnessed firsthand John's contributions to our national defense and how his efforts have helped protect American lives. Our rights to ''life, liberty and the pursuit of happiness'' are safer today because of John's leadership.

I have had the pleasure of John's friendship and mutual respect for the past 13 years. I wish John, Carole and his family much happiness in his retirement and I know he will enjoy his free time skiing mid-week in the White Mountains. John Kreick, best wishes and Godspeed. It is an honor to represent you in the U.S. Senate.●

BATAAN DEATH MARCH

● Mr. REID. Mr. President, during the early days of World War II, General MacArthur withdrew his forces from Luzon to the Bataan Peninsula. These forces were responsible for delaying the Japanese timetable for conquest by four months and for keeping the Japanese forces tied up in the Philippines. After four months of fighting, the combined American and Filipino forces were forced to surrender. Many perished in the fight, those that survived were in poor health or were wounded.

Following the surrender of forces in April 1942, the Japanese marched the 70,000 prisoners the length of the Bataan peninsula to prisoner of war camps. It is estimated that more than 10,000 perished during the Death March.

The tragedy and horror of the Death March is almost impossible to imagine. The prisoners were marched with little food and water from the southern end of the Bataan Peninsula to San Fernando, a total of 55 miles. From San Fernando, the prisoners were taken by rail to Capas where they were marched the final eight miles to Camp O'Donnell. Many of the prisoners were weakened from disease and from months of fighting. Those that fell behind were beaten badly by the Japanese troops—a prisoner unable to get up was often executed on the spot. Two out of every three Americans who fought at Battan failed to return home, having either died in battle, during the Death March, or in prison camps.

This week, 80 survivors of the Bataan Death March are meeting in Reno, Nevada for the American Defenders of Bataan & Corregidor Western Chapter Convention. I want to take this opportunity to recognize some of the heroic veterans who were part of MacArthur's army which held off the numerically superior Japanese forces on the Bataan Peninsula for four long months. These heroes not only survived the horrific battle and the subsequent Death March, but also endured internment in POW camps in the Philippines, Manchuria, Korea, and Japan.

Several of the Bataan Death March survivors attending the convention are from my home state of Nevada. I'd like to recognize these veterans in the RECORD: Arthur Bartholf, Bill R. Black, John Bowler, Richard Breslin, Raymond Cavellaro, Chesley H. Irvin, Ralph Levenberg Donald McDougall, Patrick E. Morris, Manuel Navarez, Douglas Northam, Tomas Pagaliluan, John D. Pasini, John Perkowski, Steve Rogers, George Small, Karl D. Tobey. There will also be survivors from California, Arizona, Oregon and Washington at the convention this week.

Mr. President, I speak for myself, for everyone here in the Senate, and for all Nevada citizens, I am deeply appreciative for the sacrifices these heroic men made who survived such horrific circumstances surrounding the Bataan Death March. I know this is a debt which we can never completely repay, but nonetheless it is so important to say—Thank you for your dedication and devotion to protecting our freedom and liberty.●

DISASTER ASSISTANCE TO ROCKINGHAM COUNTY, NORTH CAROLINA

● Mr. FAIRCLOTH. Mr. President, North Carolina suffered a great tragedy last Friday. In less than a moment, without any time for warning, two communities in Rockingham County were hit by powerful tornadoes that left two dead, nearly 30 injured, and indescribable destruction in their wakes.

The good people of Stoneville and Mayodan have pulled together and have already set about the difficult job of picking up the pieces and rebuilding their communities. Homes and businesses are being put back together. Roads, fields, and streams are being cleared of trees and debris.

Speaking for the state and Rockingham County, Mr. President, we are thankful for the federal disaster declaration, which came so quickly, and permitted the Federal Emergency Management Agency, and all the agencies and volunteer organizations to come to the scene so soon after disaster struck. And I have confidence that appropriate federal aid will continue.

Mr. President, I have been assured that funding in this Emergency Supplemental Appropriation will be used for recovery in Rockingham County. Further, I have a letter from Director James L. Witt indicating that FEMA has adequate funding for its emergency response and recovery activities for this disaster. This federal help, combined with state and local resources, is exactly what is needed. I ask that Director Witt's letter be printed in the RECORD.

I offer my deepest sympathy to the families and loved-ones of those who perished in this disaster. They will be greatly missed. And, I wish a speedy recovery to those injured, with the hope that they will soon be able to join their communities in the rebuilding efforts.

The letter follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, March 25, 1998.

Hon. LAUCH FAIRCLOTH,
U.S. Senate, Washington, DC

DEAR SENATOR FAIRCLOTH: This is in response to your question regarding the Federal Emergency Management Agency's (FEMA) Disaster Assistance Program funding. I can assure you that our Agency has adequate funding to carry out eligible emergency response and recovery activities for Rockingham County, NC, after last week's devastating tornadoes.

As you know, the President declared Rockingham County a Federal Disaster area on Sunday during my visit there. We are already serving citizens under our Individual Assistance program. In addition, we are awaiting the results of the States' Preliminary Damage Assessments to determine the need for Public Assistance. As soon as that information is collected and submitted to FEMA, we will review it and make a determination as appropriate.

We appreciate your interest in FEMA's Disaster Assistance programs and are standing by to offer North Carolinians assistance. If you have any further questions, please have a member of your staff contact our Office of Congressional and Legislative Affairs at (202) 646–4500.

Sincerely,

JAMES L. WITT,
Director.●

FCC REPORT ON SCHOOLS AND LIBRARIES

● Mr. HOLLINGS. Mr. President, the Appropriations Supplemental contains a provision sponsored by myself, the Appropriations Committee Chairman, Senator STEVENS, and the Commerce Committee Chairman, Senator MCCAIN, requiring the Federal Communications Commission (FCC) to submit a report to Congress by May 8, 1998.

My provision requires the FCC to do several things. First, it directs the FCC to cure the defects found by the General Accounting Office (GAO) in the program's administrative structure. The GAO found that the FCC's implementation of schools/libraries program violated the Government Corporations Control Act (GCCA) in setting up independent corporations to administer the schools/libraries program. Mr. President, when the Congress wants to establish a separate corporation to administer a program it does so. That's why Congress set up the Corporation for Public Broadcasting. The FCC does not have such unilateral authority to go creating a corporation because it wants to.

The report also asks detailed questions about how much money will be

needed to fund the program and how the FCC intends to collect the money. The goal is to administer the program without raising telephone rates. Therefore, the report asks detailed questions that are necessary to put the FCC on record to justify the cost of the program. The FCC made commitments to Congress that schools/libraries program would not raise rates and I intend to ensure that the agency keeps its word. If the FCC does not deliver on its commitments to protect consumers from rate increases, Congress will step in and make the FCC accountable.

Finally, my amendment also directs the FCC to cap the salary of the program's administrator at a government salary—as opposed to the $250,000 salary the FCC set up. I support the program but the Congress must take measures such as these to ensure that the agency administers the law and policy that the Congress adopts. It is not the FCC's job to adopt policies which exceed the authority given to it by the Congress.●

COMMEMORATION OF GREEK INDEPENDENCE

● Mr. REED. Mr. President, I rise to commemorate the 177th Anniversary of the beginning of the revolution that won Greece's independence from the Ottoman Empire. I was proud to join with fifty-one of my colleagues in sponsoring Senate Resolution 171 which designates today ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

The strong ties between the United States and Greece extend back to the birth of this nation. Indeed, the Founding Fathers looked to the principles formulated by the Greek philosophers when composing the governing documents of the United States. As Thomas Jefferson stated, ''to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness.'' America owes much to the Greeks for all they have given us, then and now.

The Greeks have been members of my state's communities for over one hundred years. Over 6,000 residents of Rhode Island claimed Greek heritage in the last Census. When they first came to the state they worked in the factories and on the shores. Today, the descendants of these first immigrants continue to prosper and enrich the state and rest of the country through their contributions to banking, medicine, the tourism industry and the arts.

Although today we commemorate the Greek victory over 400 years of domination by the Ottoman Empire, we must also remember that Greece is still not able to celebrate complete peace and freedom. Almost twenty-four years ago, Turkey invaded Cyprus and today 35,000 troops continue to occupy over 40% of the island and inflict human rights abuses on the 660,000 Cypriots. Recently, I was proud to sign on as a cosponsor of a concurrent resolution which calls for the U.S. to encourage the end of restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus. We must continue to work to resolve the Cyprus problem and reduce the tensions that exist between Greece and Turkey.

But, for today, let us celebrate the anniversary of Greek Independence, the richness of the Greek heritage and the legacy of democracy that country gave to the world.●

IN RECOGNITION OF ALDO VAGNOZZI

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a good friend from my home state of Michigan, Mr. Aldo Vagnozzi. Aldo is retiring after a long and distinguished career as a journalist for labor publications.

In 1948, Aldo Vagnozzi began his career in journalism as a Senior at Wayne State University, writing for the Michigan CIO News. He became editor of the Michigan AFL-CIO News, and served in that position until 1968, when he joined the Detroit Labor News. By 1970, Aldo was already considered a legend by many of his fellow labor journalists for the way in which he kept the labor community informed about news affecting the working people of Michigan. One of his colleagues is quoted in the Detroit Labor News as saying ''The movement for worker rights and justice has been immeasurably strengthened by his dedication to his craft and his talents as a labor journalist.''

Although he is retiring after 50 years of work, that does not mean that Aldo Vagnozzi's commitment to the people of Michigan is also coming to an end. In early May, he will participate in the Michigan Labor Press Conference, where he will share with other labor editors and writers some of the insights he gained throughout his career. And Aldo will also continue his leadership in the public service arena as well. His strong principles and beliefs have earned him the support of people from all walks of life and political persuasions in his home city of Farmington Hills, Michigan, where he serves as the first directly elected mayor in history.

Mr. President, throughout his 50 years in journalism, Aldo Vagnozzi has used the power of the written word to advance the cause of workers' rights, safety and justice. I know my colleagues will join me in saluting Aldo for his exceptional career and in wishing him well in his retirement.●

ORDER OF PRECEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask to be recognized in morning business.

The PRESIDING OFFICER. The Senator is recognized.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I come to the floor of the Senate to speak of the tragedy which occurred in Jonesboro, AR, yesterday. News reports tell us that two boys, aged 11 and 13, dressed in camouflage, opened fire on the students and teachers of the West Side Middle School. Four children were killed, and a teacher who tried to shield other children also lost her life.

This tragedy did not occur in my home State of Illinois, but, sadly, it could have. Gun violence on children has become so common in America that kids killed in drive-by shootings are no longer lead stories on the national news. We are jarred into the harsh reality of modern American violence only when there is something unusual about the gun violence on children: the number of victims, the setting, or the perpetrators.

In Jonesboro, AR, five victims at a peaceful school, dead at the hands of other children with guns, have caught the national attention for at least a moment. News stories headline the tragedy. This evening's news begins with long features about what this means. Today, from Africa, President Clinton calls on Attorney General Reno to investigate. Parents across America pause for a heartbeat to wonder, ''Can it happen to my child? Can it happen at my child's school?''

Sadly it can and it does.

I hope that America is not so careless or so inattentive not to take a moment and reflect on what is happening with these terrible crimes. Sadly, this is not the first or only instance when this has occurred. On December 1 of last year, a young boy opened fire on a student prayer circle in the hallway in Heath High School in West Paducah, KY. Three students were killed, five others wounded. A 14-year-old student, described as small and emotionally immature, was arrested.

Two months earlier, a 16-year-old outcast in Pearl, MI, was accused of killing his mother, then going to school and shooting nine students. Two of them died, including the boy's ex-girlfriend. Authorities later accused six friends of conspiracy, saying the suspects were part of a group that dabbled in satanism.

Closer to here, a sniper who holed up in the woods wounded two students December 15 outside a school in the southwestern Arkansas town of Stamps. The two, both wounded in the hip, were hospitalized overnight. A 14-year-old boy was arrested in the manhunt.

And now the news reports to us what was confiscated as being in their possession. Mr. President, listen to what was confiscated in the possession of these two boys, 11 and 13, who opened gunfire at this Jonesboro school: three rifles, three revolvers, two semiautomatic pistols, two derringers, and 3,000 rounds of ammunition.

It is interesting when foreign visitors come to the United States and reflect

on the great American culture and on our values, how many of them that I have entertained in Illinois or in Washington comment about the love affair America has with guns. They are puzzled—what is it about this great Nation that would allow so many people to own so many guns and so many to be used recklessly, causing such violent crime and death on a daily basis?

There are some things that are being done about it on a State basis that we should reflect on at this moment. Some States have decided that adults in possession of firearms have a responsibility to possess those firearms in a way that is safe and that protects members of their family as well as others from coming into contact with the firearms.

I recall a story that came about at a recent family reunion, because in my family in Illinois there are many gunowners. One of them was talking about the fact that one of my relatives, he was a father of a young boy, but he had his guns safely locked away, that that little boy could never get to those guns. And another older man in the family said, ''Yes, I know, that's how I used to do it. I'd lock them away and my son could never find them.'' But his son was sitting there and he said, ''Dad, I got into those guns all kinds of times.'' Guns and Christmas presents are going to be discovered by kids. And if they can be discovered, tragedy can happen.

So a number of States have decided to do something about it. They have assigned responsibility to the adults involved and said that they must be careful. If you want to own a handgun, a pistol, a rifle, a shotgun, you must own it responsibly so that gun does not become a weapon of violence and death and some innocent victim result.

Listen to what is happening in America with gun crimes:

The rate of firearm-related deaths among American children is 15 times greater than that in 25 other industrialized countries combined.

In a 1-year period, 86 percent of all gun-related deaths in the industrialized world occurred in the United States of America.

Every day in my home State of Illinois, a child is killed by gun violence.

At least one child in Illinois every month is unintentionally killed as a result of a gun accident.

In 1993, the Department of Justice issued a report that concluded street gang violence in Chicago is becoming increasingly lethal, primarily because of escalating gang firepower.

We took a survey for 1 month in the State of Illinois of gun crimes involving children. In 1 month in 1996 in a Chicago suburb, 15-year-old Ronald Walker was shot in the head as he left a grocery store.

That same month, police had to rush two 7-year-old boys, Donnell Ross and Kenyon Pope, to Cook County Hospital when they wounded each other while playing with a .38 pistol found in their apartment. One of the boys was shot in the chest.

Earlier in the same week that Donnell and Kenyon were shot, an 18-year-old boy handed a 9-year-old boy a loaded gun and told him the safety was on. It wasn't. That 9-year-old pulled the trigger. He shot 15-year-old Theunco Bell in the throat.

A day before that incident, a 10- and 12-year-old were playing with a gun. It went off and killed the 10-year-old whose name was Michael Fuller.

As former staff physician at Cook County Hospital said:

> Whether intentional or unintentional . . . children have access to guns. Children are naturally curious, and a gun can be a very sexy toy for them.

So what can we do? Can we watch in horror as the stories come to us from Chicago, from Jonesboro, from Kentucky, from Mississippi? Can we lament the horror that has been visited on these children, their families, their teachers and the whole community? Can we say that this is just part of the price of doing business in America today, or do we act? Do we decide as a nation that it is time for us to come to grips with this challenge, to accept the reality that people, if they are to own guns, must own them responsibly?

Senator KOHL of Wisconsin has trigger-lock legislation, which I support, which would reduce the likelihood of gun violence among children and, as I mentioned, many States have passed legislation imposing responsibilities on gun owners so that they not let these guns go into the hands of children.

Are these laws in the States effective? Well, as a matter of fact, a study published in October in the Journal of the American Medical Association makes clear that children's lives have been saved when States have required gun owners to make guns inaccessible to children. The study found that accidental shooting deaths were reduced by 23 percent in States that passed child access prevention gun laws.

Mr. President, I will be preparing legislation to federalize child access prevention gun laws. There is no reason why every child in America shouldn't be protected at least in some small way by assuming that every owner of a gun has to own it responsibly, keep it in a safe manner, keep it in a way where it cannot be accessed by children.

I know this won't put an end to gun violence. There is just too much of it going on in America. But, in fact, it may slow down the carnage and it may reduce the horror of the stories that we heard just this evening and last night from Jonesboro, AR. As we reflect on these four children and their teacher and this terrible tragedy, keep in mind that gun violence every day claims the lives of children and adults alike across America, black and white and Hispanic. It is a scourge, a scourge on those who live not only in big cities but in small towns.

I hope that my colleagues on a bipartisan basis will join me in this effort to reduce the incidence of gun violence. I also hope that this tragedy in Jonesboro, AR, will inspire us to do it and do it quickly. I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, I will just take a few moments of time to revisit the proposal of the Senator from Oklahoma, Senator NICKLES, to strike the funding that would be available under this legislation to implement the Kassebaum-Kennedy bill. According to GAO that legislation benefited some 25 million Americans who change or lose their job every year and could face preexisting condition exclusions or denial of coverage. That legislation passed 100–0 in the Senate; the conference report passed 98 to 0.

We know there are gaps in terms of the implementation for providing these critical protections to those in the disability community and really for any American who has a condition that could make it difficult for them to get or keep insurance. HCFA asked the Appropriations Committee to reallocate resources to give them the ability to hire the necessary skilled staff, primarily with expertise in the insurance business, who would be able to assist them to carry forward these protections for the disabled community, the mental health community, and for all Americans. That is very, very important, Mr. President. We had some debate and discussion about this earlier today.

At this time, I want to read into the RECORD a very fine letter from Nancy-Ann Min DeParle, who is the head of HCFA. She writes:

> DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 billion and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently, 5 states are not implementing HIPAA. HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.
>
> Moreover, we understand that as many as 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because states are not required to notify HCFA about their intentions to implement these two laws. In addition, we believe that many states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of creditable coverage. Moreover, HCFA also has enforcement authority over non-Federal governmental plans.

Mr. President, I ask unanimous consent to have printed in the RECORD this

letter from Nancy-Ann Min DeParle, Administrator of HCFA.

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

DEPARTMENT OF
HEALTH & HUMAN SERVICES,
Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 million and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently 5 states are not implementing HIPAA (CA, RI, MI, MA, MO). HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.

Moreover, we understand that as many 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because States are not required to notify HCFA about their intention to implement these two laws. In addition, we believe that many other states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of crediable coverage. Moreover, HCFA also has enforcement authority over non-federal governmental plans (e.g., state and local governments).

Sincerely,

NANCY-ANN MIN DEPARLE.

Mr. KENNEDY. Mr. President, I will also have printed in the RECORD the various letters that support our position in opposition to the Nickles amendment:

Families USA hopes that the Nickles amendment will be defeated;

The Consortium for Citizens with Disabilities, more than 20 different organizations that have been in the vanguard of protecting and advancing the cause of those disabled Americans. They are in strong opposition to the Nickles amendment;

The National Alliance for the Mentally Ill is in strong opposition to the Nickles amendment.

These are only some of the organizations, but they represent the leading organizations that have over the past years been the most involved and active in protecting the rights of the disabled and of consumers—all in opposition to the Nickles amendment. We are not talking about adding more money. We are talking about reprogramming existing money.

I ask unanimous consent that those letters be printed in the RECORD.

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

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
March 25, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Consortium for Citizens with Disabilities, which represents almost 100 national disability organizations, strongly opposes the Nickles' Amendment which would deprive the Health Care Financing Administration (HCFA) of sufficient funds to enforce the Health Insurance Portability and Accountability Act (P.L. 104–191). The HIPPA legislation—also known as the Kassebaum-Kennedy Act—is a stellar example of bipartisan legislation that would benefit individuals of all ages, including people with disabilities.

The provisions in HIPPA related to pre-existing condition exclusions and portability of health insurance are working to open the doors to many individuals with disabilities and their families who could not previously access appropriate health insurance or who were imprisoned by ''job lock''.

We urge all Senators to oppose the Nickles' Amendment.

Sincerely,

The Arc; National Association of Protection and Advocacy Systems; National Easter Seal Society; American Association on Mental Retardation; Association for Persons in Supported Employment; LDA, the Learning Disabilities Association of America; RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America; National Alliance for the Mentally Ill; Bazelon Center for Mental Health Law; NISH; Paralyzed Veterans of America; Inter-National Association of Business, Industry & Rehabilitation; Council for Exceptional Children; National Association of Developmental Disabilities Councils; United Cerebral Palsy Association; American Congress of Community Supports and Employment Services; American Network of Community Options and Resources; National Association of People with AIDS; Center for Disability and Health.

DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND, INC.,
March 25, 1998.

Senator EDWARD M. KENNEDY,
Russell Senate Building
Washington, DC.

DEAR SENATOR KENNEDY: The Disability Rights Education and Defense Fund (DREDF) strongly opposes the Nickles Amendment to S. 1716, the Emergency Supplemental Appropriations Bill.

Passage of the Nickles Amendment would stop the civil rights protections guaranteed by the Health Insurance Portability and Accountability Act (PL 105–191) and the only accountability left would be the fox guarding the chickens.

Without these provisions in HIPPA, the doors to health insurance for millions of people with disabilities will be forever locked.

Please, as you have done so many times before, oppose the Nickles Amendment and open the doors to employment, vote no on the Nickles Amendment.

Sincerely,

PATRISHA WRIGHT,
Director of Governmental Affairs.

NATIONAL ALLIANCE FOR THE
MENTALLY ILL,
Arlington, VA, March 25, 1998.

Senator EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: As you know, the National Alliance for the Mentally Ill (NAMI) has been a leading voice in advocating for parity coverage in health insurance policies for people who suffer from schizophrenia, manic-depressive illness or other severe mental illnesses. Enactment of the Domenici-Wellstone Mental Health Parity Act of 1996 was a significant but incomplete step towards ending pervasive discrimination against people with these severe brain disorders in health insurance and other aspects of their lives.

Because of the importance we attach to parity and other protections for vulnerable consumers in health care, we have been concerned that the Health Care Financing Administration (HCFA) may not have sufficient resources to carry out adequately its important role in enforcing mental health parity and other consumer protections embedded in the Health Insurance Portability and Accountability Act (HIPAA). Consequently, on behalf of NAMI's 172,000 members nationwide, I am writing to express my strong appreciation of your leadership in advocating for adequate funding to support HCFA's enforcement responsibilities under HIPAA. We stand ready to work with you and HCFA to ensure that the mental health parity provisions and other consumer protections contained in HIPAA are aggressively and effectively enforced.

Please do not hesitate to call upon us if we can provide further assistance to you on this important effort.

Sincerely,

LAURIE M. FLYNN,
Executive Director.

CONSUMERS UNION,
Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
Ranking Minority Member, Committee on Labor & Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are writing in opposition to the Nickles' amendment which would strip $16 million allocated to enforcement efforts by the Department of Health and Human Services of the Health Insurance Portability and Accountability Act (HIPAA).

As you know, HIPAA was enacted in 1996 to help make health insurance more accessible to people who lose their employment-based coverage. Implementation is still at its early stages. The legislation spells out important functions for the Department of Health and Human Services. In addition, several states (including California) have opted for federal enforcement instead of state enforcement. This necessitates federal funding level to ensure that consumers in these states are protected by the legislation.

Only through adequate funding, will people with pre-existing health conditions be assured they can change jobs without facing new pre-existing condition exclusions from coverage. Only through adequate funding, will people who leave group coverage for the individual market be assured that health insurance will be accessible to them.

Consumers Union urges the Senate to oppose the Nickles' amendment.

Sincerely,

GAIL SHEARER,
Director, Health Policy Analysis.

ADRIENNE MITCHEM,
Legislative Counsel.

FAMILIES USA FOUNDATION,
Washington, DC, March 25, 1998.

Senator KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Families USA supports the Administration's request for supplemental enforcement money for the ''Health Insurance Portability and Accountability Act of 1996.''

HIPAA provides needed protection to Americans who otherwise could not purchase health insurance when they change or lose jobs. Approximately one in four Americans are caught in ''job lock,'' afraid to change jobs or start their own businesses because of preexisting conditions that could prevent them from obtaining new health insurance coverage. Americans like these who lose their jobs involuntarily often find themselves in an even more serious predicament: They join the growing number of individuals without health insurance coverage.

Implementing HIPAA requires the Health Care Financing Administration to assume new responsibilities. If HCFA lacks the resources to carry out its duties, HIPAA is meaningless. Without the funds to enforce HIPAA, millions of Americans will be deprived of these important protections. Therefore, we urge the defeat of the Nickles Amendment to strike the President's request for HIPAA enforcement funds.

Sincerely yours,

RON POLLACK,
Executive Director.

Mr. KENNEDY. Mr. President, I will also mention a direct quote from the testimony of the National Association of Insurance Commissioners. They are the State commissioners. They appeared before the Ways and Means Committee last September. When they were talking about enacting HIPAA——

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

Mr. KENNEDY. I ask unanimous consent for 5 more minutes.

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

Mr. KENNEDY. Mr. President, this is the exact quote:

Moreover, in enacting HIPAA, Congress may not have anticipated that certain States would choose not to implement and enforce its provisions and would instead place that responsibility in the hands of the federal government. This is now the situation in Missouri, Rhode Island and California. The Federal Government has new and significant responsibilities to protect consumers in these States. Fulfilling these responsibilities will require significant Federal resources.

This is not HCFA, this is not the Senator from Massachusetts. These are the commissioners of the States that have indicated that HCFA would need additional funding to make sure that the Kassebaum-Kennedy legislation to protect portability for those individuals who have preexisting conditions would be implemented.

Wisely, the chairman of our committee asked the GAO to do a report on how this program was going. The GAO report made the recommendations which the Appropriations Committee has followed in terms of the allocation of resources. It is only $16 million, Mr. President—and the most important aspect of that provision is the $6 million which HCFA has related to the enforcement provisions. The others, I think, are desirable to make the program of Administration proceed more efficiently, effectively. We are going to be faced tomorrow, or at least sometime, with the amendment of the Senator from Oklahoma to effectively wipe out that Federal enforcement.

Mr. President, I think that is unacceptable. That is unacceptable.

I have in my hand—and I will get into this more tomorrow—but the National Association of Insurance Commissioners, as of December 3, 1997, indicated that 30 States have failed to implement the mental health provisions. Thirty States as of December have failed to implement the mental health protections.

We were arguing out here, debating whether they had, and Senator NICKLES said, ''Oh, they have implemented.'' We have the GAO report and through the afternoon we have been able to come up with this information, Mr. President.

What about the maternity provisions? Remember we had the drive-by deliveries just a few years ago where expectant mothers were in the hospital for 24 hours and then out the door they went and the tragedies that ensued. We took action in order to protect those mothers.

Through the legislative process, that became a part of the HIPAA program. We find out that, with regard to the States that have not enacted the provisions in terms of protecting mothers, eight States have not provided those protections—eight States. Eight States have not done that.

We were all around here at the time, Republicans and Democrats alike, commending ourselves about how we enforced that and protected the mothers, and we have this. The list goes on. We will have more of a chance to go into this in greater detail on the morrow.

But I hope that our colleagues will at least take the time to review the excellent letters that have been sent to them this afternoon that indicate strong opposition to the Nickles amendment by the leaders in the mental health community, in the disability community, as well as in other groups that are most affected. We will have others to refer to tomorrow, Mr. President.

I hope that we will, if we are serious about this issue—and I believe that we are—at least give the opportunity for the enforcement of these rights and protecting these families from the kinds of discrimination which has taken place.

I will go through tomorrow again briefly some of these stories, real life stories with real life families that had some tragic experiences that motivated us into making this change with Senator Kassebaum. I will go through those tomorrow, Mr. President. We were trying to remedy the kinds of harsh experiences that took place and devastatingly wiped out different families. I will have an opportunity to go through them in some detail on tomorrow.

So, Mr. President, we are looking forward to the continued debate on this issue. This is a very, very important matter. We are not going to take it lightly. We are all in favor of moving this legislation forward and having a final conclusion, but not with this unacceptable amendment that would break the promise we have made to millions of American families.

I thank the Chair and yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CORRECTING ENROLLMENT OF S. 419

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 87 submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) to correct the enrollment of S. 419.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 87) was agreed to as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike ''1997'' and insert ''1998''.

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and insert ''1999''.

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and all that follows through ''2001'' and insert ''1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002''.

ORDER FOR STAR PRINT—S. 1638

Mr. ENZI. Mr. President, I ask unanimous consent that S. 1638 be star printed with the changes now at the desk.

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

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on

Thursday, March 26, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

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

Mr. ENZI. Mr. President, I further ask unanimous consent that the vote occur on or in relation to the Enzi amendment at 10:50 a.m.

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

PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will resume consideration of the emergency supplemental appropriations bill with the 50 minutes remaining on the Enzi amendment to begin at 10 a.m. Following the vote on that amendment, the leader anticipates final action on the IMF amendment No. 2100, which would therefore leave the Nickles HCFA amendment and the others on the leader's list as the only outstanding issues remaining before the concluding action on the emergency supplemental appropriations bill.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed and could occur at a time to be determined by the majority leader if an agreement cannot be reached. As always, all Members will be notified as to when that vote will occur. It is still hoped that an agreement can be worked out.

Also, the Senate can be expected to consider the Mexico decertification bill, which under the statute has a limitation of 10 hours. Therefore, votes will occur throughout Thursday's session of the Senate, with the first vote occurring at 10:50 a.m. on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Thursday, March 26, 1998, at 9:30 a.m.