By Mr. BENNETT (for himself, Mr. DODD, Mr. MOYNIHAN, Mr. KOHL, and Mr. ROBB) (request): S. 2392. A bill to encourage the disclosure and exchange of information about processing problems and related matters in connection with the transition to the Year 2000, to the Committee on the Judiciary.

S. 2393. A bill to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources; read the second time.

By Mr. ROTH (for himself and Mr. MOYNIHAN) (request): S. 2394. A bill to amend section 334 of the Uruguay Round Agreements Act to clarify the rules of origin with respect to certain textile products; 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. BOND (for himself, Mr. MURKOWSKI, Mr. LEVIN, Mr. MOYNIHAN, Mr. BYRD, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Ms. LEVINSON, Ms. MIKULSKI, Ms. MOSLEY-BAUM, Mr. DEWINE, Mr. FAIRCLOTH, Mr. SPECTER, Mr. BROWN, and Mr. COCHRAN):

S. Res. 260. A resolution expressing the sense of the Senate that the government of the United States should place priority on fostering of the Senate that the government of the United States should place priority on fostering the development of agriculture and trade, and the economic development of the rural areas of the United States.

By Mr. BROWNBACK:

S. Res. 261. A resolution requiring the privatization of the Senate barber and beauty shops and the Senate restaurants; to the Committee on Rules and Administration.

By Mr. ROTH (for himself and Mr. BINGAMAN):

S. Res. 262. A resolution to state the sense of the Senate that the government of the United States should place priority on formulating a comprehensive and strategic policy for the United States with respect to the United States' participation in the World Trade Organization.

By Mr. WARNER:

S. Res. 263. A resolution to authorize the payment of expenses of representatives of the Senate attending the funeral of a Senator, considered and agreed to.

By Mr. LOTT:

S. Con. Res. 114. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. WARNER:

S. Con. Res. 115. A concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capital" as a Senate document; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for Mr. LOTT (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. BURNS, Mr. TAYLOR, Mr. SHELBY, Mr. SESONS, and Mr. THOMAS)):

S. 2371. A bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers; to the Committee on Finance.

FAMILY INVESTMENT AND RURAL SAVINGS TAX ACT

Mr. GRASSLEY. Mr. President, today several of us are here to support the Family Investment and Rural Savings Tax Act of 1998. As I said at the outset, there are some genuine problems in the agricultural community. Some parts of the country are experiencing problems that are worse than we are seeing in my own State of Iowa. We can offer reforms that address short-term and long-term needs.

To address short-term needs and help give farmers that extra support that some will need to get through this year, I have joined with several of my colleagues in supporting legislation that will speed up transition payments, payments that would be made during 1999 and could, upon election by individual farmers, be taken in 1998. In my State of Iowa, that will bring 36 cents per bushel into the farmer's income in 1998 that would otherwise not be there.

But the focus of this legislation which I am speaking about today, the FIRST Act, is to address long-term need, because when farmers are described to you, advancing the transition payments, is obviously a short-term solution.

What we are saying is that we must ensure economic stability for everyone first through the transition proposition I described, and then we must help our farmers plan for the future.

This measure takes a three-prong approach to assist farmers and families through tax reform.

The first measure of our bill reduces the capital gains tax rate for individuals from 20 percent to 15 percent. This will spur growth, entrepreneurship and help farmers make the most of their capital assets. It will also encourage movement of capital investment from one generation to the other to help young farmers get started.

This language builds on the capital gains tax reform that we made in last year's Tax Relief Act.

Secondly, the FIRST Act includes my legislation that creates savings accounts for farmers. This initiative would allow farmers to make contributions to tax-deferred accounts. These Grassley savings accounts, as I call them, will give farmers a tool to control their lives. This savings account legislation will encourage farmers to save during good years to help cushion the fall from the inevitable bad years. The accounts will give farmers even more freedom in making decisions rather than giving the Government more authority over farmers and their lives.

As a working farmer myself, and an American, I know that we want to control our own destinies. We want to manage our own business. We want to make those decisions that are connected with being a good business operator. We do not want to have to wait for the bureaucrats at the USDA in Washington, DC, in that bureaucracy to tell us how many acres of corn and how many acres of soybeans that we can plant.

This allows, through the balancing out of income, the leveling out of the peaks and valleys from one year to another, because in farming it seems to be all boom or all bust. This farmers' savings account that I suggest will give farmers an opportunity to do that.

Finally, our tax legislation allows for the permanent extension of income tax deduction for capital gains tax reform that we made in last year's law. This helps all farmers because when prices are low and when farmers' income goes down, their tax burden will also be lowered. This helps farmers prepare for the especially volatile nature of their income. This is a tough time for a lot of farmers.

I know there is a great deal of anxiety among farmers about what the future might bring. This proposal will help them to know that we in Congress recognize the particular difficulties they face in trying to plan for the future. I, along with other Members who have worked on this bill, believe that our initiatives will provide farmers with additional financial insurance they need to help face the future.

Finally, our initiatives have been endorsed by virtually every major agricultural organization. These organizations know that these measures are what farmers need to have more confidence and security in the future.

I am very pleased to see the majority leader, TRENT LOTT, the Senator from Mississippi, taking a strong stand in favor of this. I thank my colleagues who have worked with me on this legislation who have all agreed to pass this measure as soon as possible. It is one of the best things that we can do for our farmers in our States and across the country.

This legislation is a long-term solution that helps our farmers and our families survive and to keep control of their own decisions, so that we can let Washington make decisions for Washington but let farmers make decisions for themselves.

At bottom line, Mr. President, is right now we are facing a variety of troubling circumstances: an economic crisis in southeast Asia, a drought combined with the hot weather in...
T Texas today, fires in Florida, too much wheat coming across the Canadian border, unfairly, to drive down the price of wheat in North Dakota, and the prospect of having bumper crops this year and big carryovers from last year. These factors, Mr. President, are beyond the control of the family farmer.

Because we in family farming assume the responsibility—each one of us—feeding, on average, 126 other people, we must keep the family farms strong as a matter of national policy, as a matter of economics. It is not because of nostalgia for family farmers but because when there is a good supply of food, the urban populations of this country are going to feel more secure and more certain about the future.

We want to continually remind people, though, through actions of this Congress that we in the Congress know that food grows on farms, it does not grow in supermarkets. If there were not the labor and processing people, if there were not truckers and trains taking the food from the farm to the city, we would not have the high quality of food we have, we would not have the quantity of food we have; we would not have the stability that we have in our cities; we would not have the quality of life that we have beyond food for the American people. Let's not forget that food as a percentage of disposable income at about 11 percent is cheaper for the American consumer than any consumer anywhere else in the world.

This legislation that we are all introducing is in support of maintaining that sort of environment for the people of America, and also as we export food for people around the world. We are committed to it, but also as a Congress we are committed to maintaining the family farm as well. So I introduce this bill for Senator LOTT, myself, Senator HAGEL, Senator ROBERTS, Senator BURNS of Montana, Senator SHELBY, and Senator SESSIONS. I thank my colleagues for their hard work and support.

I yield the floor.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President. Mr. President, I rise to support, as an original cosponsor, the Family Investment and Rural Savings Tax Act of 1998. I thank the majority leader, Senator LOTT, for working with many of us to make tax relief for farmers and ranchers a very top priority this year.

Mr. President, I am not a farmer. When I want advice about agricultural issues, I ask farmers, I ask ranchers. About a month ago, the Senators offering this bill, and several others concerned about the problems facing rural America agriculture today, right now, sat down with every major commodity group in America. These representatives of American agriculture—real agriculture—told us the same thing I hear repeatedly from ranchers and farmers across my State of Nebraska: “We do not want to go back to the failed Government supply and demand policies of the past.” That is clear. They told us very clearly that of all the things the Congress could do to help America’s farmers and ranchers: One, open up more export markets; two, tax relief; and, three, reduce Government regulation. This, after all, Mr. President, was indeed the promise of the 1996 Freedom to Farm Act.

Those of us on the floor today and our colleagues have been working very hard over the last few months to open more markets overseas, especially in the area of dealing with unilateral sanctions. And we are going to keep pushing aggressively for important export tools, important for all of America, not just American agriculture, important tools like fast track, and reform and complete funding for the IMF.

This bill we are introducing today goes to the second point. It will provide real and meaningful tax relief, tax relief to America’s agricultural producers. It will provide farmers and ranchers the tools they need in managing the unique financial situations that they alone face on their farms and ranches.

This bill has three provisions, which Senator GRASSLEY has just outlined accurately and succinctly: One, the farm and ranch risk management accounts; two, the permanent extension of income averaging for farmers; and, three, reduction of capital gains rates not just for American agriculture but for all of America.

Mr. President, I have said over the last 2 years I would like to see the capital gains tax completely eliminated. But that is a debate for another day. However, this bill is a major step in the right direction. This bill will mean lower taxes for our farmers and ranchers and many Americans. It is the right thing to do.

I hope a majority of my colleagues will join us in support of this bill, an important bill for America, an important bill for our farmers and ranchers.

Mr. THOMAS. Mr. President, I rise for just a moment to thank the Senator from Nebraska and the Senator from Iowa for their leadership on this agricultural issue that we have before us. I join as an original cosponsor to the effort.

It seems to me that clearly there are two areas that have to be pursued. The Senator from Nebraska talked about one, and that is seeking to reopen and to strengthen these foreign markets that are there that are critical to agricultural production.

One of the areas, of course, in this matter is unilateral sanctions, of which the Clinton administration has already been taken in the case of Pakistan and India. We need to do more of that. The other, of course, is to do something domestic. I agree entirely that we should not try to return to the managed agriculture that we had before, but to continue to move towards market agriculture in which our production is based on demand. But it is a difficult transition. And that, coupled with the Asian crisis, coupled with the fact that, particularly in the northern tier and in the south, we have had drought, we have had floods, we have had freezes—we have had a series of difficult things that lend to the difficulty of agriculture.

So I am pleased that the Congress has taken some steps. I think this idea of moving forward with the transition payments is a good idea.

Certainly we can do better for farmers. Then if we can provide a farmer savings account which will allow them to have these payments, in advance, without being taxed until they are used, is a good one.

Certainly, as the Senator from Nebraska has indicated, I, too, favor the idea of reducing and, indeed, eventually eliminating the capital gains taxes. I just want to say I support this very much.

There perhaps are other activities that we can undertake that will be helpful, but we do need to get started. I think this is a good beginning. I want to say again that I appreciate the leadership of the Senator from Iowa and the Senator from Nebraska.

I yield the floor.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President. Mr. President, I, too, have come to the floor this morning to thank you, and certainly the Senator from Iowa, the Senator from Wyoming, who has been involved with us, along with our leader, TRENT LOTT, Senator BURNS of Montana, Senator ROBERTS, and myself in looking at the current agricultural situation in this country, which is very concerning to all of us as commodity prices plummet in the face of record refinancing and as foreign markets diminish because of the Asian crisis and world competition.

As a result of that, we have come together to look at tools that we could bring to American agriculture, production agriculture, farmers and ranchers, that would assist them now and into the future to build stability there and allow them not only to invest but to save during years of profit in a way that is unique for American agriculture.

In 1986, when this Congress made sweeping tax reform, they eliminated income averaging. I was in the House at that time and I opposed that legislation. I remember the research from the University of Virginia saying that it would take a decade or more, but there would come a time when all of us in Congress would begin to see the problems that a denial of income averaging would do to American agriculture, production agriculture, that slowly but surely the ability to divert income during cyclical market patterns would, in effect, weaken production agriculture at the farm
and ranch level to a point that they could not sustain themselves during these cyclical patterns. Bankruptcies would occur; family operations that had been in business for two or three generations would begin to fail.

We have been at that point for several years. I remember the words of that economist in a hearing before one of the House committees, echoing, saying, "Don't do this. This is the wrong approach." In those days, though, I wasn't, but others in Congress thought that the money and spend it here in Washington and return it in farm products, recycle it, skim the 15 or 20 percent that it oftentimes takes to run a government operation, and then somehow appear to be magnanimous by returning it in some form of farm program.

That day is over. We ought to be looking at the tools that we can offer production agriculture of the kind that is now before the Senate in the legislation that we call the Family Investment and Rural Savings Act, not only looking at a permanency income averaging, but looking at real estate depreciation, recapturing, and a variety of tools that we think will be extremely valuable to production agriculture at a time when they are in very real need.

Also, the transition payments' extension that we have talked about moving forward to give some immediate cash to production agriculture, that is appropriate under the Freedom to Farm transitions in which we are currently involved, becomes increasingly valuable.

I join today and applaud those who have worked on this issue, to bring it immediately, and I hope that we clearly can move it in this Congress, to give farmers and ranchers today those tools—be it drought or be it a very wet year or be it the collapse of foreign markets. Prices in some of our commodities today are at a 20-plus year low, yet, of course, the tractor and the combine purchased is at an all-time high.

I do applaud those who have worked with us in bringing this legislation to the floor, and I thank the chairman for the time.

I yield the floor.

The PRESIDING OFFICER. The distinguished former chairman of the House Agriculture Committee, the Senator from Wyoming.

Mr. ROBERTS. I thank the Presiding Officer and the distinguished Senator from Wyoming.

Mr. ROBERTS. Mr. President, I am pleased to join my friends and colleagues in introducing the Family Investment and Rural Savings Tax (FIRST) Act. I would especially like to thank our Leader, Senator LOTT, for his strong commitment to this effort. His dedication and interest in these important issues should underscore how seriously we are about providing tax relief and improvements for farmers and ranchers before the 105th Congress adjourns.

America's producers are currently experiencing a troubling time. Thanks in large part to the Asian economic crisis and the Administration's inability to open up new markets for U.S. farm products, commodity prices across the board have fallen to dangerously low levels. Low prices, combined with isolated weather-related problems in some regions of the country on one hand and election-year posturing on the other, have prompted some of our Democratic colleagues to call for a return to the failed agriculture policies of the past. They support loan programs that price the United States out of the world market. They support a return to the system whereby the U.S. Government is in the grain business. And they support a return to command-and-control agriculture whereby producers are required to limit their production in a foolish and futile attempt to try to bolster commodity prices. These policies did not work for 50 years and they will not work for a generation.

The FIRST Act is designed to address the real needs of producers today. The FIRST Act provides tax relief for every farmer and rancher in the United States. Specifically, income averaging (as a percentage of the capital gains tax rate) would become permanent, the capital gains tax brackets would be cut by 25 percent across the board and a new Farm and Ranch Risk Management Account would be established to allow producers to manage the volatile shifts in farm income from one year to another.

I specifically want to address the capital gains tax cut and the FARM Accounts. The capital gains tax represents one of the most burdensome, expensive provisions of the U.S. Tax Code for America's farmers and ranchers and for America's families. Production agriculture is a capital-intensive business. Without equipment and inputs—expensive equipment and inputs—you simply can't survive in the incredibly competitive agriculture world. Therefore, because of the tremendous costs of depreciating that expensive equipment, the capital gains tax hits farmers and ranchers especially hard. In addition, today the Congress encourages middle-income families to save for their future in part to take pressure off of the Social Security system. However, we continue to allow capital gains to hit America's families twice. Investors' money is taxed both as income when they get their paycheck and as capital gain when they make a smart investment. That's a strange and counterproductive way to encourage personal responsibility and savings for the future. As a result, I am very grateful to our Majority Leader for including the "Crown Jewel" of his tax and Speaker GINGRICH's tax bill in the FIRST Act today and I look forward to working with the Majority Leader for ensuring that the Senate adjourns.

I also want to address the creation of the new FARM Accounts. While Chairman of the House Agriculture Committee, I was charged with producing the 1996 farm bill. As we were producing that legislation, I wanted very badly to create what I called a "farmer IRA." Basically, the farmer IRA would have been a rainy day account whereby a farmer or rancher could invest part of his profits in a tax-deferred account. Then, when a bad year hits, he could withdraw that money to offset the downturn. That's exactly what the FARM Accounts would do. Producers would be able to invest up to 20 percent of their Schedule F (farm) income in any interest-bearing account. They may withdraw that money at any time during a five-year period. If passed, FARM Accounts will correct the huge problem in our existing Tax Code that encourages producers to buy a new tractor or combine at the end of the year in order to reduce taxable income instead of saving for the future. Again, I wanted to do this during the farm bill, but we ran out of time. I'm very pleased that the Congress may finally get the opportunity to provide the flexibility and tax relief producers so desperately need.

I want to thank my colleagues again for their leadership in this area and I look forward to working with them and the rest of the Senate to pass this important legislation.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record. I am being told there being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2371
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE. This Act may be cited as the "Family Investment and Rural Savings Tax Act".
(b) TABLE OF CONTENTS. Sec. 1. Short title; table of contents.
TITLE I—REDUCTION IN INDIVIDUAL CAPITAL GAINS TAX RATES
Sec. 101. Reduction in individual capital gains tax rates.
TITLE II—TAX INCENTIVES FOR FARMERS
Sec. 201. Farm and ranch risk management accounts.
Sec. 202. Permanent extension of income averaging for farmers.

TITLE I—REDUCTION IN INDIVIDUAL CAPITAL GAINS TAX RATES
Sec. 101. Reduction in individual capital gains tax rates.
(a) IN GENERAL. Subsection (h) of section 1121 of the Code is amended to read as follows:
"(h) IN GENERAL.ÔSUBSECTION (h) OF SECTION 1121 OF THE Code is amended to read as follows:
"(1) IN GENERAL.ÔIf a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—
(A) a tax computed on the taxable gain in the same manner as if this subsection had not been enacted on taxable income reduced by the net capital gain,
(B) 75 percent of so much of the net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—
"(B) 75 percent of so much of the net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—
"(A) a tax computed on the taxable gain in the same manner as if this subsection had not been enacted on taxable income reduced by the net capital gain,
(B) 75 percent of so much of the net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—
"(A) a tax computed on the taxable gain in the same manner as if this subsection had not been enacted on taxable income reduced by the net capital gain,
(B) 75 percent of so much of the net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—
"(A) a tax computed on the taxable gain in the same manner as if this subsection had not been enacted on taxable income reduced by the net capital gain,
(B) 75 percent of so much of the net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—
"(A) a tax computed on the taxable gain in the same manner as if this subsection had not been enacted on taxable income reduced by the net capital gain,
"(i) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 28 percent, over (ii) the taxable income reduced by the net capital gain with respect to which the subtraction under subparagraph (B) was determined;

"(C) 15 percent of the amount of taxable income which would be determined without regard to this paragraph if the adjusted net capital gain did not exceed the net capital gain taken into account only if such nonqualified balance is

"(B) any amount distributed from a FARRM Account to the taxpayer during such taxable year, and

"(C) 15 percent of the amount which would be included in gross income of the taxpayer for any taxable year, but only if the written governing instrument creating the trust meets the requirements of this section:

"(ii) 7.5 percent of the amount which would be included in gross income (without regard to such subparagraph) if the adjusted net capital gain did not exceed the net capital gain taken into account only if such nonqualified balance is

"(B) The amount determined under subparagraph (A) shall be determined without regard to this paragraph.

"(C) The amounts determined under such subparagraph if the adjusted net capital gain did not exceed the net capital gain taken into account only if such nonqualified balance is

"(ii) the taxpayer's tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(i) the amount of taxable income which would be determined without regard to this paragraph if the amount of gain taken into account under such subparagraph did not exceed the net capital gain taken into account only if such nonqualified balance is

"(i) 15 percent of the amount which would be included in gross income of the taxpayer for any taxable year, but only if the written governing instrument creating the trust meets the requirements of this section:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(D) Rules similar to the rules of paragraph (C) shall apply.

"(ii) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will account for the trust is consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have under the Internal Revenue Service Restructuring and Reform Act of 1998 as amended by adding at the end the following new sentence:

"(i) The term `eligible farming business' means farming business (as defined in section 1274(c)) and which pay such interest annually.

"(B) 7.5 percent of so much of the net capital gain (less, taxable excess) as does not exceed the amount on which a tax is determined under section 1(h)(1)(B), and

"(A) the amount determined under such first sentence computed at the rates and in the same manner as if this paragraph had not been enacted on the taxable excess reduced by the net capital gain,

"(A) the amount determined under section 163(d)(4)(B)(iii)."
Title two of the bill consists of two separate measures which work hand in hand: First, the bill will allow farmers to open their own tax deferred savings accounts. These accounts would provide farmers and ranchers an opportunity to set aside income in high-income years and withdraw the money in low-income years. The money is taxed only when it is withdrawn and can be deferred for up to five years.

In 1995, 2.2 million taxpayers, qualified as farmers under IRS definitions, had not been excluded from these accounts. Only 725,000 of those filed a net income while 1.5 million filed a net loss.

Now that could mean one of two things: (1) fewer and fewer farmers are able to stay in the black or: (2) more and more farmers are going out of business. We cannot continue to treat our farmers and ranchers as second class citizens in our tax code.

The second part of this title contains language that I introduced earlier this year. This language would allow farmers to use average their income over three years and make that tool permanent in the tax code. This bill will give American farmers a fair tool to offset the unpredictable nature of their business.

The question is who will benefit most from income averaging and farm savings accounts. This is the best part—this legislation will allow farmers to defer their tax burden and spreading it out over a number of years.

However, based on the tax rate schedule, this bill would favor farmers in the lower tax bracket. If a farmer could use these tools to reduce their tax burden from one year to the next, it is very conceivable that taxpayer would pay only 15% on his income compared to 28%. That is a significant savings.

This bill leaves the business decisions in the hands of farmers, with the government. Farmers can decide whether to defer income and when to withdraw funds to supplement operations.

Farmers and ranchers labor seven days a week, from dawn until dusk, to provide our nation with the world’s best produce, dairy products and meats. Farming is a difficult business requiring calloused hands and rarely a profitable financial reward. This profession is not getting any easier. Today, we are seeing more and more of our family farms swallowed up by the corporate farms.

Farming has always been a family affair. Rural communities rely on the family farm for their own economic sustenance. Although family farms are traditionally passed on from father to son—it is becoming more and more difficult as the economics of farming are becoming more and more complicated. Further tightening of the belt on these future farmers means the eventual loss of the family farm.

Montana’s farmers take pride in their harvests. You could call today’s farmer the ultimate environmentalist.
They know how to take care of the land and ensure that future harvests will be plentiful. As land managers, farmers understand the importance of proper land stewardship.

Those colleagues of mine who grew up on a farm or ranch would certainly understand the frustration of this business. Farmers and ranchers don’t receive an annual salary. They cannot rely on income that may not be there at the end of the year and they certainly cannot count on a monthly paycheck. A crucial time for family farms and tax relief can mean the difference between keeping the family farm for future generations or losing it.

With the recent passage of the Farm Bill, farmers are more than ever impacted by market forces and in the farming business, those market forces can be very unpredictable.

Market forces in farming are very unique—drought, flooding, infestation and other natural phenomena play a vital role in a farmer’s bottom line. And it’s not often when the elements of mother nature allow for a profitable harvest.

At best, most farmers are lucky to break even more than two years in a row. One year may be a windfall, while the next may mean bankruptcy. Farmers and ranchers are forced to make large capital investments in machinery, livestock and improvements to their properties.

Agricultural markets are rarely predictable. Farmers, more than any other sector of our economy are likely to experience substantial fluctuations in income.

We also need to address the issue of the estate tax. This is a death blow for the family business. Farmers and ranchers are more than ever impacted by market forces in the farming business, those market forces can be very unpredictable.

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number will be severely crippled. Such failures will affect not only the employees and owners of such small businesses, but also the creditors, suppliers and customers of such failed small businesses. Lenders, including banks and non-bank lenders, that make extended credit to small businesses will face significant losses if small businesses either go out of business or have a sustained period in which they cannot operate.

It must be remembered that the Y2K problem is not a problem for only those businesses that have large computer networks or mainframes. A small business is at risk if it uses any computers in its business, if it has customized software, if it is conducting e-commerce, if it accepts credit card payments, if it uses a service bureau for its payroll, or if it has automated manufacturing equipment.

A good example of how small businesses are dramatically affected by the Y2K problem is the experience of John Healy, the owner of Coventry Spares Ltd. in Holliston, Massachusetts, as reported in INC Magazine. Coventry Spares is a distributor of vintage motorcycle parts. Like many small business owners, Mr. Healy's business depends on trailing technology purchased over the years, including a 286 computer, with software that is 14 years old and an operating system that is six or seven versions out of date. Mr. Healy uses this computer equipment, among other matters, for handling the company's payroll, ordering, inventory control, product lookup and maintaining a database of customers and subscribers to a vintage motorcycle magazine he publishes. The system handles 85 percent of his business and, without it working properly, Mr. Healy stated that the business would have "floundered in the water." Unlike many small business owners, however, Mr. Healy is aware of the Y2K problem and tested his equipment to see if his equipment could handle the Y2K problem. His tests confirmed his fear—the equipment and software could not process the year 2000 date and would not work properly after December 21, 1999. Therefore, Mr. Healy will have to expand over $20,000 to keep his business afloat. The experience of Mr. Healy will continue to be repeated across the country as small businesses realize the impact the Y2K problem will have on their business.

The Gartner Group, an international computer consulting firm, has conducted studies showing small businesses are way behind—the worst of all sectors studied—where they need to be in order to avoid significant failures due to non-Y2K compliance. It estimates that only 15 percent of all businesses have non-Y2K compliant year 2000 computer systems and even begun to inventory their automated systems that may be affected by this computer glitch. That means that 85 percent of small businesses have not even begun the initial task of determining how much of a problem they may have or taken steps to ensure that their businesses are not impaired by this problem.

Given the effects of a substantial number of small businesses on our nation's economy, it is imperative that Congress take steps to ensure that small businesses are aware of the Y2K problem and have access to capital to fix such problems. Moreover, it is imperative that Congress take such steps before the problem occurs, not after it has already happened. Therefore, today I am introducing the Small Business Year 2000 Readiness Act.

This Act will serve the dual purpose of providing small businesses with the means to continue operating successfully after January 1, 2000, and making lenders and small firms more aware of the dangers that lie ahead. The Act requires the Small Business Administration to establish a limited-term loan guarantee program, which would guarantee 50 percent of the principal amount of a loan made by a private lender to assist small businesses in correcting Year 2000 computer problems. The loan amount would be capped at $50,000. The guarantee limit and loan amount will limit the exposure of the government and ensure that eligible lenders retain sufficient risk so that they make sound underwriting decisions.

The Y2K loan program guidelines will be based on the guidelines SBA has already established governing its FASTRACK pilot program. Lenders originating loans under the Y2K loan program would be permitted to process and document loans using the same internal procedures they would on loans of a similar type and size not governed by a government guarantee. Otherwise, the loans are subject to the same requirements as all other loans made under the (7)(a) loan program.

Under the loan program, each lender designated as a Preferred Lender or Certified Lender by SBA would be eligible to participate in the Y2K loan program. This would include approximately 1,000 lenders that have received special authority from the SBA to originate loans under SBA's existing 7(a) loan program. The Year 2000 loan program would sunset after October 31, 2001.

To assure that the loan program is made available to those small businesses that need it, the legislation requires SBA to inform all lenders eligible to participate in the program of the loan program's availability. It is intended that these lenders, in their own self-interest, will contact their small business customers to ensure that they are Y2K complaint and inform them of the loan program if they are not.

The Small Business Year 2000 Readiness Act is a necessary step to ensure that the economic health of this country is not marred by a substantial number of small business failures following January 1, 2000, and that small businesses continue to be the fastest growing segment of our economy in the Year 2000 and beyond. Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 will have extreme negative financial consequences in the Year 2000 and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems—85 percent of businesses with 200 employees or less have not commenced inventorying the changes they must make to their automated systems to avoid Year 2000 problems;

(3) many small businesses do not have access to capital to fix mission critical automated systems; and

(4) the failure of a large number of small businesses will have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.

(a) Program established.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(27) YEAR 2000 COMPUTER PROBLEM PILOT PROGRAM.—

(A) Definitions.—In this paragraph—

(i) the term `eligible lender' means any lender designated by the Administration as eligible to participate in—

(aa) the program established by this subsection; and

(bb) the 27 Year 2000 Computer Problem loan program; and

(ii) with regard to leap year calculations.

(B) Establishment of program.—The Administration shall—

(i) establish a pilot loan guarantee program, under which the Administration shall guarantee loans made by eligible lenders to small business concerns in accordance with this subsection; and

(ii) notify each eligible lender of the establishment of the program under this paragraph.

(C) Use of Funds.—A small business concern that receives a loan guaranteed under this paragraph shall use the proceeds of the loan solely to address the Year 2000 computer problem of such small business concern, including the repair or acquisition of information technology systems and other automated systems.

(D) Maximum Amount.—The total amount of a loan made to a small business concern and guaranteed under this paragraph shall not exceed $50,000.

(E) Guarantee Limit.—The guarantee percentage of a loan guaranteed under this paragraph shall not exceed 50 percent of the
balance of the financing outstanding at the time of disbursement of the loan.

"(F) REPORT.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program under this paragraph, which shall include information relating to—

(ii) the default rate, delinquency rate, and recovery rate for loans under each pilot program; and

(iii) the number of lenders participating in the pilot program.

(b) REGULATIONS.—

(1) GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue final regulations to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent inconsistent this section or section 7(a)(27) of the Small Business Act, as added by this section, the regulations issued under this subsection shall be substantially similar to the requirements of the §668.7 of the FASTRAC, the Pilot Program of the Small Business Administration, or any successor pilot program to that pilot program.

(c) REPEAL.—Effective on October 1, 2001, this section and the amendment made by this section are repealed.

SEC. 4. PILOT PROGRAM REQUIREMENTS.

Section 7(a)(25) of the Small Business Act (15 U.S.C. 636(a)(25)) is amended by adding at the end the following:

"(G) REPORT ON PILOT PROGRAMS.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on each pilot program under this subsection, which report shall include information relating to—

(i) the number and amount of loans made under the pilot program;

(ii) the number of lenders participating in the pilot program;

(iii) the default rate, delinquency rate, and recovery rate for loans under each pilot program, as compared to those rates for other loan programs under this subsection.

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 2373. A bill to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the Alternative Dispute Resolution Act of 1998. My Judiciary Subcommittee on Administrative Oversight and the Courts has jurisdiction over this matter, and I am very pleased that the ranking member of the subcommittee, Senator DURBIN, has joined me in sponsoring this bill. It will require every Federal district court in the United States to institute an alternative dispute resolution, or ADR, program. The bill will provide parties and district court judges with options other than the traditional, costly, and adversarial process of litigation.

ADR programs are flourishing in popularity and respect for years now. For example, many contracts drafted today—between private parties, corporations, and even nations—include arbitration clauses. Most State and Federal bar associations, including the ABA, have established committees to focus on ADR. Also, comprehensive ADR programs are flourishing in many of the States. ADR is also being used at the Federal level. In 1990, for example, President Bush introduced a Federal ADR program called the Administrative Dispute Resolution Act. The law promoted the increased use of ADR in Federal agency proceedings. In 1996, because ADR was working so well, we permanently re-authorized the law. And earlier this year, the executive branch recommitted themselves to using ADR as much as possible.

Since the late 1970s, our Federal district courts have also been successfully introducing ADR programs. In 1996, we authorized 20 district courts to begin implementing ADR programs. The results were very encouraging, so last year we made these programs permanent. It’s time to take another step and make ADR available in all district courts.

Mr. President, ADR allows innovations and flexibility in the administration of justice. The complex legal problems that people have demand creative and flexible solutions on the part of the courts. Benefits include providing parties with alternatives to traditional litigation. For example, a recent Northwestern University study of ADR programs in State courts indicated that mediation significantly reduced the duration of lawsuits and produced significant cost savings for litigants. That means fewer cases on the docket and decreased costs. The Federal courts should be taking every opportunity to reap the benefits that the State courts have been enjoying.

Mr. President, the fact of the matter is that ADR works. The future of justice in this country includes ADR. Perhaps one of the signs of this is that many of the best law, business, and graduate schools in the country are beginning to offer classes in training in negotiation, mediation, and other kinds of dispute resolution.

Quite simply, this bill will increase the availability of ADR in our Federal courts and district courts. The Senate and the House have already established some form of professional ADR program. It provides the district, however, with the flexibility to decide what kind of ADR works best locally. The bill also allows a district with a current ADR program that’s working well to continue the program.

This bill is the Senate companion to H.R. 3528, which was reported out of the Judiciary Committee today with bipartisan support. It picks up the original House bill, except for some findings and a few technical changes to improve the legislation. These changes were included in the bill reported out of committee. The House bill received overwhelming, bipartisan support, passing 405-2.

The Department of Justice, along with the administration, the Administrative Office of the Courts, and the American Bar Association, including its business section, all support the legislation with these improvements. The consensus is clear: ADR has an important role to play in our Federal court system.

Mr. President, this bill is a step in the right direction for the administration of justice. The increased availability of ADR will benefit all of us. It should be an option to people in every judicial district of the country. This bill assures that it will be.

By Mr. SARBANES:

S. 2374. A bill to provide additional funding for repair of the Korean War Veterans Memorial; to the Committee on Energy and Natural Resources.

KOREAN WAR VETERANS MEMORIAL LEGISLATION

Mr. SARBANES. Mr. President, today I am introducing legislation to fix and restore one of our most important monuments, the Korean War Veterans Memorial. My bill would authorize the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Memorial.

The Korean War Memorial is the newest war monument in Washington, DC. It was authorized in 1986 by Public Law 99-752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided $1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans’ organizations and the Advisory Board raised over $13 million in private donations to complete the facility. Construction on the memorial began in 1992 and it was dedicated on July 27, 1995.

For those who haven’t visited, the Memorial is located south of the Vietnam Veteran’s Memorial on the Mall, to the east of the Lincoln Memorial. Designed by world class Cooper Lecky Architects, the monument contains a triangular “field of service,” with 19 stainless steel statues, each larger than life, depicting a squad of soldiers on patrol. A curb of granite north of the statues lists the 22 countries of the United Nations that sent troops in defense of
South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 named servicemen and women detailing the countless ways in which Americans answered the call to service. Adja-
cent is a fountain of linden trees, creating a peaceful setting for quiet reflection. When this memorial was originally created, it was intended to be a lasting and fitting tribute to our veterans. To sacrifice the bravest of our men and women in the service of our country is a sacrifice we will never forget those who served in the “Forgotten War.” I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SECTION 1. ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99-572 (40 U.S.C. 1003 note) is amended by adding at the end the following:

“(C) ADDITIONAL FUNDING.—

(1) IN GENERAL.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Army may expend, from any funds available to the Secretary on the date of enactment of this paragraph, $2,000,000 for repair of the memorial.

(2) DISPOSITION OF FUNDS RECEIVED FROM CLAIMS.—Any funds received by the Secretary of the Army as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.”.

By Mr. JEFFORDS:

S. 2376. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes; to the Committee on Finance.

The CONSERVATION TAX INCENTIVES ACT OF 1998

Mr. JEFFORDS, Mr. President, today, I am introducing the Conservation Tax Incentives Act of 1998, a bill that will result in a reduction in the capital gains tax for landowners who sell property for conservation purposes. This bill creates a new incentive for private, voluntary land protection. This legislation is a cost-effective, non-regulatory, market-based approach to conservation, and I urge my colleagues to join me in support of it.

The tax code's charitable contribution deduction currently provides an incentive to taxpayers who give land away for conservation purposes. That is, we already have a tax incentive to encourage people to donate land or conservation easements to government agencies like the Fish and Wildlife Service or to citizens' groups like the Vermont Land Trust. This incentive has been instrumental in the conservation of environmentally significant land across the nation.

Not all land worth preserving, however, is owned by people who can afford to give it away. For many landowners, their land is their primary financial asset, and they cannot afford to donate it for conservation purposes. While they might like to see their land preserved in its underdeveloped state, the tax code's incentive for donations is of no help.

The Conservation Tax Incentives Act will provide a new tax incentive for sales of land for conservation by reducing the amount of income that landowners would ordinarily have to report—and pay tax on—when they sell their land. The bill provides that when land is sold for conservation purposes, only one half of any gain will be included in income. The other half can be excluded from income, and the effect of this exclusion is to cut in half the capital gains tax the seller otherwise have to pay. The bill will apply to land and to partial interests in land and water.

It will enable landowners to permanently protect a property's environmental value without forgoing the financial security it provides. The bill's benefits are available to landowners who sell land either to a government agency or to a qualified conservation nonprofit organization, as long as the land will be used for such conservation purposes as protection of fish, wildlife or plant habitat, or as open space for agriculture, forestry, outdoor recreation, or scenic beauty.

Land is being lost to development and commercial use at an alarming rate. By Department of Agriculture estimates, more than four square miles of farmland are lost to development every day, often with long-lasting effects on the habitat wildlife need to thrive. Without additional incentives for conservation, we will continue to lose ecologically valuable land.

A real-life example from my home state illustrates the need for this bill. A few years ago, in an area of Vermont known as the Northeast Kingdom, a large well-managed forested property came on the market. The land had appreciated greatly over the years and was very valuable. With more than 3,000 acres of mountains, forests, and ponds, with hiking trails, towering cliffs, scenic views and habitat for many wildlife species, the property was very valuable environmentally. Indeed, the State of Vermont was anxious to acquire it and preserve it for traditional agricultural uses and habitat conservation.

After the property had been on the market for a few weeks, the seller was contacted by an out-of-state buyer who planned to sell the timber on the land and to dispose of the rest of the property for development. After learning of this, the State quickly moved to obtain appraisals and a legislative appropriation in preparation for a possible purchase of the land by the State. Subsequently, the State and The Nature Conservancy made a series of purchase offers to the landowner. The out-of-state buyer hovered upon the landowner to accept his offer. Local newspaper headlines read, “State of Vermont Loses Out On Northeast Kingdom Land Deal.” The price acceptable to the landowner was only slightly higher than the amount the State had offered. Had the bill I'm introducing today been on the books, the lower offer by the State may well have been as attractive—perhaps more so—than the amount offered by the developer.

The Conservation Tax Incentives Act would provide an incentive-based means for accomplishing conservation in the public interest. It helps tax dollars accomplish more, allowing public...
and charitable conservation funds to go to higher-priority conservation projects. Preliminary estimates indicate that with the benefits of this bill, nine percent more land could be acquired, with no increase in the amount government funding currently spent for conservation land acquisition. At a time when little money is available for conservation, it is important that we stretch as far as possible the dollars that are available.

State and local governments will be important beneficiaries of this bill. Many local communities have voted in favor of raising taxes to finance bond initiatives to acquire land for conservation. My bill will help stretch these bond proceeds so that they can go further in improving the conservation results for local communities. In addition, because the bill applies to sales to publicly-supported national, regional, State and local citizen conservation organizations, it will strengthen private, voluntary work to save places important to the quality of life in communities across the country. Private fundraising efforts for land conservation will be enhanced by this bill, as landowners who have more money in their pockets than they do now will be able to conserve more of the more valuable, land.

Let me provide an example to show how I intend the bill to work. Let’s suppose that in 1992 a young couple purchased a house and a tract of adjoining land which they have maintained as open land. Recently, the county where they lived passed a bond initiative to buy land for open space, as county residents wanted to protect the quality of their life from rampant development and uncontrolled sprawl. Let’s further assume that the couple, now contemplating retirement, is considering competing offers for their land, one from a developer, the other from the county, which will preserve the land in furtherance of its open-space function. Originally purchased for $25,000, the land is now worth $250,000 on the open market. If they sell the land to the developer for its fair-market value, the couple would realize a gain of $225,000 ($250,000 sales price minus $25,000 cost), owe tax of $45,000 (at a rate of 20% on the $225,000 gain), and thus net $205,000 after tax.

Under my bill, if the couple sold the land for conservation purposes, they could exclude from income one half of any gain they realized upon the sale to the county, which is able to preserve the land at a lower price. This example illustrates how the exclusion from income will be especially beneficial to middle-income, “land rich/cash poor” landowners who can’t afford to maintain themselves without tax benefits available to those who can afford to donate land.

As this bill also applies to partial interests in land, the exclusion from income—and the resulting reduction in capital gains tax—will in certain circumstances, also be available to landowners selling partial interests in their land for conservation purposes. A farmer, for example, could sell a conservation easement, continuing to remain owner of the land, and still be able to take advantage of the provisions in this bill. The conservation easement must meet the tax code’s requirements i.e., it must serve a conservation purpose, such as the protection of fish or wildlife habitat or the preservation of open space (including farmland and forest land).

There are some things this bill does not do. It does not impose new regulations or controls on people who own environmentally-sensitive land. It does not compel anyone to do anything; it is entirely voluntary. Nor will it increase government spending for land conservation. In fact, the effect of this bill will be to allow better investment of tax and charitable dollars used for land conservation.

The estimated cost of this bill is just $50 million annually. This modest cost, however, does not take into account the value of the land conserved. It is estimated that for every dollar foregone by the Federal treasury, $1.76 in land will be permanently preserved.

I urge all my colleagues to join me in support of the Conservation Tax Incentives Act of 1998.

By Mr. MOYNIHAN (for himself, Mr. LEVIN, Mr. JEFFORDS, Mr. LEAHY, Mr. CLELAND, Mr. DURBIN, Mr. D’AMATO, and Mrs. BOXER):

S. 2377. To amend the Clean Air Act to limit the concentration of sulfur in gasoline sold in motor vehicles; to the committee on Environment and Public Works.

Mr. President, I am proud to introduce today the Clean Gasoline Act of 1998, a bill to establish a nationwide, year-round cap on the sulfur content of gasoline. My bill presents an opportunity to make tremendous progress in improving our national air quality through a simple, cost-effective measure. Today, 70 million people—30 percent of the nation’s population—live in counties which exceed national health standards. For just a few pennies a gallon, we can make our urban environment appreciably better.

Sulfur in gasoline contaminates catalytic converters so that they release the nitrogen oxide (NO), carbon monoxide (CO), and hydrocarbons (HC) contained in tailpipe emissions. These pollutants elevate the levels of particulate matter (PM) and contribute to ground-level ozone. By restricting the amount of sulfur allowed in gasoline sold nationwide, my bill will substantially improve air quality, especially in America’s largest cities.

The current average sulfur content of U.S. gasoline will achieve tremendous—and virtually immediate—air quality benefits. The emissions reductions achieved by lowering gasoline sulfur levels to 40 ppm would be equivalent to removing 3 million vehicles from the streets of New York, and nearly 54 million vehicles from our roads nationwide.

California imposed a similar cap on gasoline sulfur beginning in 1996, resulting in significant air quality gains. Japan has already established a 50 ppm gasoline standard, and the European Union currently has a gasoline sulfur standard of 150 ppm—which will drop to 50 ppm beginning in the year 2005. The gasoline sulfur standard established by my bill will apply year-round. A seasonal cap is insufficient because the damage done to catalytic converters by sulfur poisoning is not fully reversible by typical driving—meaning that vehicle emission controls would be re-poisoned every year when high-sulfur gasoline returned to the market. In the absence of national standards, travel over state boundaries could enable emissions controls.

The current high-sulfur content of U.S. gasoline will also preclude the introduction of the next generation of fuel efficiency technologies—most notably fuel cells and direct-injection gasoline engines. U.S. citizen will not have access to these advanced technologies—unless we adopt low sulfur gasoline standards.

Mr. President, I believe our task is clear: We must institute a gasoline sulfur standard which will maximize the effectiveness of currently available vehicle emissions.
technology, and will enable the introduction of the next generation of vehicle technology into the U.S. market. Refiners can reduce the sulfur content of gasoline using existing technology that is already being used to supply legislation such as the California Clean Air Act and the European Union. Our national fleet is already comprised of world-class vehicles. It is time for us to provide this fleet with world-class fuel. I urge my colleagues to join my cosponsors and me in supporting this important legislation.

Mr. JEFFORDS. Mr. President, I join Senator MOYNIHAN in offering legislation that would reduce the sulfur content of gasoline. Current levels of sulfur in gasoline lead to high nitrogen oxide, carbon monoxide, and hydrocarbon emissions by weakening catalytic converter emission controls. These emissions elevate ground-level ozone and particulate matter pollution. As we all have learned, long-term exposure to ozone pollution can have significant health impacts, including asthma attacks, breathing and respiratory problems, loss of lung function, and lowered immunity to disease. The EPA has compared breathing ozone to getting sunburned in the lungs. Children, including Vermont’s approximately 10,000 asthmatic children, are at special risk for adverse health effects from ozone pollution. Children playing outside in the summer time, the season when concentrations of ground-level ozone are the greatest, may suffer from coughing, decreased lung function, and have trouble catching their breath. Exposure to particulate matter pollution is similarly dangerous causing premature death, increased respiratory symptoms and disease, decreased lung function, and alterations in lung tissue. These pollutants also result in adverse environmental effects such as acid rain and visibility impairment.

Mr. President, this bill will reduce these pollutants in our communities, and more importantly it will reduce these pollutants cost-effectively. To reduce the sulfur content of gasoline, refineries can use currently available technology. These measures will not break the bank. California has already adopted the measures in this bill on a statewide basis. So have Japan and the members of the European Union.

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Mr. AKAKA: S. 2938, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests; to the Committee on Finance.

INVESTMENT IN WOMEN’S HEALTH CARE ACT OF 1998

Mr. AKAKA, Mr. President, today I introduce the Investment in Women’s Health Act of 1998, a bill to increase Medicare reimbursement for Pap smear laboratory tests. This is the Senate
**Pap Smear Production Costs—Continued**

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Note.—This data was obtained from the American Pathology Foundation.

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**THE RURAL AND REMOTE COMMUNITY FAIRNESS ACT OF 1998**

- **Mr. MURKOWSKI.** Mr. President, today I introduce the Rural and Remote Community Fairness Act of 1998. This Act will lead to a brighter future for rural and remote communities by establishing two new grant programs that will address the unique economic and environmental challenges faced by small communities in rural and remote areas across this country. I am pleased that this legislation is co-sponsored by the Minority Leader, Senator DASCHLE.

  The bill authorizes up to $100 million a year in grant aid from 1999 through 2005 for any communities across the nation with populations of less than 10,000 which face electric rates in excess of 150 percent of the national average retail price. The money can go for any purpose, including expenditures for electricity system improvements, energy efficiency and weatherization efforts, water and sanitation improvements or work to solve leaking fuel storage tanks.

  The bill also amends the Rural Electrification Act to authorize Rural and Remote Electrification Grants of an additional $20 million a year to the same communities. The grants can be used to increase energy efficiency, lower electricity rates or provide for the modernization of electric facilities. This nation has well-established programs for community development grants. The majority of these programs were established to help resolve the very real problems found in this Nation's urban areas. However, our most rural and remote communities experience different, but equally real, problems that are not addressed by existing law. Not only are these communities generally ineligible for the existing programs, they face unique challenges, while sometimes similar to those experienced by urban areas, require a different focus and approach.

  The biggest single economic problem facing small communities is the expense of establishing a modern infrastructure. These costs, which are always substantial, are exacerbated in remote and rural areas. The existence of this infrastructure, including efficient housing, electricity, bulk fuel storage, waste water and water service, is a necessity for the health and welfare of our children, the development of a prosperous economy and minimizing environmental problems.

  The construction of new facilities, and to the health and welfare of everyone, especially our children and our elderly from poor or polluted water or bad housing or an inefficient power system. Hepatitis B infections in rural Alaska are five times more common than in urban Alaska. We just have to do better if we are to bring our rural communities into the 21st Century.

  The experience of many Alaskans is a perfect example. Most small communities or villages in Alaska are not interconnected to an electric grid, and rely upon diesel generators for their electricity. Often, the fuel can only be delivered by barge or airplane, and is stored in large tanks. These tanks are expensive to maintain, and in many cases, must be completely replaced to prevent leakage of fuel into the environment. While economic and environmental savings clearly justify the construction of new facilities, these communities simply don't have the ability to raise enough capital to make the necessary investments.

  As a result, these communities are forced to bear an oppressive economic and environmental burden, which can be eased with a relatively small investment on the part of the Federal government. I can give you some examples: in Manley Hot Springs, Alaska, the citizens pay almost 70 cents per kilowatt hour for electricity. In Igigug, Kokhanok, Akiachak Native Community, and Middle Kuskokwim, consumers all pay over 50 cents per kilowatt hour for electricity. The national average is around 7 cents per kilowatt hour.

  Further, in Alaska, for example, many rural villages still lack modern water and sewer sanitation systems. According to a Federal Field Working Group, 10% of the state's villages have "unsafe" sanitation systems, 15% of communities still using "honey buckets" for waste disposal. Only 31 villages have a fully safe, piped water system, with only one central water source.

  Concerning leaking storage tanks, the Alaska Department of Community
and Regional Affairs estimates that there are more than 2,000 leaking above-ground fuel storage tanks in Alaska. There are several hundred other below-ground tanks that need repair, according to the Alaska Department of Environmental Conservation.

These are not only an Alaskan problem. The highest electricity rates in America are paid by a small community in Missouri, and communities in Maine, as well as islands in Rhode Island and New York will likely qualify for the subsidies. Providing safe drinking water and adequate waste treatment facilities is a problem for very small communities all across this land.

What will this Act do to address these problems? First, the Act authorizes $100 million per year for the years 1999-2005 for block grants to communities of under 10,000 inhabitants who pay more than 150 percent of the national average retail price for electricity.

The grants will be allocated by the Secretary of Housing and Urban Development among eligible communities proportionate to the cost of electricity in the community, as compared to the national average. The communities may use the grants only for the following eligible activities:

- Low-cost weatherization of homes and other buildings;
- Construction and repair of electrical generation, transmission, distribution, and related facilities;
- Construction, remediation and repair of bulk fuel storage facilities;
- Facilities and training to reduce costs of maintaining and operating electrical generation, distribution, transmission, and related facilities;
- Professional management and maintenance for electrical generation, distribution and transmission, and related facilities;
- Investigation of the feasibility of alternative energy services;
- Construction, operation, maintenance and repair of water and waste water services;
- Acquisition and disposition of real property for eligible activities and facilities; and
- Development of an implementation plan, including administrative costs for eligible activities and facilities.

In addition, this bill will amend the rural Electrification Act of 1936 to authorize Rural Electrification Administration Grants for $20 million per year for years 1999-2005 for grants to qualified borrowers under the Act that are in rural and remote communities who pay more than 150 percent of the national average retail price for electricity. These grants can be used to increase energy efficiency, lower electricity rates, or provide or modernize electric facilities.

This Act makes a significant step toward relieving our nation's social, economic, and environmental problems faced by our Nation's rural and remote communities. I encourage my colleagues to support this legislation.

By Mr. ASHCROFT:

S. 2380. A bill to require the written consent of a parent of an unemancipated minor prior to the provision of contraceptive drugs or devices to such a minor, or the referral of such minor to medical or counseling services, under any Federally funded program; to the Committee on the Judiciary.

PUTTING PARENTS FIRST ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation to reaffirm the guiding role of parents in the vital lives of their children. My legislation, the Putting Parents First Act, will guarantee that parents have the opportunity to be involved in their children's most important decisions—whether or not to have an abortion and whether or not to receive federally-subsidized contraception.

The American people have long understood the unique role the family plays in our most cherished values. As usual, President Reagan said it best. When President Reagan said, "the seeds of personal character are planted, the roots of public value first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers who shape our private lives and public citizenship."

The Putting Parents First Act contains two distinct provisions to protect the role of parents in the important life decisions of their minor children.

For too long, the issue of abortion has polarized the American people. To some extent, this is the inevitable result of vastly distinct views of what an abortion is. Many, including myself, view abortion as the unconscious and unconscionable taking of innocent human life. Others, including a majority of Supreme Court justices, view abortion as a constitutionally-protected alternative for pregnant women.

There are, however, a few areas of common ground where people on both sides of the abortion issue can agree. One such area of agreement is that, whenever possible, parents should be involved in helping their young daughter make the most critically important decision of whether or not to have an abortion. A recent CNN/USA Today survey conducted by the Gallup Organization found that 74 percent of Americans support parental consent before an abortion is performed on a girl under age 18. Even those who do not view an abortion as a taking of human life recognize it as a momentous and life-changing decision that a minor should not make alone. Thus, it is hard to imagine a decision more fundamental in our culture than whether or not to beget a child. Parental involvement in this crucial decision is necessary to ensure that the sanctity of human life is given appropriate consideration. There are few more issues deserving of our attention than protecting parental involvement.

Only half of the 39 states with parental involvement laws on the books currently enforce them. Some states have enacted laws that have been struck down by state or federal courts while in other states the executive department has chosen not to enforce the legislature's will. As a result, just over 20 states have parental laws in effect today. In these states, parents do not have the right to be involved in their minor children's most fundamental decisions, decisions that can have severe physical and emotional health consequences for young women.

Moreover, in those states where laws requiring consent are on the books and being enforced, those laws are frequently circumvented by pregnant minors who cross state lines to avoid the laws' requirements. Sadly, nowhere is this problem more apparent than in my home state of Missouri. I was proud to have successfully defended Missouri's parental consent law before the Supreme Court in Planned Parenthood versus Ashcroft. Unfortunately, the law has not been as effective as I had hoped. A study last year in the American Journal of Public Health found that the odds of a minor traveling out of state for an abortion increased by over 50 percent after Missouri's parental consent law went into effect.

The limited degree of enforcement and the ease with which state laws can be evaded demand a national solution. The importance of protecting life demands a national solution. It is time for Congress to act. Requiring a parent's consent before a minor can receive an abortion is one way states have chosen to protect not only the role of parents and the health and safety of young women, but also, the lives of the unborn. Congress shares with the states the authority—and duty—to protect parents and make alone. The enactment of a federal parental consent law will allow Congress to protect the guiding role of parents as it protects human life.
The Putting Parents First Act is based on state statutes that already have been determined to be constitutional by the U.S. Supreme Court. The legislation establishes a minimum level of parental involvement in decisions involving access to illegal contraceptives. It does not preempt state parental involvement laws that provide additional protections to the parents of pregnant minors. The second part of the Putting Parents Act extends the idea of parental involvement to the arena of federal programs that receive federal funds to operate programs that provide contraception to minors. The legislation I am introducing today restores common sense to government policy by requiring programs that receive federal funds to obtain a parent's consent before dispensing contraception to the parent's minor child.

In my view, Mr. President, sound and sensible public policy requires that parents be involved in critical, life-shaping decisions involving their children. A young person whose life is in crisis may be highly anxious, and may want to take a fateful step without their parents' knowledge. But it is at these times of crisis that children need their parents, not government bureaucrats or uninvolved strangers. This legislation strengthens the family and protect human life by ensuring that parents have the primary role in helping their children when they are making decisions that will shape the rest of their lives.

By Mr. McCain (for himself and Mr. Kerry):

S. 2382. A bill to amend title XIX of the Social Security Act to allow certain community-based organizations and health care providers to determine that a child is presumptively eligible for medical assistance under a State plan under that title; to the Committee on Finance.

CHILDREN'S HEALTH ASSURANCE THROUGH THE MEDICAID PROGRAM (CHAMP) ACT

Mr. McCain. Mr. President, today I am proud to rise with my colleague and dear friend, John Kerry, to introduce legislation which would help provide health care for thousands, if not millions, of uninsured children, and with health care coverage. Clearly, a bipartisan priority in the 105th Congress has been to find a solution for providing access to health insurance for the approximately 10 million uninsured children in our nation. This matter has been a very high priority for me since coming to Congress. The legislation we are introducing today, the "Children's Health Assurance through the Medicaid Program" (CHAMP), would help our states reach more than 3 million uninsured children who are eligible for the Medicaid program but not enrolled.

The consequences of lack of insurance are problematic for everyone, but they are particularly serious for children. Uninsured and low-income children are less likely to receive vital primary and preventative care services. This is quite discouraging since it is repeatedly demonstrated that regular health care visits facilitate the continuity of care which plays a critical role in the development of a healthy child. For example, one analysis found that children living in families with incomes below the poverty line were more likely to go without a physician than those with Medicaid coverage or those with other insurance. The result is many uninsured, low-income children not seeking health care services until they are seriously sick.

Studies have further demonstrated that many of these children are more likely to be hospitalized or receive their care in emergency rooms, which means higher health care costs for conditions that could have been treated with appropriate outpatient services or prevented through regular checkups.

Last year, as Congress was searching for ways to reduce the number of uninsured children, I kept hearing about children who are uninsured, yet, could qualify for health care insurance through the Medicaid program. I was unable to find specific information about who these children are, where they reside, and why they are not enrolled in the Medicaid program. Subsequently, I requested that the General Accounting Office conduct an in-depth analysis to provide Congress data on uninsured Medicaid eligible children. This information would provide the necessary tools to develop community outreach strategies and education programs to address the problem.

The GAO study was completed in March. The data shows that 3.4 million children are eligible for the Medicaid program (under the minimum federal standards) but are not enrolled. It also shows that these kids are more likely to be part of a working family with parents who are employed but earning a low income. A significant number of these children come from two-parent families rather than single-parent families. The study also discovered that more than thirty-five percent of these children are Hispanic, with seventy-four percent of them residing in Southern or Western states. Finally, the GAO report suggested that states need to be developing and implementing creative outreach and enrollment strategies which specifically target the unenrolled children.

It is important that we build upon these findings and develop methods for states to reach out to these families and educate them about the resources which exist for their children. The CHAMP bill is an important step in this process and would assist these children by expanding the state offices which can presume Medicaid eligibility for a child.

As you know, the 1997 Balanced Budget Act provided states with the option of utilizing "presumptive eligibility" as an outreach method for enrolling eligible children into their state Medicaid programs. Presumptive eligibility allows certain agencies to temporarily enroll children in the state Medicaid program for a brief period if the child appears to be eligible for the program based on their family's income. Health care services can be provided to these children if necessary during this "presumptive" period while the state Medicaid agency processes the child's application and makes a final determination of their eligibility.

Presumptive eligibility is completely optional for the states and is not mandatory. Under current law, states are only required to serve children who are "likely" to qualify for Medicaid. The McCain-Kerry CHAMP legislation, which exists as a companion to the "presumptive eligibility" option, would help our states reach more than 3 million uninsured children who are eligible for the Medicaid program but not enrolled.

It is essential that we work together to develop programs which exist for their children. The GAO report suggested that states need to be developing and implementing creative outreach strategies and education programs to address the problem of uninsured children. The CHAMP bill is an important step in this process and would assist these children by expanding the state offices which can presume Medicaid eligibility for a child.
entities operating child welfare programs under Title IV-A, Temporary Assistance to Needy Families (TANF) offices and the new Children Health Insurance Program (CHIP) offices would be permitted to help identify Medicaid eligible kids. Following more states are going to participate in outreach would increase the opportunities for screening children and educating their families about the Medicaid services available to them. By increasing the "net," for states, we would be helping them "capture" more children who are going without health care services because their families are not familiar, comfortable or aware of the Medicaid program and its enrollment process.

Our bill would help millions of children gain access to health care without creating a new government program, imposing mandates on states, or expanding the role of government in our communities. This is important to note—we would not be creating new agencies, bureaucracies or benefits. Instead, we would be increasing the efficiency and effectiveness of a long-standing program designed to help one of our most vulnerable populations, children. We urge our colleagues to support this innovative piece of legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Children's Health Assurance Through the Medicaid Program (CHAMP) Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Twenty-three percent or 3,400,000 of the 15,000,000 Medicaid-eligible children went without health insurance in 1996.

(2) Children with working parents are more likely to be uninsured.

(3) More than 35 percent of the 3,400,000 million uninsured Medicaid-eligible children are Hispanic.

(4) Nearly three-fourths of the uninsured Medicaid-eligible children live in the Western and Southern States.

(5) Studies have shown that uninsured children are more likely to receive preventive and primary health care services as well as to have a relationship with a physician.

(6) Studies have shown that a lack of health insurance prevents parents from trying to obtain preventive health care for their children.

(7) These studies demonstrate that low-income and uninsured children are more likely to be hospitalized for conditions that could have been treated with appropriate outpatient services, resulting in higher health care costs.

SEC. 3. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.

Section 1902(a)(11) of the Social Security Act (42 U.S.C. 1396r-1a(b)(3)(A)(ii)) is amended—

(1) by striking "or (II)" and inserting "; and (II);" and

(2) by inserting "eligibility of a child for medical assistance under the State plan for payment of medical assistance benefits to the extent that the child is eligible for child health assistance under the program funded under title XXI, or (III) is an elementary school or secondary school, as such term is defined in section 113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2801), an elementary or secondary school operated or supported by the District of Columbia, or a State child support enforcement agency, a child care resource and referral agency, or a State office or program of transportations applications for or administers a program funded under part A of title IV that determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) before the semicolon.

Mr. KERRY. Mr. President, I want to thank my friend and colleague Senator McCain for his work on this important issue. Our colleagues are introducing legislation with him this legislation, entitled the Children's Health Assurance Through the Medicaid Program (CHAMP), which would increase health coverage for eligible children and increase state flexibility.

Mr. President, the Balanced Budget Act of 1997 gave States the option to bring more eligible but uninsured children into Medicaid by allowing states to grant "presumptive eligibility." This means that a child would temporarily be covered by Medicaid if preliminary information suggests that they qualify. Providing health insurance for children is important because studies show that children without health insurance are more likely to be in worse health, less likely to see a doctor, and less likely to receive preventative care such as immunizations.

Mr. President, Senator McCain and I are introducing today that would strengthen the existing option and give states more flexibility. First, it will allow states to rely on a broader range of agencies to assist with Medicaid enrollment. By expanding the list of community-based providers and state and local agencies to include schools, child support agencies, and some child care facilities, states will be able to make significant gains in the number of children identified and enrolled in Medicaid. States would not be required to rely on these additional providers but would have the flexibility to choose among qualified providers and shape their own outreach and enrollment strategies.

The cost of these changes to the presumptive eligibility option for Medicaid under last year's Balanced Budget Act are modest. Our understanding is that our proposal would cost approximately $2.5 million over five years. This is a positive step in the right direction, helping ensure that the growing population of American children can safely reach the finish line of their own success story. And it includes an important policy tool in the early years.
the researchers noted that "children working in agriculture are legally permitted to work at younger ages, in more hazardous occupations, and for longer periods of time than their peers in other industries." For example, a 13 year old can work a full 10 hour work week in an air conditioned office building, but can pick strawberries in a field in the middle of summer. That same report noted that over 150,000 children are working in agriculture. However, because the number is based on Census data, the Farm Worker Union places the number at nearly 800,000 children working in agriculture.

In December 1997, the Associated Press (AP) wrote a five part series on child labor in the United States documenting 4 year olds picking chili peppers in New Mexico and 10 year olds harvesting cucumbers in Ohio. In one tragic example reported by the AP, a 14 year old farm worker, was killed by a tractor and his body left to rot for a week. That same year, 4 year olds picking chili peppers in New Mexico were found dead in the field after being left to die there for a week.

At the June hearing of the Senate Employment and Training Subcommittee, the AP's report came back into regard to U.S. domestic child labor. First, agricultural child laborers are dropping out of school at an alarming rate. Over of 45 percent of farm worker youth will never complete high school. Second, the laws that we do have regarding child labor are inadequate to protect a modern workforce. Our present civil and criminal penalties are simply insufficient to deter compliance with the law and need to be strengthened and more vigorously enforced.

My legislation, which is supported by the Administration and children's advocates groups across the country, such as the Child Labor Coalition and the Labor Committee, will help change this alarming situation. It will: raise the current age of 16 to 18 in order to engage in hazardous agricultural work, close the loopholes in federal child labor laws which allow a three year old to work for 9 hours a day, and increase the civil and criminal penalties for child labor violations to a minimum of $500, up from $100 and a maximum of $15,000, up from $1,000.

In closing, let me say that we must end child labor—the last vestige of slavery in the world. It is time to give all children the chance at a real childhood and give them the skills necessary to compete in tomorrow's work place. There is no excuse for the number of children being maimed or killed in work related accidents when labor saving technologies have been developed in recent years. So, on today's farms, it makes even less sense than ever for children to be put in dangerous situations operating hazardous machinery.

Mr. President, I hope that we will be able to vote on this legislation in the near future so that we can prepare our children for the 21st century. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill, a letter from the Child Labor Coalition, and the testimony of Sergio Reyes be printed in the RECORD.

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

SEC. 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Children's Act for Responsible Employment Employment Law" or the "CARE Act".

(b) REFERENCE.—Whenever in this Act an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. AGRICULTURAL EMPLOYMENT.

Section 13(c) (29 U.S.C. 213(c)) is amended—

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

"(1) The provisions of section 12 relating to child labor shall not apply to any employee engaged in agriculture outside of school years for the school year in which such employee is living while he or she is so employed, if such employee is employed by his or her parent or legal guardian, on a farm owned or operated by such parent or legal guardian;", and

(2) by striking paragraphs (2) and (4).

SEC. 3. YOUTH PEDDLING.

(a) FAIR LABOR STANDARDS ACT COVERAGE.—

(1) FINDING.—The last sentence of section 2(a) (29 U.S.C. 202(a)) is amended by inserting after "household", and the employment of employees under the age of 16 years in youth peddling.

(2) DEFINITION.—Section 3 (29 U.S.C. 203) is amended by adding at the end the following:

"(y) "Youth peddling' means selling goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations. Youth peddling' does not include the activities of persons who, as volunteers, sell goods or services on behalf of not-for-profit organizations.

(b) DEFINITION OF OPPRESSIVE CHILD LABOR.—Section 3(l) (29 U.S.C. 203(l)) is amended by inserting after "occupations other than" the following: "youth peddling,''.

(c) PROHIBITION OF YOUTH PEDDLING.—Section 12(a) (29 U.S.C. 212(a)) is amended by adding at the end the following: "Any person who violates the provisions of section 15(a)(4), concerning oppressive child labor, shall be subject to a civil penalty of not less than $15,000, or to imprisonment for not more than 5 years, or both, in the case of a willful or repeat violation that results in or contributes to a failure of a child to complete a minimum of a full academic year of schooling or to obtain a legal, non-wage earning occupation", and "disability of a minor employee, or a violation which is concurrent with a criminal violation of any other provision of this Act or of any other Federal or State law".

SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) CIVIL MONEY PENALTIES.—Section 16(d) (29 U.S.C. 216(d)) is amended in the first sentence—

(1) by striking "$10,000" and inserting "$15,000".

(2) by inserting after "subject to a civil penalty of" the following: "not less than $500 and"

(b) CRIMINAL PENALTIES.—Section 16(a) (29 U.S.C. 216(a)) is amended by adding at the end the following: "Any person who violates the provisions of section 15(a)(4), concerning oppressive child labor, shall be subject to a fine of not more than $15,000, or to imprisonment for not more than 5 years, or both, in the case of a willful or repeat violation that results in or contributes to a failure of a child to complete a minimum of a full academic year of schooling or to obtain a legal, non-wage earning occupation", and "disability of a minor employee, or a violation which is concurrent with a criminal violation of any other provision of this Act or of any other Federal or State law".

SEC. 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.

Section 12(a) (29 U.S.C. 212(a)) is amended by striking the period at the end and inserting the following: "And provided further, that the Secretary shall determine the circumstances under which goods may be allowed to be shipped or delivered for shipment in interstate commerce.

SEC. 6. COORDINATION.

Section 4 (29 U.S.C. 206) is amended by adding at the end the following:

"(g) The Secretary shall encourage and establish closer working relationships with international organizations, the United States Department of Labor, and with State and local government agencies having responsibility for administering and enforcing labor and safety and health laws. Upon request of the Secretary, and to the extent permissible under applicable law, State and local government agencies with information regarding injuries and deaths of employees shall submit such information to the Secretary for use as appropriate in the enforcement of section 12 and in the promulgation and interpretation of the regulations and orders authorized by section 3(l). The Secretary may reimburse such State and local government agencies for such services."

SEC. 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.

(a) REGULATIONS.—The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Labor and the Secretary of Agriculture shall, not later than 180 days after the date of enactment of this Act, enter into a memorandum or understanding to coordinate the development and enforcement of standards to minimize child labor.

SEC. 8. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary for to carry out this Act and the amendments made by this Act.

DELINQUENT LABOR PROBLEMS IN THE CHILD LABOR COALITION, Washington, D.C.


Hon. Tom Harkin, U.S. Senate, Washington, D.C.

Senator Harkin: The Child Labor Coalition thanks you for your leadership over the last six years to end child labor exploitation overseas. Your influence has spurred much of the progress that has been made in the international community.

As you are certainly aware, the United States is not immune to child labor problems. Two of our most significant problems are the escalating injuries to young workers and the inadequate protection of children working in agriculture. The legislation you are introducing is a positive step toward addressing these problems.

Every year, more than 200,000 minors are injured and more than 100 die in the workplace. Research has shown that injuries often occur when youth are engaged in prohibited duties or occupations. Your legislation to increase penalties for child labor violations will send a clear message to employers to ensure the safety of their young workers through increased diligence in following the child labor laws.

The Child Labor Coalition does not adequately protect children working as hired farmworkers. Children may work at younger ages, for more hours, and in hazardous employment at younger ages than employed in any other workplace or occupation. This has to change and your legislation to equalize
the protections of all children who are working, regardless of the occupation, is applauded.

On behalf of the more than 50 organizational members of the Child Labor Coalition we thank you for your efforts to update our nation’s child labor laws and wholeheartedly support this legislation.

Sincerely,

DARLENE S. ADKINS, Coordinator.

TESTIMONY OF SERGIO REYES BEFORE THE SENATE SUBCOMMITTEE ON EMPLOYMENT AND TRAINING, JUNE 11, 1998

Good morning. My name is Sergio Reyes, and I’m 15 years old. This is my brother Oscar and he is nine years old. We’re from Hollister, California, and we are farmworkers like our father and our grandfather. We are permanent residents here in the United States. Thank you for inviting us to speak today about our experience being farmworkers. We both have been farmworkers for five years now, ever since our family came from Mexico. I started working when I was 10 years old, and Oscar started when he was four. He has been working for more than half of his life. We work from as many as 10 hours a day, cutting paprika, topping garlic and pulling onions. The work is very hard and it gets very hot. It’s tough working these long and going to school too. We work after school, during the weekends, during the summer and on holidays. Oscar can show you some of the tools that we use and how we top garlic and cut onions. I don’t have any idea when pesticides are used on these crops or not.

To do this work we have to stay bent over for most of the time and have to lift heavy bags and buckets filled with the crops that we’re picking. It’s hard work for adults and very hard work for kids. We work because our family needs the money. I’d rather be in school. I am in the 10th grade and someday I’d like to be a lawyer. Oscar wants to be a fireman when he grows up. My family knows how important it is to go to school and get an education. But there are times when working is more important. We know lots of families like ours where the kids drop out of school because they need to work. It’s sad because they really need an education or to learn another job skill if they’re ever going to get out of the fields. Without an education it’s hard to become a lawyer and Oscar will never be a fireman.

My dad is trying to get out of farmwork. He is working in a winery and he is starting a farmer job training program to learn another skill. He is trying to get another job so that he can earn more money and have some health insurance. We’ve never had health insurance before. As hard as my dad works, he’s not guaranteed to make a good living. And my dad works very hard. I just hope that when I get older and if I happen to keep me from graduating from school, that there will be a program for Oscar and me.

That’s all for letting us come. We appreciate all the do that will help our dad, other farmworker kids and my brother Oscar and me.

By Mr. ASHCROFT (for himself and Mr. FAIRCLOTH):

S. 2384. A bill entitled “Year 2000 Enhance Cooperation Solution”; to the Committee on the judiciary.

YEAR 2000 SOLUTION LEGISLATION

Mr. ASHCROFT. Mr. President, I rise today to introduce a bill that addresses a critical problem that demands immediate attention from the Congress.

For many years now I have been involved with a variety of issues that affect the technology sector. As I have said before, no other sector of the economy is as vibrant and forward looking. The ingenuity, drive and vision of this industry are a source of pride for all of us, including those of us in the Senate. Moreover, the importance of this industry should only grow in the coming years. However, as I look to the future with the hope of seeing the next century stamped “Made in America” I see one large impediment—the Year 2000 bug.

The 105th Congress must consider this problem and assist the country in trying to avoid a potentially disastrous crisis. We cannot wait for disaster to strike. We must act now to enable companies to avert the crisis. No individual will be left untouched if the country fails to address this problem and experiences widespread ramifications. No company will escape huge costs if they have not addressed this problem.

The first part of this overall plan is the Year 2000 Enhanced Cooperation Solution. This legislation provides a very narrow exemption to the antitrust laws if and when a company is engaged in cooperative conduct to alleviate the impact of a year 2000 date failure in hardware or software. The exemption has a clear sunset and expressly ensures that the law continues to prohibit anti-competitive conduct such as boycotts or agreements to allocate markets or fix prices.

This simple, straightforward proposal is critical to allowing for true cooperation in an effort to rectify the problem. No company can solve the Y2K problem alone. Even if one company devises a workable solution to their own problems they still face potential disaster from components provided by outside suppliers. Whether companies find workable solutions we certainly want to provide them with every incentive to disseminate those solutions as widely as possible. Cooperation is essential. But without a clear legislative directive, potential antitrust liability will stand in the way of cooperation. We must provide our industries with the appropriate incentives and tools to fix this problem without the threat of antitrust lawsuits based on the very cooperation we ought to be encouraging.

I do want to be very clear on one point—as important as it is that this legislation be enacted and enacted soon, it is merely the first piece of a difficult puzzle. The Administration has presented the Congress with their view of how information sharing on the Y2K problem should be furthered. Based on my initial review, that proposal happens to share the same objectives in the right direction but falls far short of the target destination. Most importantly, the proposed approach which purports to promote information sharing does not accomplish its objective as it leaves the problem of potential antitrust liability on other hands. It does not accomplish the task that it set out to complete.

I will seek the introduction of the second piece of this solution, the Year 2000 Enhanced Information Solution, which while working within the guidelines of the Administration’s language will add the teeth, make clear that good faith disclosure of information will be protected, and provide for protection of information and individuals.

Together with the antitrust legislation I introduce today, this should provide sufficient protection to promote the kind of cooperation that will be essential to addressing this looming problem.

The final piece of the package will be the Year 2000 Litigation Solution. Real harm from inadequate efforts to address this problem must be compensated. However, the courts and the prospect of frivolous litigation to block efforts to avoid such harm. We must ensure that frivolous litigation over the Y2K problem does not consume the lion’s share of the next millennium. While it is not possible for Congress to guarantee that private individuals and companies will be able to solve the Y2K problem, Congress can eliminate legal obstacles that stand in the way of private solutions. Information sharing and the court system must be focused as fully as possible on the promotion of individuals and companies to workable solutions we certainly want to provide them with every incentive to disseminate those solutions as widely as possible. Cooperation is essential. But without a clear legislative directive, potential antitrust liability will stand in the way of cooperation. We must provide our industries with the appropriate incentives and tools to fix this problem without the threat of antitrust lawsuits based on the very cooperation we ought to be encouraging.

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The final piece of the package will be the Year 2000 Litigation Solution. Real harm from inadequate efforts to address this problem must be compensated. However, the courts and the prospect of frivolous litigation to block efforts to avoid such harm. We must ensure that frivolous litigation over the Y2K problem does not consume the lion’s share of the next millennium. While it is not possible for Congress to guarantee that private individuals and companies will be able to solve the Y2K problem, Congress can eliminate legal obstacles that stand in the way of private solutions. Information sharing and the court system must be focused as fully as possible on the promotion of individuals and companies to workable solutions we certainly want to provide them with every incentive to disseminate those solutions as widely as possible. Cooperation is essential. But without a clear legislative directive, potential antitrust liability will stand in the way of cooperation. We must provide our industries with the appropriate incentives and tools to fix this problem without the threat of antitrust lawsuits based on the very cooperation we ought to be encouraging.
Mr. BENNETT. Mr. President, I am pleased to introduce the “San Rafael National Heritage and Conservation Act” and I am pleased to be joined by Senator HATCH in this effort.

The San Rafael National Heritage and Conservation Act not only accomplishes the preservation of an important historic area, but it is the result of a collaborative approach among Federal land managers, state and local governments and other concerned agencies and organizations. This revised legislation incorporates several of the suggestions of the Administration, the House and those who originally expressed concerns about the bill as introduced in the House. The provision we introduce today is the result of months of discussions between the Bureau of Land Management, the citizens of Emery County and Members of Congress. It is a good-faith effort to initiate and will bring resolution to the larger philosophical differences between land management practices in Utah. With a little luck, we might even begin a process which could lead to a resolution to the ongoing Utah wilderness debate.

The San Rafael Swell region in the State of Utah was one of America’s last frontiers. I have in my office, a map of the State of Utah drafted in 1876 in which large portions of the San Rafael Swell were simply left blank because they were yet to be explored. Visitors who comment on this map are amazed when they see that large portions of the San Rafael area remained unmapped thirty years after the Mormon pioneers arrived in the Salt Lake Valley.

This area is known for its important historical sites, notable tradition of mining, widely recognized paleontological resources, and numerous recreational opportunities. As such, it needs to be protected. The San Rafael Swell National Conservation Area created through this legislation will be approximately 630,000 acres in size and will comprise wilderness, a Bighorn Sheep Area, a scenic view of Critical Environmental Concern, and Semi-Primitive Area of Non-Motorized Use. The value of the new management structure for the National Conservation Area can be found in the flexibility it gives in addressing a broad array of issues from the protection of critical lands to the oversight of recreational uses.

The San Rafael National Heritage and Conservation Act sets aside 130,000 acres at HAT in this area, land that permanently removes the threat of mining, oil drilling, and timbering from the Swell. It also sets aside a conservation area of significant size to protect Utah’s largest herd of Desert Bighorn Sheep. Vehicle travel is restricted to designated roads and trails in other areas and visitors recreational facilities are provided. Finally, it will assist the BLM and the local communities in developing a long term strategy to preserve the region through the National Heritage Area. Careful study of the bill shows that the San Rafael Swell National Heritage and Conservation Act is a multidimensional management plan for an entire area, with multidimensional management needs. It provides comprehensive protection and management for an entire ecosystem.

My colleagues in the House have worked hard to address the concerns of the Administration and they have made several changes to the House version as introduced in an effort to improve the legislation. We have redrawn maps, eliminated roads from wilderness areas, eliminated cherry stems of other bills, increased the size of the wilderness and semi-primitive areas. Specifically, by including new provisions dealing with the Compact and Heritage Plan, the new language ensures that the resources found in the San Rafael and properly surveyed and understood prior to the Heritage Area moving forward.

With regards to the Conservation Area, bill language guarantees that the management plan will not impair any of the important resources within the San Rafael Swell. We have also included new language that ensures the Secretary of Interior is fully represented on the Advisory Council.

The San Rafael Swell National Heritage and Conservation Act is unique in that it sets the San Rafael Swell apart from Utah’s other national parks and monuments. It protects not only the important lands in this area but also another resource just as precious—its cultural heritage. This bill is an example of how a legislative solution can result from a grassroots effort involving both state and local government officials, the BLM, historical preservation groups, and wildlife enthusiasts. Most important, it takes the necessary steps to preserve the wilderness value of these lands.

This legislation has broad statewide and local support. It is sound, reasonable, and innovative in its approach to managing the public land treasures of the San Rafael Swell. Finally, it is based on the scientific methods of ecosystem management and prevents the fracturing of large areas of multiple use lands with small parcels of wilderness interspersed. Mr. President, I conclude with this point; the wilderness debate in Utah has gone on too long. My colleagues will be reminded that in the last Congress, the debate centered on whether two million acres or 5.7 million acres were the proper amount of wilderness to designate. We are now trying to protect more than 600,000 acres in one county in Utah alone. The Emery County Commissioners should be commended for their foresight and vision in preparing this proposal. I hope that this legislation can become a model for future conflict resolutions.

Unfortunately, the shouting match over an average has obscured the fact that the discussion over what types of protection were in order for these lands. I doubt that there are few people who would debate the need to protect these lands. But too often in the past we have argued over the size of what constitutes “protection.” Unfortunately for some groups, a certain designation is the only method of acceptable protection. I urge those groups to look beyond the trees and see the forest for a change. Should these groups decide to come to the table, lend their considerable expertise to our efforts and try to reach a consensus, the first steps toward resolving the decades-old wilderness debate in Utah will have been taken.

I urge my colleagues will carefully review this legislation and support for this bill.

Mr. HATCH. Mr. President, I rise in support of the San Rafael Swell National Heritage and Conservation Act. As a cosponsor of this measure, I applaud the efforts of my friend and colleague, Senator BENNETT, for bringing this matter before the United States Senate. This is a refreshing approach to managing public lands in the West. This legislation recognizes the authority and prerogatives of citizens who are most affected by public policy. This measure gives citizens who live next to these lands a say as to what is right and appropriate for the land’s management. I believe this initiative, which began locally at the grassroots level, is a cynosure for future land management decisions in the West.

Much more than simply protecting rocks and soil, this legislation safeguards wildlife and their habitat, cultural sites and artifacts, and Indian and Western heritage. This is not our standard one-size-fits-all land management plan. It provides for the conservation of this unique area, opting to encourage visitors not development.

Mr. President, the San Rafael Swell is this legislation reflects the ability of our citizens to make wise decisions about how land in their area should be used and protected. It is an article of our democracy that we recognize the prerogatives and preferences of citizens who are most affected by public policy. This measure gives citizens who live next to these lands a say as to what is right and appropriate for the land’s management. I believe this initiative, which began locally at the grassroots level, is a cynosure for future land management decisions in the West.

The San Rafael Swell National Conservation Area was created in order for these lands. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions. I hope that this legislation can become a model for future conflict resolutions.
principles; and they want to see the land they love and depend on preserved for present and future generations.

First of all, Mr. President, this legislation sets up a National Heritage Area, the first of its kind west of the Mississippi. In the new National Heritage Area, tourists will walk where Indians walked and where other outstanding historical figures such as Kit Carson, Chief Walker, Jedediah Smith, John Wesley Powell, Butch Cassidy, and John C. Fremont spent time. The area already boasts a number of fine museums, including the John Wesley Powell Museum, the Museum of the San Rafael, the College of Eastern Utah Prehistoric Museum, the Kekser Mining Museum, and the Cleveland-Lloyd Dinosaur Quarry. Consolidated under the new National Heritage Area, these important sites and museums will add a Western flavor to the already rich tapestry of existing National Heritage Areas in our nation.

Next, this legislation sets up one of our nation’s most significant and dynamic conservation areas. The San Rafael Swell Area will encompass the entire San Rafael Swell and protect approximately 1 million acres of scenic splendor. The area will be managed according to the same standards set by Congress for all other conservation areas. In fact, this legislation withdraws the entire San Rafael Swell from future oil drilling, logging, mining, and tar sands development. Moreover, the area will protect important paleontological resources including an area the Geological Survey knows as the desert known as the Cleveland-Lloyd Dinosaur Quarry which was set aside in 1966 as a National Natural Landmark, preserving one of the largest sources of fossils in the New World.

Of particular interest, Mr. President, is the designation of the Desert Big Horn Sheep National Management Area. This provision ensures that our precious herd of bighorn sheep will continue to be monitored by state wildlife managers and also provides for some protection to other resources in the area. As a last but not least, Mr. President, this legislation formally designates certain areas within the Swell as wilderness.

This proposal preserves a portion of the West as it currently exists and allows for traditional uses, where appropriate, such as hunting, trapping, and fishing. It will foster the development and maintenance of tourism in keeping with the overall goals of preservation. This management concept is one of multiple use and allows for the continuation of working landscapes including agriculture, irrigation, and ranching, which are a part of our Western tradition.

Mr. President, this initiative is compatible with local and regional needs, but it invites the world to come and enjoy this natural and historical treasures of the San Rafael Swell. I urge my colleagues to support this important citizens’ initiative to preserve the San Rafael Swell.

By Mr. BIDEN: S. 2387. A bill to confer and confirm Presidential authority to use force abroad, to set forth procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation designed to provide a framework for joint congressional-executive decision-making about the most solemn decision that a nation can make: to send men and women to fight and die for their country.

Entitled the “Use of Force Act,” the legislation would replace the war powers resolution of 1973 with a new mechanism that is, on the whole, more effective than the existing statute.

Enacted nearly a quarter century ago, over the veto of President Nixon, the war powers resolution has enjoyed an unhappy history. In 1975, President Carter cited the district courts of the country who questioned its constitutionality, and ignored by a Congress too timid to exercise its constitutional duty.

This was not, of course, the intent of its framers, who sought to improve executive-congressional cooperation on questions involving the use of force—the mechanism that, on the whole, is more effective than the existing statute.

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The thesis is largely a product of the cold war and the nuclear age: the view that, at a time when the fate of the planet itself appeared to rest with two superpowers, the executive branch of the federal government, and particularly the president, would hold nearly unlimited power to direct American forces into action.

This thesis was first articulated in 1950, when President Truman sent forces to Korea without congressional authorization. It peaked twenty years later, in 1970, when President Nixon sent U.S. forces into Cambodia—also without congressional authorization, but this time accompanied by sweeping assertions of autonomous Presidential power.

President Nixon’s theory was so extreme that it prompted the Senate to begin a search—a search led by Republican J acob J avits and strongly supported by a conservative Democrat, John Stennis of Mississippi—for some constitutional mechanism that would allow the executive branch to carry out its responsibilities under the Constitution.

This theory was rejected in 1973, when President Nixon sent forces into Cambodia—also without congressional authorization, but this time accompanied by sweeping assertions of autonomous Presidential power.

The first war resolution of 1973 was a legal necessity. It was passed by Congress to demonstrate that Congress itself should authorize military action. Lacking such a consensus, Congress did little to exercise its constitutional authority.

Congressional-executive decision-making to carry out its responsibilities under the war power. Although there was strong consensus that a strong response was required to Saddam Hussein’s resistance to U.N. inspections, there was no consensus in this body about whether Congress itself should authorize military action. Lacking such a consensus, Congress did nothing.

Congress’ responsibilities could not be clearer. Article one, section eight, clause eleven of the Constitution grants to Congress the power “to declare war.” It grants to Congress the power “to declare war.” The framers intended to confine this power to Congress. They intended to limit the power of the president to commit the nation to war.

To the President, the Constitution provides in article two, section two, the right “to take care that the laws be faithfully executed.” To the president, the Constitution provides in article two, section two, the right “to take care that the laws be faithfully executed.” The president is the chief executive of the government. He is the commander in chief of the armed forces. The president is the nation’s chief representative abroad. The president is also the chief diplomat. The president is responsible for the conduct of foreign relations.

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Our earliest Presidents were extremely cautious about encroaching on Congress' power under the war clause. For example, in 1793, the first President, George Washington, stated that offensive operations against an Indian tribe were unauthorized under the congressional action: "The Constitution vests the power of declaring war with Congress; therefore no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure." During the Presidency of John Adams, the United States engaged in an undeclared naval war with France. But it bears emphasis that these military engagements were clearly authorized by Congress by a series of incremental statutes. The naval war with France also yielded three important Supreme Court decisions regarding the scope of the war power.

In 1799, Congress authorized the President to intercept any U.S. vessels headed to France. President Adams subsequently ordered the Navy to seize any ships traveling to or from France. The Supreme Court declared the seizure of a U.S. vessel traveling from France to be illegal—thus ruling that Congress had the power not only to authorize limited war, and but also to limit Presidential power to take military action. The court ruled in two other cases bearing on the question of limited war. Wars, the Court said, even if "imperfect," are nonetheless wars. In still another case, Chief Justice Marshall opined that "the whole powers of war [are] by the Constitution . . . vested in Congress . . . [which] may authorize general hostilities . . . or partial war.

These precedents, and the historical record of actions taken by other early Presidents, have significantly more bearing on the nature of the war clause than the modern era. As Chief Justice Warren once wrote, "The precedental value of [prior practice] tends to increase in proportion to the proximity to the constitutional convention." Unfortunately, this constitutional history seems largely forgotten, and the doctrine of Presidential power that arose during the cold war remains in vogue.

To accept the status quo requires us to believe that the constitutional imbalance serves our nation well. But it can hardly be said that it does. As matters now stand, Congress is denied its proper role in sharing the decision to commit American troops, and the President is deprived of the consensus to help carry this policy through.

I believe that only by establishing an effective war powers mechanism can we ensure that those who would take sustained hostilities will always be subject to democratic pressure. A statutory mechanism is simply a means of delineating procedure.

In 1988, determining that a review of the war powers resolution was in order, the Foreign Relations Committee established a special subcommittee to assume the task.

As chairman of the subcommittee, I conducted extensive hearings. Over the course of two months, the subcommittee heard from many distinguished witnesses: former President Ford, former Secretaries of State and Defense, former Joint Chiefs of Staff, former Members of Congress who drafted the war powers resolution, and many constitutional scholars.

At the end of that process, I wrote a law review article describing how the war powers resolution might be thoroughly rewritten to overcome its actual and perceived liabilities.

That effort provided the foundation for the legislation I introduced in the 104th Congress, and that I reintroduce today. The bill has many elements; I will briefly summarize it.

First, the bill replaces the war powers resolution with a new version. But I should make clear that I retain its central element: a time-clock mechanism that limits the President's power to use force abroad. That mechanism, it bears emphasis, was found to be unambiguously constitutional in a 1980 opinion issued by the Office of Legal Counsel at the Department of Justice. It is often asked whether the time-clock provisions is "unworkable," or that it invites our adversaries to make a conflict so painful in the short run as to induce timidity in the Congress. But with or without a war powers law, American willingness to undertake sustained hostilities will always be subject to democratic pressures. A statutory mechanism is simply a means of delineating procedure.

Second, my bill defuses the specter that a "timid Congress" can simply sit on its hands and prevent the authority for a deployment to expire.

First, it establishes elaborate expedited procedures designed to ensure that a vote will occur. And it explicitly defeats the "timid Congress" specter by providing to the President the authority he has sought if these procedures nonetheless fail to produce a vote. Thus, if the President requests the war powers resolution was in order—one outside the realm of emergency—and Congress fails to vote, the President's authority is extended indefinitely.
Third, the legislation delineates what I call the “going in” authorities for the President to use force. One fundamental weakness of the war powers resolution is that it fails to acknowledge powers that most scholars agree are inherent in the President to repel an armed attack upon the United States or its Armed Forces, or to rescue Americans abroad.

My legislation corrects this deficiency by enumerating five instances where the President may use force:

1. To repel an attack on U.S. territory or U.S. forces;
2. To deal with urgent situations threatening U.S. interests;
3. To extricate imperiled U.S. citizens;
4. To forestall or retaliate against specific acts of terrorism;
5. To defend against substantial threats to international sea lanes or airspace.

It may be that no such enumeration can be exhaustive. But the circumstances set forth would have sanctioned virtually every use of force by the United States since World War Two.

This concession of authority is circumscribed by the maintenance of the time-clock provision.

After sixty days have passed, the President’s authority would expire, unless one of three conditions had been met:

1. Congress has declared war or enacted specific statutory authorization;
2. The President has requested authority for an extended use of force but Congress has failed to act on that request, notwithstanding the expedited procedures established by this act;
3. The President has certified the existence of an emergency threatening the supreme national interests of the United States.

The legislation also affirms the importance of consultation between the President and Congress and establishes a new means to facilitate it.

To overcome the common complaint that Presidents must contend with “535 Secretaries of State,” the bill establishes a Congressional Leadership Group with whom the President is mandated to consult on the use of force.

Another infirmity of the war powers resolution is that it fails to define “hostilities.” Thus Presidents frequently engaged in verbal gymnastics of insisting that “hostilities” were not “imminent”—even when hundreds of thousands of troops were positioned in the Arabian desert opposite Saddam’s legions.

Therefore, the legislation includes a more precise definition of what constitutes a “use of force.”

Finally, to make the statutory mechanism complete, the use of force act provides a means for judicial review. Because I face the reluctance of many of my colleagues to inject the judiciary into decisions that should be made by the political branches, this provision is extremely limited. It empowers a three-judge panel to decide only whether the time-clock mechanism has been triggered.

The bill contains a provision granting standing to Members of Congress, a door that the Supreme Court appears to have largely closed in the case of Raines v. Byrd. The same one-two challenge brought by the senior Senator from West Virginia. I believe, notwithstanding the holding of that case, that a Member of Congress would suffer the concrete injury necessary to satisfy the standing requirement under Article three of the Constitution.

The reason is this: The failure of the President to submit a use of force report would harm the ability of a Member of Congress to exercise a power clearly reposed in Congress under article one, section eight. That injury, I believe, should suffice in clearing the high hurdle on standing which the Court imposed in the Byrd case. No private individual can bring such a suit; if a Member of Congress cannot, then no one can.

I have no illusions that enacting this legislation will be easy. But I am determined to try.

The status quo—with Presidents asserting broad executive power, and Congress often content to surrender its powers to Presidents—is not sustainable. The President may use force—

...
Section 106. Funding Limitations. This section prohibits the expenditure of funds for any use of force inconsistent with the UFA. Further, this section exercises the power of judicial review by providing that a point of order will lie against any measure containing funds to perpetuate a use of force that Congress, by concurrent resolution, had wanted to terminate.

Section 107. Judicial Review. This section permits judicial review of any action by Congress on the grounds that the UFA has been violated. It does so by:

(1) granting standing to any Member of Congress.

(2) providing that neither the District Court nor the Supreme Court may refuse to hear a suit unless a three-judge panel could have heard it.

(3) prescribing the judicial remedies available to the District Court and the Supreme Court.

(4) creating a right of direct appeal to the Supreme Court.

(5) providing that neither the District Court nor the Supreme Court may refuse to hear a suit where the plaintiff Members of Congress believe that the President's authority is unconstitutionally denied by the President's failure to comply with the UFA.

Section 108. Priority Procedures. This section provides for the expedited procedures that are integral to the functioning of the Act. These procedures are drawn from the war powers legislation cited earlier, introduced by Senator Robert Byrd et al. in 1988.

Section 201. Priority Procedures. This section provides for the expedited parliamentary procedures that are integral to the functioning of the Act. These procedures are drawn from the war powers legislation cited earlier, introduced by Senator Robert Byrd et al. in 1988.
prices in major growth markets such as Washington, D.C., New York, or California may start at hundreds of thousands of dollars. As a result, the urban dwellers who have owned their homes through many years of appreciation can often benefit from a large portion of this new $500,000 capital gains tax exclusion. Unfortunately this provision, as currently applied, is virtually useless to family farmers. For farm families, their farm is their major financial asset. Unfortunately, family farmers under current law receive little or no benefit from the new $500,000 exclusion because the IRS separates the value of their homes from the value of the farmland the homes sit on. As people from my state of North Dakota know, houses out on the farmsteads of rural America are more commonly sold for $5,000 to $40,000. Most farmers plow any profits they make into the whole farm rather than into current improvements. Unfortunately, the value when the farm is sold. It’s not surprising that the IRS often judges that homes far out in the country have very little value and thus farmers receive much less benefit from this $500,000 exclusion than do their urban and suburban counterparts. As a result, the capital gain exclusion is little or no help to farmers who are being forced out of business. They may immediately face a hefty capital gains tax bill from the IRS.

This is simply wrong, Mr. President. It is unfair. Federal farm policy helped create the hole that many of these farmers find themselves in. Federal tax policy has been pushing families into the hands of our family farmers in the Great Plains. Let’s stop penalizing farmers who are forced out of agriculture. Let’s allow farmers to benefit from the same kind of tax exclusion that most homeowners already receive. This is the right thing to do. And it’s the fair thing to do.

By Mr. WELLSTONE:

S. 2389. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Labor and Human Resources.

FAIR LABOR ORGANIZING ACT

Mr. WELLSTONE. Mr. President, I rise to introduce a bill, the Fair Labor Organizing Act, to strengthen the basic rights of workers freely to associate, organize, and to join a union. The bill would address significant shortcomings in the National Labor Relations Act. These shortcomings amount to impediments to fundamental democratic principles that allow employees to seek to improve their own and their families’ standard of living and quality of life, which is to join, belong to and participate in a union.

Mr. President, in the past few years, working men and women across the country have been fighting and organizing with a new energy. They are fighting for better health care, pensions, a living wage, better education policy and fairer trade policy. They also are fighting and organizing to ensure that they have the opportunity to be represented by a union through which they can collectively bargain with their employers. Much of this organizing is taking place among workers in the tourism, hospitality, and service sectors of the workforce, and among portions of our working population, that have not previously been organized. I think these new efforts are part of what really is a new civil rights and human rights struggle in our country. It is an organizing and historical development. There is probably no clearer indication that the impact of this development is being felt, and that many of these efforts are part of the attacks on the current safety of journalists and the very struggle for the new civil rights and human rights struggle in our country.

The Fair Labor Organizing Act would achieve three basic goals. First, it would help employees make fully informed, free decisions about union representation. Second, it would expand the remedies available to wrongfully discharged employees. Third, it would require mediation and arbitration when employers and employees fail to reach a collective bargaining agreement on their own.

It is late in the organizing year. Our bill may not receive full consideration or be enacted into law this year. But I believe it is important to set a standard and place a marker. Workers across America are fighting for their rights, and they are finding that the playing field is tilted against them. The NLRA does not fully allow them fair opportunities to speak freely, to associate, organize and join a union, even though...
that is its intended purpose. I have walked some picket lines during the past two years. I have joined in solidarity with workers seeking to organize. I have called on employers to bargain in good faith with their employees during disputes in the National Labor Relations Act and I urge colleagues to do the same. At the same time, it is clear to nearly any organizer and to many workers who have sought to join a union that the rules in crucial ways are stacked against them. My bill seeks to address that fact.

First, it is a central tenet of U.S. labor policy that employers should be free to make informed and free decisions about union representation. Yet, union organizers have limited access to employees while employers have unfettered access. Employers have daily contact with employees. They may distribute written materials about unions. They may require employees to attend meetings where they present these views on union representation. They may talk to employees one-on-one about how they view union representation. On the other hand, union organizers are restricted from worksites and even public areas. If you were able to make independent, informed decisions about whether they should be represented by a union, then we have to give them equal access to both sides of the story. This bill would require the National Labor Relations Act to provide equal time to labor organizations to provide information about union representation. Equal time. That means that an employer would trigger the equal time provision that this bill would insert into the NLRA by expressing opinions on union representation during work hours or at the worksite. The provision would give a union equal time to use the same media used by the employer to distribute information, and would allow the union access to the worksite to communicate with employees.

The second reform in the bill would toughen penalties for wrongful discharge violations. It would require the National Labor Relations Board to award back pay equal to 3 times the employee's wages when the Board finds that an employee is discharged as a result of an unfair labor practice. It also would allow employees to file civil actions to recover punitive damages when they have been discharged as a result of an unfair labor practice.

Third, the bill would put in place mediation and arbitration procedures to help employers and employees reach mutually agreeable first-contract collective bargaining agreements. It would require mediation if the parties cannot reach agreement on their own after 60 days. Should the parties not reach agreement 30 days after a mediator is selected, then either party could call for mediation and conciliation service for binding arbitration. I believe that this proposal represents a balanced solution—one that would help both parties reach agreements they can live with. It gives both parties incentive to reach genuine agreement without allowing either side to indefinitely hold the other hostage to unrealistic proposals.

Mr. President, this bill would be a step toward fair play for working families in America. The proposals are not new. I hope my colleagues will support the bill.

By Mr. DASCHLE:

S. 2391. A bill to authorize and direct the Secretary of Commerce to initiate an investigation under section 702 of the Tariff Act of 1930 of methylv tertiary butyl ether (MTBE) from Saudi Arabia; MTBE is an oxygenated fuel additive derived from methanol.

Through the wintertime oxygenated fuels program to reduce carbon monoxide pollution and through the reformulated gasoline program to reduce emissions of toxics and ozone-causing chemicals, we have created considerable demand in this nation for oxygenated fuels, such as MTBE, ETBE and ethanol. It has been my hope that this trend toward fuel additives that domesticaly-produced oxygenates, thereby reducing our dependence on foreign imports and expanding economic opportunities at home. Unfortunately, this goal has not been achieved, in large part because of a substantial expansion of subsidized MTBE imports from Saudi Arabia.

Mr. President, I am a supporter of free trade when it is also fair trade. However, there has been a marked surge in MTBE imports from Saudi Arabia in recent years that does not reflect the natural outcome of market-based competition.

These imports appear to be driven by a pattern of government subsidies. Not only is this increasing our dependence on foreign suppliers, but it is unfairly harming domestic oxygenate producers and those who provide the raw materials for these oxygenates, such as America's farmers.

The Saudi government has made no secret of its desire to expand domestic industrial capacity of methyl tertiary butyl ether (MTBE). In particular, several years ago, there were public reports that the Saudi government promised investors a 30% discount relative to world prices on the feedstock raw materials used in the production of MTBE. The feedstock is the major cost component of MTBE production, and the Saudi government decree has apparently translated into a nearly — 30% artificial cost advantage to Saudi-based producers and exporters.

Moreover, it appears that this blatant subsidy is in large measure responsible for the increase in Saudi MTBE exports to the United States in recent years. These exports have not only reduced the U.S. market share of American producers of MTBE, ETBE, and ethanol, but also has discouraged new capital investment, thereby depriving American workers, farmers and investors of a significant share of the economic activity that Congress contemplated when it drafted the oxygenated fuel requirements of the Clean Air Act Amendments of 1990.

Mr. President, I believe it is high time for the United States government to respond to the Saudi government's subsidies. Saudi Arabia is a valued ally; however, our bond of friendship should not be a justification for turning a blind eye to an unfair element of our otherwise mutually beneficial trading relationship.

Because it is not a member of the World Trade Organization nor a party to its Agreement on Subsidies and Countervailing Measures, the Saudi government may remain insulated under the international trade rules by which we legally are required to abide. This does not mean, however, that we must stand idly by while foreign subsidies undermine an important sector of our economy.

For this reason, my bill would require the Secretary of Commerce to self-initiate an investigation under Section 702 of the Tariff Act of 1930 to determine whether a countervailable subsidy has been provided with respect to Saudi Arabian exports of methyl tertiary butyl ether (MTBE). If the Secretary finds that a subsidy has indeed been provided to Saudi producers, he would be required under the terms of our existing law to impose an import duty in the amount necessary to offset the subsidy. Because Saudi Arabia is not a member of the WTO, there would be no requirement for a demonstration of injury to the domestic industry as a result of the subsidy.

Let's talk for a moment about what is at stake here for American consumers. Last year, I asked the U.S. General Accounting Office (GAO) to assess the impact on U.S. oil imports of the Revolufomed Gasoline (RFG) program that was created by Congress in 1991. The GAO found that the U.S. RFG program has already resulted in over 250,000 barrels per day less import petroleum due to the addition of oxygenates like MTBE, ETBE and MTBE. That means, at an average of $20 per barrel of imported oil, we currently save nearly $2 billion per year due to domestically produced oxygenates.

The GAO further found that, if all gasoline in the U.S. were reformulated (compared to the current 35%), the U.S. would import 777,000 fewer barrels of oil per day. That is more than $5.5 billion per year that would not be flowing to foreign oil producers and could be re-invested in the United States.

This is not "pie-in-the-sky" theory. Ethanol production and domestically produced MTBE can reduce oil imports...
and strengthen our economy. In rural America, for example, new ethanol and ETBE plants will be built, so long as we wise up and create a level playing field against subsidized Saudi competition.

Phase II of the Clean Air Act’s reformed gasoline program (RFG) requires transportation fuels to meet even tougher emissions standards starting in the year 2000. That gasoline market is growing, with demand for ethanol, ETBE and MTBE in 2003 estimated to be 300,000 barrels per day. Unless we act to ensure that American-made oxygenated fuels can compete in American fuels markets, we stand to cede those markets to subsidized Saudi Arabian MTBE.

Mr. President, I am hopeful that my legislation will help level the playing field for American producers of ethanol, ETBE and MTBE and add new economic vitality to their associated communities of workers, farmers, and business owners. I urge my colleagues to give it serious consideration and to enact it as soon as possible so that we may begin the process of bringing fairness back into the realm of international trade in oxygenated fuels.

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. 2391

A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the Year 2000 Conversion.

YEAR 2000 INFORMATION DISCLOSURE ACT

Mr. BENNETT. Mr. President, today I introduce, by request of President Bill Clinton, the Administration’s “Good Samaritan” legislation referred to as the “Year 2000 Information Disclosure Act.”

I want to thank the White House for joining Vice Chairman Dodd and the rest of the members of the Special Committee on the Year 2000 Technology Problem in the debate on how to promote the flow of information on Year 2000 readiness throughout the private sector. The Administration’s recognition of this problem, the fear of law suits and its stifling effect on companies’ willingness to disclose helpful Y2K information, is invaluable in helping all of us deal with this national crisis.

The existing legal framework clearly discourages the sharing of critical information between private sector companies. The President’s bill attempts to address this problem by shielding corporations and other organizations who in good faith openly share information about computer and technology processing problems and related matters in connection with the Year 2000 Conversion.

We welcome the thoughtful ideas of the White House and the hard work of the Office of Management and Budget, as well as Senator DODD and the Chairman of the Senate Special Committee on the Year 2000 Information Disclosure Act.”

President Clinton’s proposal represents a good starting point from which to begin the process of addressing the critical need for private sector information sharing announced in his speech before the National Academy of Sciences on July 14, 1998, the purpose of this legislation is to “guarantee that businesses which share information about their readiness with each other, and do it honestly and fully, cannot be held liable for the exchange of that information if it turns out to be inaccurate.”

The open sharing of information on the Y2K problem will play a significant role in preparing the nation and the world for the millennium malady. I urge the prompt and favorable consideration of this legislation.
form of the Year 2000 computer problem. There is little doubt that the millen-ium conversion will have a significant impact on the economy; the outstanding question is how large that impact will be.

One of the most relevant factors in assessing the potential impact of this problem is the expected readiness of small and medium sized businesses to deal with this issue. Many of the nation's largest corporations are spending hundreds of millions of dollars to prepare for Year 2000 conversion; Citibank is spending $600 million, Aetna is spending more than $125 million, and the list goes on and on. However, it is not so clear that small and medium sized businesses are approaching the problem with similar vigor.

As a result, it is my opinion that it will become increasingly necessary for those companies that have successfully completed remediation and are now testing to be able to share those results with other companies that might not be as far along. It will be an increasing national economic priority to use all the tools available to help businesses and government entities meet the millennium deadline, and encouraging the sharing of information that can cut precious weeks off the time it takes to get ready will be essential.

I agree with the statements of President Clinton that companies that make such voluntary disclosures should not be punished for those disclosures with frivolous or abusive lawsuits. It is to address that concern that the President has requested that Senator Bennett and I introduce his legislation.

I also agree with the President's analysis that in order for this information-sharing to be effective, it must start to take place as soon as possible. Sharing information about non-compliant systems six, eight, or twelve months from now will be of limited value to all concerned.

Some questions have emerged in the press as to the scope of this legislation. The fact is that there are very few weeks left in this session, and therefore the broader the bill, the more difficult it will be to pass. Therefore, if we are intent on providing protection for voluntary disclosures on Year 2000, it will be very hard to add to that provisions dealing with other aspects of Year 2000 liability. While I believe that concerns on uniform liability are real and meaningful, there is little question that dealing with any liability issues is always a controversial and lengthy process. So as we move forward with the concept of a safe harbor for voluntary disclosure, I hope that we can do so while remembering that legislation with these larger and contentious issues regarding liability.

President Clinton has given us an excellent starting point for discussing these issues. I look forward to working with all my colleagues in the weeks remaining to craft final legislation that addresses these issues in a meaningful and constructive manner.

ADDITIONAL COSPONSORS
S. 220
At the request of Mr. Faircloth, his name was added as a cosponsor of S. 220, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 657
At the request of Mr. Daschle, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1380
At the request of Mr. Abraham, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 179
At the request of Mr. Grassley, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1877
At the request of Mr. Wyden, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 1877, a bill to remove barriers to the provision of affordable housing for all Americans.

S. 1959
At the request of Mr. Johnson, his name was added as a cosponsor of S. 1959, a bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1990
At the request of Mr. Coverdell, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of S. 1990, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 2061
At the request of Mr. Graham, the name of the Senator from Nevada (Mr. Bryan) was added as a cosponsor of S. 2061, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities.

S. 2067
At the request of Mr. Leahy, his name was added as a cosponsor of S. 2071, a bill to extend a quarterly financial report program administered by the Secretary of Commerce.

S. 2086
At the request of Mr. Warner, the names of the Senator from Florida (Mr. Graham), the Senator from Mississippi (Mr. Lott), the Senator from Mississippi (Mr. Cochran), the Senator from New Jersey (Mr. Torricelli), the Senator from Delaware (Mr. Roth), the Senator from North Carolina (Mr. Helms), and the Senator from Georgia (Mr. Cleland) were added as cosponsors of S. 2086, a bill to revise the boundaries of the George Washington Birthplace National Monument.

S. 2161
At the request of Mr. Thompson, the name of the Senator from Texas (Mrs. Hutchison) was added as a cosponsor of S. 2161, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 2213
At the request of Mr. Frist, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 2213, a bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

S. 2217
At the request of Mr. Faircloth, his name was added as a cosponsor of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2233
At the request of Mr. Hatch, the names of the Senator from Ohio (Mr. DeWine), the Senator from Arkansas (Mr. Bumpers), and the Senator from Nevada (Mr. Reid) were added as cosponsors of S. 2233, a bill to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

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At the request of Mr. Hatch, the names of the Senator from Ohio (Mr. DeWine), the Senator from Arkansas (Mr. Bumpers), and the Senator from Nevada (Mr. Reid) were added as cosponsors of S. 2233, a bill to amend section 1951 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2295
At the request of Mr. McCain, the names of the Senator from Missouri (Mr. Bond), and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. 2295, a bill to amend