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Senate

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

PRAYER

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

Today, we celebrate Saint Patrick's Day. It seems appropriate to have a Gaelic blessing and then one of Patrick's prayers.

May the road rise up to meet you,
May the wind be always at your back,
May the sun lie warmly upon Your face,
May the rain fall softly on your fields,
And until we meet again,
May the Lord hold you
In the hollow of His hand.

Let us pray: Gracious Lord, we remember the words with which St. Patrick began his days. ''I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me, and God's shield to protect me.'' In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, this morning the Senate will be in a period for morning business until 11 o'clock. Following morning business, the Senate will resume consideration of Senate bill 257, the national missile defense bill. Under the consent agreement reached yesterday, that agreement includes a limited number of amendments that may be offered to the bill and also limits debate time on each amendment.

In light of this agreement, the leader is hopeful the Senate will complete action on this legislation by early this afternoon. Following disposition of the bill, the leader has indicated the Senate may begin consideration of a Kosovo resolution and/or the supplemental appropriations bill. Therefore, Members should expect votes throughout today's session and during the remainder of this week. I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to a period for morning business.

Mr. VOINOVICH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

THE BIRTH OF VERONICA KAY VOINOVICH

Mr. VOINOVICH. Mr. President, I want to bring to the Senate's attention the fact that we welcomed a new citizen into Ohio last night at 11:57, and that new citizen is my second grandchild, Veronica Kay Voinovich. Veronica is our second grandchild. Her grandmother and I welcome her and so do her other grandparents, Warren and Alice Fish. I apologize for not being in Cleveland last night for her birth, but it was necessary for me to be here to do the work of the Senate and to represent the people of Ohio and, hopefully, through those votes do something for her and the rest of the citizens of our great State.

DAVID B. COOPER

Mr. VOINOVICH. Mr. President, America's journalism pool got a little smaller last week as David B. Cooper, one of Ohio's most respected journalists, hung up his typewriter.

For almost 22 years, Dave was a powerful voice in Ohio, in charge of editorials and op-eds as the associate editor for the Akron Beacon Journal. Over the length of his career, Dave was never known to mince words or pull punches. He was brutally honest when he didn't think someone—usually a politician—was living up to expectations. And usually you didn't have to be reminded twice—you got the message. I will say that many politicians from the State of Ohio, including yours truly, worked very, very hard to live up to Dave's high expectations of us.

Dave's principles always shone through in the topics he wrote about. His analysis was precise and he showed genuine care about the issues in and subjects of his columns. And he worked hard to make sure that he was easily understood.

Dave's legacy is his journalistic leadership at the national, state and local level. He was outstanding. He began his career 44 years ago, writing for the Raleigh News and Observer and the Winston-Salem Journal and Sentinel during the 1950's and 1960's. In 1968, he started his association with Knight-Ridder newspapers by accepting a position with the Detroit Free Press.

It wasn't until 1977 that Dave saw the light and realized his calling was in the State of Ohio with the Akron Beacon Journal. The Ohio journalism corps has truly been enhanced with his presence.

I have enjoyed a wonderful relationship with Dave. He didn't always agree with me—and I certainly never expected him to—but he was always fair. In fact, I always looked forward to reading Dave's editorials just to find out how he thought my administration was doing.

For the last 2 years, Dave and I have shared something in common—we're both grandfathers, although I'm a little newer at being one than he is. There is sort of an unspoken bond between grandfathers that is readily apparent in the smiles we wear and the glint in our eye, as we regale others with the exploits of our precious little ones. Dave has four grandchildren and I know that he is more proud of them than any editorial or column he has

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

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written. In fact, Dave's best writing has been about his grandchildren!

One of the great things about the relationship Dave and I have is our mutual love of fishing. Many times when we've been talking about topics of the day, we've gone off the subject talking about fly-fishing techniques, favorite streams, or the one that got away.

Dave and I have done some fishing together, but not nearly enough. And even though Dave and his lovely wife Joanne are moving to California, I look forward to doing more fishing with him in the years to come.

And while I prefer polka, Dave loves jazz. Dave knows more about jazz—jazz records, jazz singers, and jazz history—than anybody I know. I suspect that his knowledge of jazz surpasses all but a few journalists in America. He even has a jazz radio show in Akron! He has written about jazz extensively and he never tires of speaking about it.

Mr. President, I want to close by saying I have immense respect for Dave. He is and always has been a true professional. And although I am sorry to see him retire, I am confident that the citizens of Akron have not heard the last from him.

Dave and I will always be friends. I wish him well as he and his wife Joanne embark on their new life together.

I notice that my colleague, Senator DEWINE, is on the Senate floor, and I yield the floor to him.

The PRESIDENT pro tempore. The Senator from Ohio, Senator DEWINE, is recognized.

Mr. DEWINE. Mr. President, I join my colleague and friend, Senator VOINOVICH, in paying tribute to one of the leading figures in the history of journalism in the State of Ohio. My good friend Dave Cooper is retiring after 22 years as editor of the editorial and opinion pages of the Akron Beacon Journal.

David B. Cooper began as a reporter with a genuine love for political journalism. After reporting for the Raleigh (North Carolina) News and Observer and Winston-Salem Journal and Sentinel, he joined the Detroit Free Press—where he moved over to the writing of editorials.

In 1977, the Akron Beacon Journal hired Dave to run its editorial and opinion pages. In that capacity, he has been more than just a principled observer and commentator on the political life of Ohio and America—he has also been a powerful force in the cultural life of his community.

Indeed, some of his best writing has been on music. In fact—since 1994—he has hosted a weekly jazz program on radio station WAPS.

The same feeling that infuses his writing and commentary on jazz is present in his political writing. Dave knows that if all you want is accuracy, you have merely to know your subject. And believe me, Dave knows the stuff he writes about! But he also knows that if you want to go beyond that—beyond mere accuracy toward the kind of deep understanding that goes to the heart of an issue—you must not just know, but love, your subject.

That's the kind of work that creates positive change in a community. It is the type of work that Dave has done.

Dave Cooper says his pet peeve is ''politicians who are pompous.'' And that really reflects Dave's personality—he doesn't do what he does for his own ego; he does it to help people understand things. He does it to make a real difference. And that's why he holds people in public life to the same high standard.

I am proud to call Dave Cooper my good friend, and I wish him and Joanne well as they begin a new life.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Chair recognizes the Senator from New Mexico for 10 minutes.

Mr. BINGAMAN. Thank you, Mr. President.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 638, S. 639, and S. 640 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FINANCING SOCIAL SECURITY WITH GENERAL REVENUES

Mr. KERREY. Mr. President, I rise today to talk about the financing of the Social Security program. The President's plan to reserve the surpluses for Social Security has presented us with an opportunity to have a discussion about the way Social Security is currently financed—and to have a debate about how we want to finance the Social Security system in the future.

I want to say at the outset that some of my colleagues on both sides of the aisle have closely examined the President's proposal to infuse the Social Security system with general revenues—and decided not to support a financing reform mechanism that does not lead to structural reforms. For my colleagues on the Democratic side who have decided not to support general revenue transfers to Social Security, this is a politically difficult position to support—but a commendable one.

With his plan to reserve the surpluses for Social Security, the President has helped me to understand for the first time that the Social Security program is facing a serious funding problem in the year 2013. I now realize that in 2013, the payroll tax dollars flowing into the Social Security program will no longer be large enough to fund the current level of benefits. As a result, the Social Security Administration will start cashing in its trust fund assets—those special-issue Treasury bonds—to pay for Social Security benefits.

The Treasury has to make good on these bonds by giving Social Security a portion of general revenues. This means that starting in 2013, Social Security beneficiaries have a claim on not only the payroll tax dollars, but also the income tax dollars of working Americans. Let me say that again, Mr. President. Starting in 2013, Social Security beneficiaries have a claim on both the payroll tax dollars and the income tax dollars of working Americans. So as not to mislead, let me say that these beneficiaries will also have a claim on other general revenues, such as corporate income tax dollars. Furthermore, in order for the Treasury to make good on these obligations without cutting discretionary spending, it is likely Congress will either have to raise income taxes or return to deficit spending.

Now under current law, this infusion of general revenues into Social Security is scheduled to end in 2032—at which point a future Congress will have to decide whether to raise payroll taxes or cut benefits. The President's proposal allows this Congress to pass the responsibility for enacting reform off to the Congress convening in 2055. Furthermore, what the President proposes to do is to fund a substantially larger portion of the program with income tax dollars. In fact, he is turning a funding problem into a funding virtue by guaranteeing that future income tax dollars will continue to fund Social Security benefits until 2055. This means that the baby boomers will have an even larger claim on future tax dollars.

On how many future income tax dollars do the boomers have a claim? Well, in fact, the Social Security actuaries have quantified for us exactly how many more general revenues will be given to the Social Security program as a result of the President's plan. According to the actuaries, Social Security beneficiaries already have a claim on general revenues worth $6.45 trillion in nominal dollars. President Clinton will commit an additional $24.765 trillion in general revenues to the Social Security program between the years of 2015 and 2055—for a total of $31.215 trillion in general revenues.

You heard me correctly, the President's plan commits an additional $24.765 trillion of general revenues—$4.85 trillion in constant 1999 dollars—to pay for Social Security benefits—above and beyond the 12.4 percent payroll tax that is levied on all workers. This chart demonstrates that in any given year we will be committing up to $2 trillion of general revenues for Social Security benefits. If you look at this in terms of constant 1999 dollars, we are talking about $200 to $300 billion

of general revenues that will be committed to Social Security each year in the 2030s, 2040s, and 2050s. If you look at it in terms of a percentage of GDP, the Clinton plan will divert general revenues worth 1.5 percent of GDP to Social Security for each year from 2032 through 2055. That is a general revenue transfer each year nearly as large as the entire defense budget.

Now it may come as a surprise to my constituents watching this at home to hear that the President is committing massive amounts of future general revenues to Social Security. And the reason they aren't aware of this fact is because he has made no effort to inform them. He has cleverly hidden his proposal behind the rhetoric of ''saving the surplus for Social Security.'' If the President wants to openly make the case for funding more Social Security benefits through income tax dollars, let me be the first to encourage an open and honest debate on that very subject. In fact, it is a very Democratic argument to fund Social Security through the more progressive income tax rather than the regressive payroll tax. But I encourage him to enter this debate candidly and to explain to the American public the tradeoffs of infusing general revenues into the Social Security program.

I have heard the group of us who are working on substantive Social Security reforms—Senators MOYNIHAN, BREAUX, GREGG, and SANTORUM—referred to as the ''Pain Caucus'' because we advocate structural reforms to the system through benefit changes or future payroll tax adjustments. Well, we believe less in pain that in truth in advertising. The President also has a great deal of pain in his plan—a hidden pain in the form of income tax increases that will be borne by future generations of Americans. I strongly disapprove of a plan that provides a false sense of complacency that Social Security has been saved by this nebulous and vague idea of ''saving the surplus''—while failing to disclose the real pain that will be imposed on future generations.

Let me talk for a moment about the history of the Social Security program and its financing. The idea of a Social Security program was first discussed by Frances Perkins as a means for providing the widows of coal miners a financial safety net. Today, the Social Security program provides an intergenerational financial safety net to retirees and the disabled, and their spouses, survivors, and dependents. Social Security has always been financed by a tax on payroll. When the program began, the total payroll tax was 1 percent of the first $3,000 of earnings—paid for by both the employer and employee. Today, all covered employees pay a Social Security payroll tax that is equal to 6.2 percent of the first $72,600 of their annual wages. In addition, the employer must pay an additional 6.2 percent payroll tax on the first $72,600 of each employee's wages.

The excess Social Security payroll tax income has always resided in a trust fund. Through the 1970s, this trust fund generally had only enough assets to pay for about one year's worth of benefits. The 1977 Social Security amendments marked the first time that the trust funds were allowed to accrue substantial assets—though this accrual was not necessarily deliberate.

During the 1983 reforms, Congress made this implicit accrual of assets explicit—and declared its goal to be the prefunding of the baby boom generation's Social Security benefits. Congress tried to pre-fund the baby boom generation by accelerating the payroll tax rate schedule increases that were agreed to in the 1977 amendments, by covering all federal government and non-profit employees, and by raising the payroll tax rate on the self-employed.

Not surprisingly, several Presidential administrations took advantage of the overflowing Social Security coffers—and used an overlevy of the payroll tax to fund both the general operations of government and expensive income tax cuts. Many of the payroll tax dollars that flowed into the trust funds were immediately borrowed to pay for tanks, roads, and schools. Many of these payroll tax dollars were also used to offset major income tax breaks. Is it any surprise that Reagan was able to afford a reduction in the top marginal tax rate from 70 to 50 percent in 1981 and from 50 to 28 percent in 1986 in the wake of the payroll tax hikes of 1977 and 1983?

The irony is that the story has now come full circle. While former Presidents financed income tax cuts with payroll tax hikes, Mr. Clinton now wants to maintain a lower-than-necessary payroll tax rate by increasing future income tax revenues.

Mr. President, one of my goals today is to make clear my desire that this Congress and this President have an honest debate about how to finance Social Security. But one of my other goals today is to talk about the need to reform the program to improve the lives of our Nation's minimum wage workers. As many of my 206,278 Nebraska constituents collecting old-age Social Security benefits can attest—Social Security is not a generous program. In fact, the average old-age benefit in Nebraska is under $750 a month. When you factor in rent, food, prescription drug benefits, and part B premiums, $750 is not a generous benefit.

As many of my colleagues may know, the size of a retiree's Social Security check depends on a number of important factors—how much you worked, how much you earned, and at what age you retire. In order to determine your monthly benefit, the Social Security Administration takes all of this information and applies a complicated benefit formula designed to replace a portion of the monthly income to which you have become accustomed over the course of your life. This replacement formula is not very generous for low-wage, low-skill workers or for workers who have been in and out of the workforce sporadically. The way it works is that Social Security will replace 90 percent of the first $505 of average indexed monthly earnings (AIME) over your lifetime; plus 32 percent of the next $2,538 of earnings; and 15 percent of any earnings over $3,043 per month.

Complicated? Yes. But what this means is that a worker who has been consistently in the workforce and has had lifetime annual earnings of $10,000 per year will receive a Social Security benefit check of about $564. This is not substantial—and barely livable. What I propose to do is change the benefit formula to replace a larger portion of the income of these low-income, low-skilled workers who play a very important role in our service economy. And I propose doing this in a cost neutral way. By simply changing the replacement formula, we can boost that workers' monthly income by 22 percent.

What I have tried to show this morning is that we need to have an honest and open debate about the way we want to finance the Social Security program. We also need to have a candid and constructive discussion about Social Security reforms that will improve the retirement security of all working Americans—including those working Americans who are toiling away at low-paying service sector jobs. I believe that Congress and the President can and should work together to achieve real structural reforms in the program—and do so in a way that helps low-income Americans and that shares costs across all generations.

Mr. President, Harry Truman had a sign on his desk which read: ''The buck stops here.'' Unfortunately, what this President's plan is saying is that the buck stops there—in 2055.

Our generation has a historic opportunity to make some sacrifices now, so that our children and grandchildren may benefit from our having served this nation. The sacrifices we make may not be as dramatic as those of the generation that lived during Harry Truman's Presidency, but they will have a significant impact on the future of our Nation.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 16, 1999, the federal debt stood at $5,639,342,063,058.30 (Five trillion, six hundred thirty-nine billion, three hundred forty-two million, sixty-three thousand, fifty-eight dollars and thirty cents).

One year ago, March 16, 1998, the federal debt stood at $5,530,456,000,000 (Five trillion, five hundred thirty billion, four hundred fifty-six million).

Five years ago, March 16, 1994, the federal debt stood at $4,550,473,000,000 (Four trillion, five hundred fifty billion, four hundred seventy-three million).

Ten years ago, March 16, 1989, the federal debt stood at $2,737,640,000,000 (Two trillion, seven hundred thirty-seven billion, six hundred forty million).

Fifteen years ago, March 16, 1984, the federal debt stood at $1,465,672,000,000 (One trillion, four hundred sixty-five billion, six hundred seventy-two million) which reflects a debt increase of more than $4 trillion—$4,173,670,063,058.30 (Four trillion, one hundred seventy-three billion, six hundred seventy million, sixty-three thousand, fifty-eight dollars and thirty cents) during the past 15 years.

FLATHEAD IRRIGATION ACT OF 1999

Mr. BURNS. Mr. President, yesterday I introduced a bill to transfer the operation of an irrigation project in Montana from the Bureau of Indian Affairs to the local irrigators. This is a bill, which has been before Congress before, but has been changed to address the concerns expressed by the BIA and groups which have opposed this legislation in the past.

Years of management by the Bureau of Indian Affairs has led to a project in poor physical condition. Rather than being an asset for the government and the users, the Flathead Irrigation is rapidly becoming a liability. Using current estimates, the project is in need of $15 to $20 million worth of repair and conditioning. Government managers admit that costs associated with rehabilitation of this project could be as much as 40 percent higher than if the project were under local control.

The irony of this project however, is the fact that studies on locally owned irrigation projects in Montana and Wyoming show that the costs of operation and maintenance of the Flathead project are some of the highest in the Rocky Mountain Region the condition of the project may be worst in that same region. What do these people, and for that matter the taxpayer, get for the higher costs associated with the current management? Not much if anything at all.

Let's take a moment here to see what local control of this irrigation project would mean to the irrigators and to the taxpayer. First of all, local control will mean increased accountability of the monies collected by and used in the operation of the Flathead Irrigation Project. At the current time the BIA is unable, or unwilling, to provide basic financial information to the local irrigation districts. This despite the fact that the local farmers and ranchers pay 100% of the costs to operate and maintain the project. At the same time, the current management cannot even deliver a year-end balance of funds paid by the local irrigation users.

Local control will also create savings over the current operation management. By using these savings the local management could be used to restore the Flathead Irrigation Project to a fully functioning, efficiently operating unit.

Wihtout the transfer to local control, the residents of the Flathead face an uncertain future. This irrigation project is located in one of the most beautiful valleys in western Montana. Current trends in agriculture have put farmers and ranchers in a difficult position. Montana farmers and ranchers have always been land rich and cash poor. In the case of this valley in Montana, this is the rule and not the exception. They live in an area that is being changed daily due to the number of summer home construction, because of the beauty and a temperate climate for Montana.

The family farmers and ranchers in this area continue to face economic pressures from outside. Which has led to a number of folks packing up and subdividing their land for residential home sites. Those who have packed up and left the area, have taken their land and subdivided it for the residential development, removing the land from agricultural production.

The subdivision of the land has a number of negative impacts on this valley and Montana and the Nation. The landscape is dotted with magnificent homes which impacts on the landscape and open spaces, and of course wildlife. Another of the major impacts is on the local and state economies and governments. Agriculture land in Montana pays approximately $1.29 in property taxes for every dollar invested by the local government for services. Residential subdivisions only pay approximately $0.89 for every dollar they receive in local government services.

Preservation of the small family farm and ranch in the Mission, Jocko and Camas valleys in Montana is dependent upon local control. As local control of the Flathead Irrigation Project will provide these hard working Americans an opportunity to control and have input on the costs associated with the operation of this vital water source.

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, the past year has seen far-reaching developments which bring the dream of peace in Northern Ireland closer than at any time in our lifetimes.

Today, the Friends of Ireland in Congress is releasing its annual St. Patrick's Day Statement. The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to a United States policy that promotes a just, lasting and peaceful settlement of the conflict, which has taken more than 3,100 lives over the past 30 years.

I believe the Friends of Ireland statement will be of interest to all of our colleagues who are concerned about this issue, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY THE FRIENDS OF ST. PATRICK'S DAY 1999

On this St. Patrick's Day 1999, the friends of Ireland in the United States Congress join with the 44 million Americans of Irish ancestry in commemorating an extraordinary year for the people of the island of Ireland. We are proud of the dramatic progress achieved in last year's Good Friday Agreement. We commend those who contributed to this historic agreement.

The Agreement is a unique opportunity to end a tragic conflict which has caused needless tragedy and destruction. It holds out the promise of a new beginning, honorable and realistic, for all involved. The Agreement was endorsed decisively by the people in both parts of the island of Ireland as a clear democratic mandate to their political leaders. We call on all those leaders to implement that mandate fully and fairly, and to embrace the opportunity for peace offered by the Agreement with courage, imagination and empathy. History will not deal kindly with those who fail to do so.

We are pleased to welcome to Washington over the St. Patrick's Day period many of those who were central to the success of the negotiations leading to the Good Friday Agreement. We particularly welcome the Taoiseach, Bertie Ahern, whose outstanding commitment and leadership, both during the negotiations, and in the succeeding months, have been deservedly recognized. We also pay tribute to Prime Minister Tony Blair, Secretary of State for Northern Ireland Marjorie Mowlam, Minister for Foreign Affairs David Andrews, the leaders of the Northern Ireland political parties, and many other Irish and British Government officials for their courage and determination to reach agreement despite the opposition they faced.

We congratulate John Hume and David Trimble on the award of the Nobel Peace Prize in recognition of their efforts for peace. We take pride in the contribution made to the peace process by President Clinton and many other leaders in the United States. We especially salute our former colleague, Senator George Mitchell, for his indispensable leadership, and welcome the recent establishment by the U.S.-Ireland Alliance of the Mitchell Scholarships in his honor. We welcome the generous $3 million contribution of the Irish Government to this scholarship fund, announced by the Taoiseach last September during our President's visit to Ireland. We also welcome the Irish Government's support of the John F. Kennedy Center for the Performing Arts, through a grant to promote the Festival of Irish Arts, in May 2000.

Ireland has given to America in many ways, including men to fight our battles from the Revolutionary War to Desert Storm. In appreciation for these services, and as a special tribute to 12 Irish citizens who gave their lives as members of the U.S. Armed Forces in the Vietnam War, we are pleased to note that the Vietnam Veterans Memorial Fund's travelling wall, called the Wall that Heals, will be making a tour of Ireland from April 16 to May 3 this year.

This July, we look forward to welcoming the first 4,000 young men and women who will enter the United States under special visas provided by the Irish Peace Process and Cultural Training Program Act of 1998. The visa will allow these young adults from both communities an opportunity to experience America's unique blend of cultural diversity and economic prosperity. After their visit, they will return home providing the crucial skill base needed to attract private investment in their local economies. That Congress initiated and passed this visa with

unanimous support is evidence of our continuing bipartisan commitment to supporting the Good Friday Agreement.

We believe the most crucial task now facing the Irish and British Governments and all the political leaders in Northern Ireland is to build momentum for the full implementation of the Agreement.

Inevitably, there will be continuing difficulties to surmount in resolving this deep and longstanding conflict. We believe the implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of those struggling to overcome these difficulties. We do not believe that the goals of the Agreement can be served by inaction or procrastination in implementing its provisions. Those who take political risks for the implementation of the Agreement can be assured of our consistent support.

Following last month's decision by the Assembly to approve the designation of the Northern Ireland Departments and the list of cross-border bodies, and the signing last week by the United Kingdom and Ireland of the historic treaties to set up the institutions, it is vital that this decision be implemented without delay. Progress in all of these areas is, of course, dependent on the establishment of the multi-party Executive, as provided in the Agreement. We are dismayed at the delay in establishing the Executive, and urge it be established as soon as possible. It is the best way to create conditions for progress on other difficult issues, including the problem of decommissioning.

The carnage inflicted on the town of Omagh last August was a grim reminder that, in spite of all that has been achieved, there are those who still do not recognize the futility of violence. The cowardly murder of Rosemary Nelson this week reminds of the urgency of the task at hand. The horror of these actions unites all the people of Ireland and Great Britain, and friends of Ireland everywhere, in a determination that such methods will be totally repudiated and will never succeed. We also condemn, in the strongest terms, the practice of sectarian attacks, punishment beatings, and other acts of violence. These actions are a violation of fundamental human rights, and serve only to promote further division and recrimination. Against this background of irresponsible and unacceptable reliance on violence, we commend all those who, notwithstanding the pressures caused by these attacks, refuse to be diverted from the pursuit of peace and political progress.

We have in the past consistently drawn attention to the importance of developing a police organization in Northern Ireland capable of attracting and sustaining the support of all parts of the community. We welcome the creation of the Patten Commission to propose new arrangements for policing, accountable to and fully representative of the society. A major responsibility rests on the members of the Commission on this vitally important issue. Their mandate from the Agreement should lead to farreaching change and we look forward to their report later this year.

We attach particular importance to the provisions in the Good Friday Agreement which promote a new respect for human rights. Such respect is essential if the commitment to equality, which lies at the very heart of the undertaking, is to be given practical effect. We are heartened by progress in relation to the Human Rights Commissions and look forward to the development of close cross-border co-operation on this vital issue. We also hope to see early progress on the review of the criminal laws, and the dismantling of emergency legislation.

We are concerned by evidence of the lack of protection for lawyers active on human rights cases in Northern Ireland, as described by the Special Rapporteur of the UN Commission on Human Rights, and urge an early response to calls for an independent inquiry into the murder of Belfast lawyer Pat Finucane. We will also continue to follow closely the progress of the inquiry into the tragic events of Bloody Sunday in Derry in 1972.

As preparations for this year's marching season begin, we note with concern that, despite efforts to encourage dialogue, the situation at Drumcree remains disturbing. We call on all involved to uphold the decisions of the Parades Commission.

The Friends of Ireland welcome the strong support which President Clinton and both parties in Congress have given to the peace process, and to the full implementation of the Good Friday Agreement, including the continuing support for the International Fund for Ireland. We salute the parties on what has been achieved thus far and believe that with commitment and determination, and a readiness to seek accommodation, the remaining differences can be overcome.

As we prepare to enter the new century, the parties to the Good Friday Agreement have a truly historic opportunity to achieve peace with justice for the benefit of all generations to come. As always, we in the Friends of Ireland stand ready to help in any way we can.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

House: Dennis J. Hastert, Richard A. Gephardt, James T. Walsh.

Senate: Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Connie Mack.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended for another 10 minutes.

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

TRIBUTE TO SENATOR JOHN BREAUX

Mr. REID. Mr. President, I rise today to talk about a man who is a Member of this body who has devoted his entire adult life to public service. Today I speak of Senator JOHN BREAUX of Louisiana. I do that today because there are a number of things that have been written since yesterday, when the Medicare Commission made their report. I think lost in the information that has been produced is the fact that Senator BREAUX has spent tireless hours, weeks, and months on this one proposal.

When I came to the Congress in 1982, Senator BREAUX had already been a Member of the House of Representatives for 10 years. He came to the House of Representatives when he was 28 years old. As I said, he has served his entire adult life in public service. Even prior to coming to the House of Representatives, Senator BREAUX had worked on a congressional staff.

Here is a man who could have been a success, as he has been as a Member of the House of Representatives and the Senate, in anything he wanted to do. He had a fine record as a student. He could have made a lot of money practicing law, but he decided to devote his life to public service. I think too often we lose sight of what people do to contribute to the public good.

In my estimation, no one has contributed to the public good more than Senator John BREAUX in the years he has been a Member of the House of Representatives and the Senate. If there is a difficult problem, JOHN BREAUX has to be called in to work on that problem.

This is an example. He was called to be the Cochairman of the Medicare Commission, a very difficult job, but there was someone needed who understood the finances of this country; and that includes the tax structure of this country, that includes the very difficult health care delivery system we have, not only for those people who are not seniors, but particularly seniors, people who are on Medicare. I think we tend to forget how complex Medicare is and how important it is to the well-being of this country.

Mr. President, I served as a member of a county hospital board when Medicare came into being in the 1960s; 1966 through 1968 I served on that board. Prior to Medicare coming into being, about 40 percent of everyone that entered our hospital who were seniors had no health insurance of any kind. And that is the way it was around the rest of the country.

Today, though, Mr. President, over 99 percent of seniors have health insurance. That is because of Medicare. Senator BREAUX understood this very difficult problem. That is why he was asked to be the Chairman of this Commission.

Of the 17 members of this Commission, 10 of them agreed as to what should be done. I am not going to get into the merits of what the findings of the Commission were other than to say it was very difficult. Ten people agreed to the findings because of the diligent work of Chairman BREAUX.

I repeat, he did not spend hours on this program; he did not spend days—he spent weeks of his time. When other people were doing other things with their constituencies at home or taking a little time off from the rigors of this body, he was devoting his time to working on Medicare.

I mention that because not only was Senator BREAUX called in to be the Chair of the Medicare Commission, he has also done a number of other difficult things. We in the West understand the Wallop-Breaux legislation which established a program for restoring our coastal areas in the country. It set damages for boats that damaged the environment. It is a very important part of the environmental movement that has taken place in this country. Senator BREAUX was at the forefront of that. The legislation is named after him.

When, in 1993, we needed to pass a bill, the Budget Deficit Reduction Act, we needed to pass a bill that would put this country on a sound financial footing, one of the persons that worked on this to make sure that this was able to be accomplished was Senator BREAUX. He worked on the energy part of that legislation. Being from the State of Louisiana, he knew that area as well as anyone.

As a result of his good work on that, enough votes were gathered on the Democratic side of the Congress to pass that legislation. Without his work it could not have happened, and we would not be in the economic situation we are in today where we have reduced a series of 30 to 40 years of yearly deficits to now where we are having a surplus, where we are talking now about what we are going to do with the budget surplus.

A lot of what we are talking about today is the direct result of work in that legislation and other pieces of legislation by Senator BREAUX.

In short, I want to make sure that Senator BREAUX and the people of Louisiana understand our appreciation for the work that he has done with his Medicare Commission and what he has done as a Member of Congress generally.

I have worked as a legislator on the State level, and back here now for going on 17 years. I think JOHN BREAUX is really an example we can all look to. I repeat, if a difficult problem arises, we call upon JOHN BREAUX to be part of the consensus building. Legislation is the art of compromise, the art of consensus building. And no one stands for being a good legislator more than Senator JOHN BREAUX.

As far as the Medicare problem he worked on, as a result of his leadership, it is going to mean a great deal to this country. As Senator BREAUX has said, the battle is not over. He said, ''I'm going to keep working on this issue as long as I'm in Congress.''

So I again extend my appreciation and applause and recognition to Senator JOHN BREAUX for the good work that he did on this legislation. I do not know of anyone that could have accomplished what he did. It was a masterful piece of work. The people of the State of Nevada and this country should be as appreciative as we are of the work that he has done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL MISSILE DEFENSE ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 257, which the clerk will report.

The bill clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The Senate resumed consideration of the bill.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota—North Dakota.

Mr. DORGAN. Mr. President, I am from one of those Dakotas.

The PRESIDING OFFICER. The distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, thank you very much for your generous description.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent, on behalf of a colleague, that the privileges of the floor be granted to the following member of Senator BIDEN's staff: Ms. Joan Wadelton, during the pendency of the National Missile Defense Act, S. 257. And the request is for each day the measure is pending and for rollcall votes thereon.

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

Mr. DORGAN. Mr. President, thank you.

Mr. President we are now returning to the National Missile Defense Act of 1999, which is a very important policy issue before the Senate. My expectation is we will complete work today. I had noticed two amendments; and I shall not offer the amendments today, to the relief of those who are counting the amendments that are ahead of us.

But I did want to take the floor to at least describe especially the substitute amendment, because while I will not offer it to this bill, this is really a debate about policy. This policy will not mean anything until it is funded.

The real debate will be on the appropriations, it seems to me. What is it we want to buy and pay for? We can talk until we are blue in the face, but if we are not willing in an appropriations process to pay for a policy, it is not going to be deployed.

Let me talk a bit about that. My substitute amendment will be something that I will likely offer during an appropriations debate and will wait until that day for a vote.

The proposition before the Senate offered by my colleague, Senator COCHRAN, is very simple. Yesterday, I was holding something from Senator LOTT and when I was referring to Senator COCHRAN I called him Senator LOTT, for which I apologized. I certainly know the difference, and I respect both of them immensely. Senator COCHRAN has offered a proposal on the floor of the Senate that says it shall be the policy of this country to deploy a national missile defense system as soon as technologically feasible. In other words, notwithstanding other issues, as soon as it is technologically feasible to put a national missile defense system in place, we should do so.

What is this national missile defense system? We had one once, 24 years ago, in my home State. This country built the only antiballistic missile system that was ever built in the free world. Members ought to see the concrete that was poured, this huge concrete building in northeastern North Dakota, a sparsely populated region of our State, where the ABM, antiballistic missile, system was built. In today's dollars it costs about $20 billion. It was declared operational 1 day and mothballed the very next day. It produced a lot of good jobs in northeastern North Dakota as a result, a lot of construction, a lot of building.

But what did we get for our money? And was a national ballistic missile defense system feasible 24 years ago? The answer, I suppose, is yes. We had a national ballistic missile site built and declared operational 24 years ago, so it was feasible. It used a different technology. The proposition was if we were attacked by some incoming missile from some hostile power, we would send up these antiballistic missiles with nuclear warheads on our missiles and we would shoot off a nuclear warhead somewhere in the heavens and we would destroy all the incoming missiles. That was the technology then, and we built it—paid a lot of money for it—and it was declared mothballed the day after it was operational.

Now the proposition is that the national missile defense is a different kind of technology. It has the ability to hit a bullet, a speeding bullet, with another bullet. That is the proposition. We have had a lot of tests—a few successful, most unsuccessful. It is a very difficult proposition.

The experts in the Department of Defense tell us that they have spent as much money as they can spend to pursue the technology to build a national missile defense system, but the technology does not yet exist. Now, when the technology does exist, what kind of consideration should exist in terms of its deployment?

Russia has a lot of weaponry; Russia, of course, is the dominant country in what was the old Soviet Union. Their weaponry consists of a great many nuclear warheads on top of intercontinental ballistic missiles and bombers. We need to be concerned about those. As a result of that, we have engaged with the old Soviet Union and now Russia in a regime of arms reductions. Arms control talks resulted in START I and START II. The Russians, we hope, are prepared very soon to adopt START II. We have already done so.

As a result of all of that, yesterday I held up part of the wing of a Russian bomber. Last year, I held up a metal flange from the door of, I believe, an SS–19, an intercontinental ballistic missile that held a nuclear warhead, a missile aimed at the United States. Yesterday, I held up at this desk a wing strut from a Russian bomber; one would have expected in the cold war that the only way you would hold a piece of a Russian bomber in your hand is if somebody shot it down in hostile action. That wasn't the case. I held up

a piece of a wing from a bomber from Russia that used to carry nuclear weapons that would threaten our country because the wing was sawed off that bomber.

Who sawed the wing off of the bomber? Was a wing shot off in hostile aerial combat? No, not at all. It was sawed off as the bomber was on the ground, because part of the agreement between us and the Soviet Union is that they would reduce the number of missiles, reduce the number of warheads, reduce the number of bombers, and so would we. The result is these arms reductions have resulted in significant reductions in the number of nuclear warheads, the number of missiles, the number of bombers, the number of delivery systems. That is a success.

I also talked last fall about the Russian launch of a number of intercontinental ballistic missiles early in the morning, and as those Russian missiles lifted off in the early morning and pierced into the sky, one could have wondered what on Earth was happening in our world—a launch of significant numbers of ICBMs by the Russians. But it didn't worry the United States because those missiles were launched and destroyed in the area by prior agreement—part of arms control, something we agreed upon—that they destroy their missiles.

Isn't it much better to destroy their missiles by taking them apart, pinching the metal and putting them in a warehouse, or sawing the wings off their bombers? Isn't it better to destroy a weapon before it is used? That is precisely what arms control is all about.

The question I ask about this country's national missile defense policy is not whether we should have one—we likely will have a national missile defense system at some point, some day, when it is technologically feasible, when it is financially practical, when it will not injure our arms control agreements and not threaten future agreements. We will likely have some kind of national missile defense system. We will likely have it because many are worried that a rogue nation now—not Russia, but a rogue nation; Saddam Hussein or North Korea testing medium-range missiles—a rogue nation gets ahold of an ICBM and puts a nuclear weapon on top of an ICBM and aims it at this country and fires it. What kind of a catcher's mitt do we have to intercept it and prevent it from hitting our country? We do not have some sort of technological catcher's mitt that goes into the heavens and intercepts that missile. Therefore, we need to have it, we are told. We didn't have that kind of a catcher's mitt to intercept missiles all during the cold war.

How did we avoid having a missile fired at us by the Soviet Union? By an arsenal in the cold war that assured anyone who attacked us with nuclear weapons would be vaporized and destroyed immediately. That convinced virtually anyone who would have thought about launching a nuclear attack against this country, that convinced them it was very unwise to do so. No one would launch a nuclear attack against this country.

Some might say that might still be the case. But suppose a madman in charge of some rogue nation who gets one ICBM; ought we not have the capability of intercepting that? The answer is yes. That is one of the threats.

If you take a look at the kind of threats, one of the threats is that a rogue nation will get ahold of an ICBM—it is not likely but it could happen. They are more likely to get ahold of a cruise missile, which is much more prevalent—of course, the national missile defense system will not intercept a cruise missile—that could be launched off the coast about 20 or 50 miles, fly a few hundred feet above the ground. That is not what this is designed to protect against.

Another area of threat is a suitcase nuclear bomb stuck in the trunk of an old rusty car at a New York City dock to terrorize this country. It doesn't do much about that. Another threat of mass destruction is a vial of the deadliest biological threats put on a subway in a major city.

We have a variety of threats, not the least of which is that a foreign ruler, of a bizarre nation will get ahold of an intercontinental ballistic missile, but if that happens will we have a mechanism to intercept it? The answer is yes, I believe, we will. But we must do what we are doing now with substantial research and development into developing a technology that works, and then deploying it in a sensible way that says we are deploying a technology that works in a manner that is cost effective—not a blank check, not a break-the-bank approach—a technology that will work to offer real protection in a way that offers it at an affordable price and doing so in a way that will not jeopardize our arms control agreements that now reduce nuclear weapons.

The amendment I had intended to offer says:

(A) It is the policy of the United States to develop for potential deployment an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(b) It is the policy of the United States to deploy a national missile defense system if that system—

(1) is well managed, proven under rigorous and repeated testing, and cost-effective when assessed within the context of the other requirements relating to the national security interest of the United States;

(2) is deployed in concert with a variety of additional measures to protect the United States against attack by weapons of mass destruction, including efforts toward arms reduction and weapons nonproliferation issues; and

(3) is deployed in a manner that contributes to a cooperative relationship between the United States and Russia with respect to a reduction in the dangers to both countries posed by weapons of mass destruction.

A final point: I want everybody to understand that I have supported and will continue to support substantial research and development on the issue of protecting against a missile attack against this country. That has never been the issue. The issue here is, when shall it be deployed and with what confidence will the American people feel they are protected?

Now, to make one point about the last issue, one Russian missile, an SS–18, with 10 reentry vehicles—or 10 warheads—will not be able to be blocked by this national missile defense system. One MIRVed SS–18 will be able to defeat this national missile defense system because this system is designed to provide some kind of technological catcher's mitt to go up and grab one, two, three, perhaps four or five incoming warheads—but not 10.

And so, as we proceed, we need to understand what we are doing, what the limits are, and how we should proceed in a manner designed to protect the efforts that now exist to destroy the SS–18s that Russia has in their silos through massive reductions in delivery systems and nuclear warheads. Anything we do in this country to upset that capability, to upset arms control regimes, to upset the progress we have made under Nunn-Lugar, the kind of stability that exists when you bring down the number of arms between the two major superpowers, anything we do to upset that, I think, would not be in this country's interest.

Let me end where I began and say I was intending to offer this amendment, but I don't think I will offer it today inasmuch as two amendments were accepted yesterday to the Cochran legislation. I don't necessarily view those amendments quite the same as others do. Nonetheless, the feeling is that some of those amendments offer the capability of saying, yes, deployment must also be consistent with our arms control issues with the Russians and others and must not injure those efforts. It must be consistent with something that relates to sensible costs. This cannot be a blank-check approach. So I understand that, and because of those two amendments, I think it is better to leave this issue at this point and come back another day on the appropriations side to further discuss this policy.

Now that the Senator from Mississippi, Senator COCHRAN, is on the floor, let me again say to him, I don't quarrel with the question of whether we ought to be aggressively pursuing this issue about a national missile defense. We should. We have had robust research and development. In fact, last fall, $1 billion was added—it wasn't asked for, but it was added—to DOD in the emergency legislation for national missile defense. I don't quarrel with a robust research and development effort. Nor would I quarrel with deployment. But deployment cannot stand

alone. Deployment decisions by this country must be decisions made concurrent with issues about its impact on arms control, about not only the technological feasibility of being able to deploy a national missile defense system, but also the cost-effectiveness of it and a range of other issues.

So, Mr. President, I shall not offer the two amendments that I had protected. I thank the Senator from Michigan for his good work on this legislation. I thank the Senator from Mississippi for raising important questions and for his courtesy.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise with many in this Chamber who have risen and will rise to commend our distinguished colleague from Mississippi for his untiring leadership on this issue. It has been my privilege to work with him over these past months and to work with my distinguished colleague from Michigan, Mr. LEVIN, in having our committee address these issues and reporting the bill to the floor.

Mr. President, I wish to convey to the Senate my strong support for S. 257, which was introduced again by Senators COCHRAN and INOUYE. This is a very important and timely bill which deserves overwhelming support in the U.S. Senate. S. 257 was referred to the Senate Armed Services Committee early this year, and after consideration, the bill was reported out of committee favorably on a bipartisan basis.

Mr. President, even once S. 257 is enacted, the administration and Congress will decide, on an annual basis, how much to spend on NMD, pursuant to the normal authorization and appropriations process. Such spending decisions will be informed by the best information available each year regarding technical progress in the program and the status of the threat.

I also heard that S. 257 would make no contribution to the development or deployment of an NMD system. I do not agree, most respectfully. Commitment to the deployment of an NMD system will have two crucial impacts on the security of the United States.

First, it will signal to the nations that aspire to possess ballistic missiles with which to coerce or attack the United States that to pursue such capability is a waste of both time and resources of that nation. In this sense, commitment to an NMD system would have a deterrent effect on proliferation.

Second, if some aspiring states are not deterred and commit to deploy an NMD system, it would ensure that American citizens and their property are protected from limited missile attack, to the best of our capability. I use the word ''ensure'' the American citizens. We can only offer our best technical protection. I am not sure any ensurance absolutely can be devised.

In addition to convincing the rest of the world that we are serious about defending the U.S. against rogue missile threats, S. 257 will make it clear to the American people that we are truly serious about this undertaking. This is important, in particular, for those in Government and industry who are now working so hard to make an NMD system a reality. Nothing could be more important to them than a clear signal that we are seriously behind them and that this is not just another false start.

On August 31, 1998, North Korea tested the Taepo Dong 1 missile over Japan and demonstrated the capability to deliver a small payload to U.S. territory. Technically, that is feasible. This event demonstrated that the proliferation of technology expertise and hardware with which to build a long-range ballistic missile is accelerating rapidly.

As the Rumsfeld Commission reported:

> The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the [greater] Intelligence Community [of our country].

To its credit, the administration has now acknowledged the existence of this threat and has taken significant steps to address it. I commend Secretary of Defense Cohen for his decision to increase funding for NMD by $6.6 billion over the Future Years Defense Program.

In my view, however, these developments fundamentally change the rationale supporting the ''3+3'' policy. This policy has been based on a perceived need to gather more information on the ballistic missile threat, on NMD program affordability, and on technology maturity, before making a deployment decision. The administration has now indicated that the threat is all but here.

It has also budgeted funds needed to implement the deployment decision, implicitly confirming that the program is affordable. The administration's only remaining decision criteria for which additional information is needed relates to technology development. S. 257 makes clear that the deployment would only proceed once the technology is mature. There is no apparent reason to further delay a deployment decision.

Although the United States must engage Russia with caution and respect—and I underline ''with caution and respect''—I do not believe that postponing an NMD deployment decision will facilitate negotiations to change the ABM Treaty. Delay only perpetuates uncertainty about our position and creates the potential for misunderstanding. If Russia does not believe that we are serious about an NMD deployment, it will have no incentive to cooperate, in my judgment, in these talks. Once a firm commitment to NMD deployment has been announced, only then will Russia seriously engage in negotiations to modify the ABM Treaty.

We must never forget that treaty was between the United States and the then-Soviet Union, the only superpowers that had intercontinental ballistic missile technology. And it is against that background that we must review the revisions of this treaty. It is in the national interest of the United States of America. There are many places today in the world where other capabilities to develop these missiles are rapidly progressing. It is in our national interest to modify that treaty at this time. I do not say abolish it. I say carefully modify it.

The United States must make it clear that the decision to deploy an NMD decision is based on a threat not envisioned at the time the ABM Treaty was negotiated. I was then Secretary of the U.S. Navy, and I was in Moscow when the ABM Treaty was signed. I have a vivid recollection of that backdrop.

The United States, however, must make it equally clear that it will proceed with deployment of an NMD system whether or not Russia agrees to modify the ABM Treaty. The only way to clearly send such a signal is by a change in U.S. policy. In my view, the best way to send that signal is by enacting S. 257.

Mr. President, in summary, I believe the need for the deployment of NMD is compelling. I believe it is equally clear that we must modify our policies so everyone knows where we stand on NMD deployment. We must send this signal to our potential enemies, to Russia, and, indeed, to ourselves. And I do not put Russia in the context of a potential enemy; other nations I was referring to in that statement. The threat exists, and continues to grow. S. 257, which clearly indicates the commitment to deploy NMD, will ensure the United States is prepared to meet that threat.

Mr. President, I am going to pose a question or two to my good friend and distinguished colleague from Michigan, Mr. LEVIN, who is the ranking member of the Senate Armed Services Committee on which we serve together. But over our 21 years in the Senate, it is interesting that Senator LEVIN, Senator COCHRAN, and I all came to the Senate at the sametime. Senator COCHRAN, however, is senior to me. I will always respect him for that, and he reminds me on a daily basis. But nevertheless, we came together. We have many, many times in those 21 years debated on this glorious floor of the U.S. Senate the issues relating to arms control. All too often, regrettably, Senator COCHRAN and I are on one side and Senator LEVIN on the other.

But I remember not so long ago in the context of the expansion of NATO that I tried as forcefully as I could to resist that expansion. That is history now. The decision was made by this body to go forward and accept three new nations. I stated from this very chair that I would support that. So the

debate is over. But it is interesting to go back and look at some of the statements made in the context of NATO expansion and see how they relate to this very debate that we are having today.

Many of those who stood on this floor defending expansion—my good friend from Michigan was among them—now argue that we must not declare our policy to deploy a national missile defense system. I ask the question, Should the Senate be more concerned about Russia's opposition to NMD than we were to Russia's opposition to NATO expansion? It is a fair question.

I am reminded of the statements by Secretary of State Albright to the Foreign Relations Committee. And I happened to have been in the room at the time she made it. I quote:

> Russian opposition to NATO enlargement is real. But we should see it for what it is:

A very interesting statement, ''But we should see it for what it is.''

> a product of old misperceptions about NATO, and old ways of thinking. . . . Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations.

If we simply deleted Secretary Albright's reference to ''NATO enlargement,'' and substitute the term ''NMD,'' I think we would have an interesting quote. If I may, I respectfully revise the statement of my good friend, the Secretary of State, to read: ''Russian opposition to NMD is real. But we should see it for what it is: a product of old misconceptions about NMD and old ways of thinking. . . . Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations.''

Secretary Albright also indicated to the Foreign Relations Committee that NATO enlargement would in no way jeopardize START II, as some of my colleagues have argued the National Missile Defense Act would do. Once again, if we substitute the term ''NMD'' for the term ''NATO enlargement,'' I think it would be about right. I quote:

> While I think this prospect [Duma ratification to START II] is by no means certain, it would be far less so if we gave the Duma any reason to think it would hold up [NMD] by holding up START II.

I just hope that at some point my good friend from Michigan might reply to the observations of his good friend, the Senator from Virginia.

I say with respect to the President, Secretary of State, and others that this is an example of the difficulty that we are having with continuing confrontations between this administration and the Congress of the United States, most particularly the Senate, on very, very serious foreign policy concerns.

Mr. President, today we are facing tremendous uncertainties in Kosovo, and trying to address major decisions as to whether to use force should the talks not be successful in Paris. The outcome of that situation could definitely relate to the future of our work and our commitment of over $9 billion in Bosnia.

We have a serious problem with China today as to the degree that we continue or not continue our relations with China given this tragic case of espionage, the allegations of which are being studied by this body with great care, and, indeed, by the committee over which I am privileged to be Chair.

I can count other serious foreign policy considerations. Here we are debating this missile defense legislation, and we are now seeing under the leadership of Senator COCHRAN, and, indeed, greater and greater bipartisanship which is evolving on the other side of the aisle, a consensus coming about to pass this critical piece of legislation.

I say to the administration that they have to select more carefully the battles they wish to wage with the Congress for fear of losing them all. This is a battle which should have been recognized by the administration months ago as one not to be waged with the intensity that this one has experienced. That same fervor and intensity should be applied to the other major issues before us, whether it is Kosovo, Bosnia, or China, and not have the attention of the U.S. Senate so reflected to resolve this.

But, nevertheless, I thank, again, the distinguished leader from Mississippi for his tireless work. I think that this bill will emerge with the strongest bipartisan support. To some extent I think the amendments have helped. But I have studied both of them carefully. Both of the votes were 99 to 0. I think that that tells a story in and of itself, but nevertheless I wish our managers well.

I see my distinguished colleague from Michigan about to seek recognition. I just wonder if the Senator has a comment about my NATO observations, I say to my good friend from Michigan.

Mr. LEVIN. Mr. President, my good friend from Virginia is very wise and perceptive. Indeed, I do have a comment. He asked the question whether the Senate is more concerned about Russian reaction to national missile defense than about Russian reaction to NATO expansion. And, of course, there is a huge difference. In one case we have a treaty with Russia. It is called the Anti-Ballistic Missile Treaty. And before we pull out of that treaty, or unilaterally act in a way that is in violation of that treaty, we ought to consider the ramifications.

The point is we have a treaty with Russia that has made possible significant nuclear arms reduction. We had no such treaty with Russia relative to NATO; quite the opposite—our NATO treaty was against the former Soviet Union. Russia wasn't part of any NATO treaty. Its predecessor, the Soviet Union, was the problem against which that NATO treaty was created. So this is a day-and-night comparison. Surely, when you have a treaty with someone, before you unilaterally breach it or threaten to breach it, you should consider the consequences of that. We have such a treaty with Russia. The opposite was true with NATO. So the difference is a 180-degree difference.

Mr. WARNER. Mr. President, I wish to remind my colleague that we had, in the course of that debate on expansion in the same time period, led the way for Russia to begin to work with NATO, and while it wasn't a formalized treaty as such, it was a very interesting and unique arrangement between Russia and NATO whereby Russia would have a forum in which it could express its concerns and hopefully work cooperatively.

Mr. LEVIN. The Senator is exactly correct. And that is precisely what we are now doing relative to our treaty with Russia, with the Anti-Ballistic Missile Treaty. We are sitting down with Russia now and seeing whether we can't negotiate a modification in that treaty which would permit two things to happen: 1, the deployment of a national missile defense should we decide to deploy it; and, 2, continuing nuclear arms reductions which have been provided for—in effect, permitted — under the Anti-Ballistic Missile Treaty. So that is exactly what we are trying to do now.

But any comparison between the situation of having a treaty relationship with somebody and having a treaty which was aimed against that person, it seems to me, is an inapt comparison. I just wanted to briefly comment on it.

Mr. WARNER. Mr. President, if I may, did the Senator from Michigan have a chance to see a rather interesting comment by Mikhail Gorbachev and how he referred to the NATO expansion as being an act that was in contravention of his clearest of understandings with the leaders of this country, the United States, at that time?

Mr. LEVIN. I did. I believe that our leaders have denied such an agreement with Mr. Gorbachev, and we would be happy to dig up the difference relative to that.

Mr. WARNER. Mr. President, if I could ask one other question of my distinguished colleague from Michigan, he refers to negotiations, and indeed I think those negotiations have been ably conducted by a former member of our Armed Services staff, Mr. Robert Bell, for whom the Senator from Michigan and I have respect, having worked with him through the years. But how many such negotiations have taken place over what period of time, I ask my friend?

Mr. LEVIN. I think those negotiations began just a few weeks ago. And I was urging the administration in the middle of last year to begin those discussions and those negotiations. So the actual preliminary discussions I think began in February. As far as I am concerned, it would have been better to begin those discussions before that, and I had urged the administration last -

year to begin them. But as I understand it, there were informal discussions which had occurred before this recent visit that the Senator from Virginia, my good friend, has referred to.

year to begin them. But as I understand it, there were informal discussions which had occurred before this recent visit that the Senator from Virginia, my good friend, has referred to.

Mr. WARNER. Mr. President, my recollection is that this had been going on for at least 2 years. Whether you caption it as informal versus today being formal, we will have to look at the record, but this has been going on for 2 years without any real, I think, ''concrete''—and that is the famous word that the old Soviet Union and now Russia use—results. And I believe the initiative by the Senator from Mississippi and what I anticipate will be the passage of this bill by the Senate will give the proper incentive to get those negotiations completed in a mutually satisfactory way.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I would agree that the bill as it now stands, with an amendment which adopts as a policy of the United States to continue to negotiate arms reductions with Russia, is indeed going to be an incentive to those discussions because it no longer threatens to just unilaterally breach a treaty between ourselves and Russia.

On the first point, however, I would disagree with my dear friend from Virginia. I believe the discussions with the Russians on our National Missile Defense program did not begin until last year, and the informal discussions relative to modifications in the ABM Treaty did not occur until February. I believe, in fact, I wrote the administration—and I think I shared my letter with my friend from Virginia—I wrote the administration I believe in August urging that these discussions and negotiations take place.

Mr. President, in 1993 the administration, the Clinton administration, just as it came into office, terminated the defense and space talks which dealt precisely with modifications of the ABM Treaty. I think we can produce a record how this debate on the ABM Treaty has gone on for a very, very long time without any productive or concrete results.

Mr. LEVIN. The debate on the ABM Treaty has gone on since before the treaty was up here for ratification.

Mr. WARNER. I am talking about, Mr. President, the negotiations between the administration and Russia on such modifications as we felt were necessary for various aspects of our missile defense program.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The discussions between us and the Russians relative to the demarcation line, for instance, between a theater missile defense and strategic defense, the defense against strategic missiles has, indeed, been going on a long time.

Mr. WARNER. That is correct.

Mr. LEVIN. That is not the issue, though, that we have been discussing here this morning. The issue we have been discussing here this morning is whether or not we can work out with the Russians a modification of the ABM Treaty such as to permit us to deploy what is admittedly covered now by the treaty, namely a limited National Missile Defense system.

The discussions which have been referred to by my friend from Virginia had to do with the question of what is or is not covered by the treaty as it is currently written: What is the correct demarcation between those missile defenses which are covered by the treaty and those missile defenses which are not? And, indeed, he is correct; those demarcation discussions have been going on with the Russians, and indeed there was an agreement relative to the proper demarcation line. But the discussions relative to modifying the treaty so that we could deploy a limited national missile defense against what is admittedly covered by the treaty are discussions which have only begun in a preliminary manner in February of this year and informally began, I believe, last year.

Mr. WARNER. Mr. President, I say to my good friend that is correct. An agreement was reached between Russia and the United States, and it is interesting that agreement has never been submitted to the Senate, although I and other Senators have repeatedly called for it. This is another example where I think the Senate needs to assert itself more strongly in areas of foreign policy, and this is one of those areas which is very clearly in need of a show of strength by the Congress, through the Senate, to assert its really coequal right under the Constitution to deal with issues of foreign policy. And that is why I so strongly support the legislation.

Mr. LEVIN. What is intriguing—Mr. President, I do not know who has the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, what is intriguing is, in fact, we did assert our position relative to the correct demarcation line, and indeed we put it in law, and indeed the demarcation line which was adopted by this administration and Russia followed what we had put into law. So we had asserted what our position was as the U.S. Senate and, if my memory is correct, as a Congress, because I believe the language ended up in the final authorization bill as to where that demarcation line should be. The agreement which was reached indeed—my understanding is and my recollection is—followed the demarcation line which the Congress had set forth in that authorization bill.

So it is nothing new for Congress to assert its involvement in these kinds of issues. We should. We have. We should be partners with the administration on this issue. I believe this bill as amended—I know it is now acceptable to the President with these amendments—represents the effort to come up with a more bipartisan approach to these critical national security issues.

Mr. WARNER. Mr. President, if I may, I say to my good friend, the Bush administration was close to changing the ABM Treaty pursuant to negotiations with Russia to deploy a limited NMD. I draw that to my colleague's attention. When the Clinton administration came in, it terminated these talks in 1993 and, indeed, downplayed significantly the need for an NMD system.

I yield the floor.

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

Mr. KERRY. Mr. President, I wonder if my friend from Virginia would join in a colloquy, if possible, to try to flesh out a couple of issues.

Mr. WARNER. I will be happy to.

Mr. KERRY. Mr. President, let me begin my question to him by saying I, with many others here, am cognizant of the threat that has now been more realistically defined and is more present. I think most people feel a safety measure with the capacity that might save Hawaii or some other sector of the United States from some accidental, rogue, or unauthorized launch, makes sense in theory. And I certainly support that. But many people have expressed concerns. I know the Senator from Virginia has long been a member of the Arms Control Observer Group, long been involved in these issues, and has a great sensitivity to the perceptions of other countries which often drive arms races and the building of weapons.

I assume, based on that experience, the Senator from Virginia will acknowledge that if the United States proceeded in some way that altered the perception of another country—be it Russia or China or someone with whom we are currently trying to cooperate—that could, indeed, have an impact on the weapons they might build or, ultimately, on the security of the United States itself.

Is that a fair statement of how perceptions operate in arms races?

Mr. WARNER. Mr. President, I readily concede that misconceptions can arise. But Russia today, while President Yeltsin still holds, let's say, the trappings of office, is largely guided by Mr. Primakov. I have had the opportunity to deal with him through the years, as has, I think, my good colleague from Massachusetts, likewise.

Let me tell you, Mr. Primakov is not a man who doesn't fully understand exactly the nature of this debate and the need for the United States of America to prepare for its defense, not necessarily against Russia, but against other nations emerging with this threat. I do not think, in the context of this debate on this amendment, a misconception could arise, given Mr. Primakov's extensive experience. He will soon be visiting the Nation's Capital as a guest of our President. I am hopeful that I, and perhaps the Senator from Massachusetts and others, can

have an opportunity to engage him, as we have in years past, in a colloquy on a wide range of issues. He is a very well informed and a very astute individual.

So in this particular instance, I do not believe that is a serious problem, I say to the Senator.

Mr. KERRY. Mr. President, if I could further continue the colloquy—and I thank the Senator for his answer—I concur with his judgment about Mr. Primakov. I have had the pleasure of having a discourse or two with him. He is a very thoughtful and articulate person who understands the nature of this. But that is not to say that other politicians, other wings of other various ideologies, do not try to use these kinds of issues to play politics within their countries. Nor is to it say that conceivably—and I am only talking about the possibilities here, because it is important for us to put any deployment issue or any future procurement issue in the context of these realities—China could also make certain determinations with respect to this. Is that not also a fair judgment?

Mr. WARNER. Senator, as a generality, I think you speak with fairness on this issue. But, again, I wish to just try to limit my remarks as to this specific piece of legislation, although prior to coming on the floor I did make what I felt were some constructive criticisms. The administration should begin to pick its fights with the Congress on foreign policy issues. This is one that should have been reconciled some time back, quietly, and acknowledging that it was in the interests of the United States to proceed as we are now doing on this legislation, and save its full force and effect for other issues, whether they are Kosovo or China or Bosnia or whatever they may be.

Mr. KERRY. Mr. President, again, I appreciate the answer and I appreciate the sensitivity the Senator has shown, as to how we might have gotten here otherwise. I cannot disagree with him with respect to that. But, by the same token, there has been a push here to try to achieve certainty with respect to technology, technological feasibility governing an issue of deployment. There are a lot of questions about what kind of system we might or might not really be building.

The early concepts that surrounded this entire debate envisioned a system that did more than simply address the question of a rogue missile or an accidental launch or even a few individual missiles. The best estimate of the threat from North Korea, in 15 or 20 years, is still dealing with minimalist numbers. Always, when we are debating in the context of Russia or in the context of China, we are dealing with multiple numbers, and the system you need to deal, with any reality, with those kinds of potential adversaries—I underscore ''potential''; we view neither of them that way today, as the Senator has said—but the kind of system that would be needed to deal with that is a system that most people make the judgment is technologically so expensive and so complicated—because it requires the SWIR intercept capacity at boost phase, it requires the capacity to go exoatmospheric for a certain phase, you have to hand off for the next phase for LWIR capacity for tracking, the capacity to distinguish between multiple decoys—all of this gets into such a zone of expense and of arms deterrence imbalance that a whole series of other questions have to be put on the table.

So what we are talking about, in terms of a system, is really a critical, critical component of what we might be willing to deploy and what might ultimately work and what we might even be able to afford realistically.

Mr. President, let me say also, if you developed a system that had all of the capacity I just defined—it could distinguish between decoys, it could actually hit at the level that gave you an assurance that you have the kind of protection you are trying to achieve—you have actually shifted the entire balance of power, because you have created a near first strike capacity, if not a perfect first strike capacity. If you can shoot down anything that comes at you, then clearly you have changed the balance of power. So we are not making ourselves more secure necessarily. Plus, everyone in the business knows that we are talking, in that case, about intercontinental ballistic; they will simply go cruise missile, go underneath or any other alternatives. The notion that we are making ourselves, in the long run, somehow very significantly safer by building this larger system, I think, is a debate we put aside some time ago.

I come to the floor supportive of the notion that we are in a new world today. I appreciate what the Senator said about thinking about Madeleine Albright's language of how you perhaps change, together with other countries, to meet that new world. But that new world, to me, is quite delimited. It is a new world that seeks to protect us against a rogue, against accidental or unauthorized. That is a very limited kind of system. It is one that we ought to be able to negotiate, if we can develop it with China, with Russia, with other people, all of whom have a similar kind of threat to think about with respect to unauthorized or accidental or rogue launches.

I simply want to make it part of the record of this debate that that is my understanding of the direction we ought to be going in—and I hope and think it is the understanding of the Senator from Virginia—that we do not rush headlong into the building of a system that simply creates greater unrest, greater instability, greater question marks and, I might add, is measured against a $60 billion expenditure that to date, even in the THAAD program, has not shown success. There isn't anybody who won't tell you that when you are switching from THAAD into the intercontinental ballistic, you are moving into levels of complexity so much higher in terms of intercept and distinguishing capacity.

It is my judgment that while we ought to proceed, I hope the Senate is going to contemplate this in the context of really building stability in our relationships and also in trying, as diligently as we can, to negotiate with these other countries the process by which we will move forward.

Mr. WARNER. Mr. President, I have listened carefully to my colleague's remarks. I wish to make very clear, at the end of this colloquy, page 2 of the bill:

> It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

It is simply a system constrained to those particular threats. I think the Senator said those same threats face other nations, notably Russia and China. It seems to me in the common interest that this go forward.

I thank the Chair, and I thank my colleague.

Mr. KERRY. Mr. President, I thank the Senator.

I think, again, that the clarification here is important because, obviously, we come to this through the experience of a very large expenditure and a very different kind of concept than was contemplated. I think it is vital, as we proceed forward, that technological feasibility not be the only judgment which we will use as we proceed forward. I think the amendment which has thus far been accepted, the notion that the Senate now embraces the continued efforts to have negotiated reductions with Russia and that we do not want to upset that, is a very important statement that puts into context the down sides if we don't proceed with the sensitivity which most of us feel is so important here.

I thank the President, and I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jacob Bylund, an intern in my office, for consideration of S. 257 today.

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

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that a member of my staff, Clint Crosier, be granted the privilege of the floor for the remainder of this debate.

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

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my

wholehearted, overwhelming, passionate, and unwavering support of the National Missile Defense Act of 1999.

Finally, after years of fighting to get this legislation to a point where we can pass it, we appear to have succeeded. I sincerely hope it is not too late. The President had promised to veto this bill if we passed it. I was glad to hear last night that he has now dropped his veto threat. Unfortunately, his pledge comes a little late and still falls far short of the full support that we need to truly protect our citizens.

As Chairman of the Armed Services Committee's Subcommittee on Strategic Forces, I have devoted myself wholeheartedly to the cause of missile defense for many years. It has always troubled me that the President of the United States has refused to engage us and help us to pass a bill to defend the United States of America and its citizens from ballistic missile attack. It has been especially troubling in recent days, with news that data on our most sophisticated nuclear warhead may have been stolen by China—which may have already used this information to perfect their own warheads on missiles aimed this very minute at the United States.

The President seems to believe we need to let Russia have a vote on whether or not we choose to protect ourselves from blackmail and coercion from China, Iraq, Iran, and North Korea. With all due respect, I am not interested in having the Russians determine whether or not we should protect ourselves. I am more interested in having us determine whether or not we should protect ourselves.

The administration tells us that there are four critical criteria that must be met before we can decide whether to deploy a national missile defense: threat, technology, operational effectiveness, and cost. Let's look at these four issues; first, the threat. The Administration's national missile defense agenda is based upon, I believe, a false assumption that we will have plenty of warning to respond to the threat.

We can't base the security of the United States of America on our ability to detect and predict existing or emerging threats around the world. And we do not have to—it is here even as we speak. The administration can no longer ignore the threat. It is real, it is dangerous, and it is here now, today, this moment.

In May of 1998, India conducted three nuclear tests that shocked the world, and even worse, surprised our intelligence community. Ten days later, Pakistan conducted their own nuclear test.

In July of 1998, a bipartisan commission headed by Don Rumsfeld, former Defense Secretary, came to some very startling assertions. Here is what he said:

> Hostile nations such as North Korea, Iran, and Iraq are making concerted efforts to acquire ballistic missiles with biological or nuclear payloads that will be able to inflict major destruction on the U.S. within five years of a decision to acquire such capability. And further, the U.S. might not even be aware if or when such a decision has been made.

That is a pretty sobering analysis, Mr. President.

He went on to say:

> The threat from rogue countries is evolving more rapidly than U.S. intelligence has told us, and our ability to detect a threat is eroding because nations are increasingly able to conceal important elements of their missile programs. The U.S. faces a missile threat from hostile states with little or no warning.

The Rumsfeld Commission was bipartisan, and its conclusions were unanimous. Yet the entire report was downplayed by the administration. It was dismissed as paranoid, alarmist, and out of touch with current intelligence estimates. But only 2 months later, 2 months after the Rumsfeld report, the North Koreans shocked the world with the launch of a three-staged Taepo Dong missile over Japan.

This signaled their progress toward the Taepo Dong 2 that could hit the continental United States. Some in the Senate have been willing to write off Hawaii and Alaska because they are not continental. I notice that the Senators from Alaska and Hawaii were not willing to write themselves off, however. They were early advocates and supporters and cosponsors of this legislation in both political parties.

Not to be outdone, after North Korea, Iran tested their own new generation missile within weeks of the Rumsfeld report. On February 2 of this year, CIA Director George Tenet testified before the Senate Armed Services Committee:

> I see a real possibility that a power hostile to the United States will acquire before too long the ability to strike the U.S. homeland with weapons of mass destruction.

In an interview with Defense Week on 23 February, Lieutenant General Lyles, Chief of the BMD organization, said:

> We now have indications that the threat is growing, and certainly there is little doubt that this threat will be there around the year 2000.

The CIA recently reported that China has at least a dozen nuclear missiles aimed at U.S. cities right now.

I say to my colleagues, the threat is here. How much more warning do we need?

Let's go to the technology and the operational effectiveness issues that the President and some of this bill's critics have talked about. They say that this bill would require a deployment before the technology is ready. But technology and operational effectiveness are the cornerstones of this legislation. No one is suggesting we deploy a system before it is ready. How can we deploy something before it is ready? How can we deploy something that doesn't work? And yet we have had a big debate on this terminology. The Senator from Mississippi has done a good job, I think, in shooting holes in that false argument.

I honestly do not understand what the debate between ''technologically possible'' and ''operationally effective'' is all about. This is what the bill says:

> . . . to deploy as soon as technologically possible an effective national missile defense. . . .

It is pretty clear. When the technology allows us to build an effective system, we deploy it. Is that too much for the American people to expect from their elected leaders, who are sworn to protect and serve them? Are we going to build a system, know that it is effective, but then not deploy it? I do not think so. If we had something that was technologically possible and operationally effective and we didn't deploy it, I think our constituents would be a little upset with us.

There are also those who claim it is simply too hard to, as they say, hit a bullet with a bullet. If we all had that attitude, we would still be using bows and arrows to defend ourselves. We certainly would not have the technology that we have today in stealth and missiles and lasers if we adopted that ''can't do'' attitude.

Just 2 days ago at White Sands, we did successfully intercept a missile target with a Patriot-3 missile, proving we can hit a bullet with a bullet. The only problem is that when you hit the bullet with the Patriot, you are hitting it pretty close to you. What we want to do is hit that bullet long before it gets anywhere near us.

The third issue the administration wants to base a deployment decision on is affordable cost. Boy, there is a bureaucratic attitude if I ever heard one. That statement is—frankly, with all due respect to those who made it—unconscionable. On February 2, Director Tenet told the Senate Armed Services Committee:

> North Korea's Taepo Dong 1 launch last August demonstrated technology that, if further developed, could give Pyongyang the ability to deliver a payload to the western edge of the United States of America.

To put it bluntly, North Korea will soon be able to strike San Diego, Los Angeles, San Francisco, Portland, and Seattle with nuclear, chemical, and biological weapons—and the President is telling us he is worried about the cost? He is worried about the cost? What is the cost of one of those missiles hitting one of those cities? What in the world is he talking about? I wish he had been as worried about having a spy continue to operate in one of our weapons labs for 3 years without doing anything about it.

I note that the combined population of just the five cities I mentioned is 30 million people. The total population from San Diego to Seattle is 50 million people. What is the cost of losing 30 to 50 million people to that kind of missile attack? With all due respect, is the President willing to go out there and look those 50 million people in the eye and say, ''We're going to check this out to see if it is affordable''? I say, if we are worried about money, then let's

take money out of someplace else in the budget and protect 50 million people along the western coast of the United States of America.

The President wants to tell U.S. citizens we cannot protect them from weapons of mass destruction until we figure out how much it might cost. I say it is the opposite. We have to defend our citizens, and worry later about the cost.

This is not an imagined threat. The CIA recently reported that China now has a dozen missiles aimed at the United States. We have all heard the reports of the Chinese general who, in 1996, warned that if we chose to defend Taiwan, we had better be willing to sacrifice Los Angeles. This, from a nation that the administration says we must engage. Those are pretty tough words from a country that we are supposed to be engaging. Maybe we ought to disengage a little bit from China when it threatens us with nuclear attack and steals our nuclear secrets from our lab at Los Alamos.

Cost is a matter of relative priorities, Mr. President. As Senator SESSIONS pointed out recently, the cost of a 3-year deployment to Kosovo could reach 50 percent of what this administration plans to spend on national missile defense. We have already spent as much in Bosnia in the past 3 years as an entire NMD program is estimated to cost. Priorities, I say to my colleagues, priorities. Kosovo, Bosnia or 50 million people along the coast of the United States? We know what the President has chosen as his priority. What is the Senate going to choose for its priority?

Let's go to the last issue, the ABM Treaty of 1972, the bible for some people in this body. The biggest fear is that we are going to undermine the ABM Treaty. What ABM Treaty? We signed the ABM Treaty with the U.S.S.R. The last time I looked, there was no U.S.S.R.

On the 20th anniversary of the ratification of the treaty, President Nixon said:

> The ABM Treaty has been overtaken by the cold war's end.

Dr. Kissinger, the primary architect of the treaty, said in 1995 in testimony before the Congress that the time had clearly come to:

> . . . consider either amending the ABM Treaty or finding some other basis for regulating the U.S.-Russian strategic relationship. The ABM Treaty now stands in the way of our ability to respond in an effective manner to the proliferation of ballistic missiles, one of the most significant post cold war threats.

That came from the architect of the treaty. He is saying that the treaty stands in the way of our ability to defend ourselves.

Even Secretary of Defense Cohen recently said before the Senate Armed Services Committee that we may have to consider withdrawing from the ABM Treaty.

I am not advocating withdrawing at this point. I am just insisting that we not let the treaty harm our national security.

How absurd would it be for us to continue to honor the treaty with Russia, preventing us from protecting ourselves from weapons of mass destruction, while all other nuclear-capable countries of the world would be free to develop their own missile defense? What would that do to American security if we could not defend ourselves, but our enemies could? Does that make sense? Am I missing something here? I just do not understand the foreign policy of this administration.

In conclusion, it would be indefensible to the American people to concede that the threat of rogue missile attacks is real and credible, but offer only a self-imposed weak defense against it. It is unconscionable. If the threat to the American people is real, then the defense against these attacks must be real; not only that, it must be aggressive, full-scale and monumental. Whatever resources are necessary, the American people deserve to be defended.

Some in the minority claim that the passage of this bill might lead to a new arms race with the Russians. But everyone knows that any missile defense currently in development would not upset the balance of power between Russia and the United States. NMD will provide defense against only limited and rogue attacks, not against incoming Russian missiles.

What about Russia's proliferation of missile technology to rogue states? Between technology transfers to Iran, India, and perhaps even China, Russia is a large part of the reason we are here debating this bill today, because they are selling their technology around the world. Proliferation is already a growing threat, independent of this bill.

Mr. President, we must pass this bill. This is not a partisan issue. It is an issue of national security. And the defense of the American homeland against a real and growing threat of ballistic missiles and our national security depends on it.

I urge my colleagues to pass this bill, and to do it today.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, thank you.

AMENDMENT NO. 74

(Purpose: To modify the policy)

Mr. BINGAMAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 74.
>
> On page 2, strike lines 7 through 11 and insert the following:
>
> It is the policy of the United States that a decision to deploy a National Missile Defense system shall be made only after the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation of the Department of Defense, has determined that the system has demonstrated operational effectiveness.

Mr. BINGAMAN. Mr. President, let me explain my amendment and then hopefully discuss with the two managers, the chief sponsor of the bill, my friend from Mississippi, and the manager on the Democratic side, my friend from Michigan, their understanding of what the underlying bill provides and the appropriateness of my amendment.

We had a hearing the other day in the Armed Services Committee. Mr. Gansler was there, and he testified that the administration's plan, with regard to this national missile defense program, is to handle this as they would handle other major weapons programs, weapons systems; that is, they would proceed with development, but they would not go the next step, they would not go into full production and deployment until they had done the necessary operations tests to determine the effectiveness of the system.

I have had some concerns, frankly, about this legislation. I opposed this in the last Congress because of those concerns, concerns that we were, in this legislation, changing those ground rules on the Department of Defense and saying to them, ''No, you should not do the appropriate testing. In this case, you should go ahead and proceed to deploy the system regardless of how ready it is for prime time.''

I guess that has been the concern that has prompted me to offer this amendment. In private discussions with the manager of the bill, the sponsor of the bill, he has assured me that he does not see it that way. I want to just ask, if I could, the Senator from Mississippi if he could just respond to a question sort of directly on this.

I was encouraged, frankly, by the statements I just heard from the Senator from New Hampshire, where he said that it is his understanding and his intention, clearly, by this legislation, that we would not be requiring the Department of Defense to do anything by way of full production or deployment until they were convinced that this weapons system was operationally effective. Is that the understanding of the Senator from Mississippi also?

Mr. COCHRAN. Mr. President, if the Senator would yield, it seems to me clear from the language in the bill that we contemplate the development of a system that is effective. We use that word—an ''effective'' ballistic missile defense, and that the deployment would take place when it is technologically possible. So when the technology is matured, it is proven to work, and we know the missile system would be effective to defend against ballistic missile attack. That is what the sentiment is. That is the policy that is reflected in the language that is used in the bill.

So that is consistent with the intent that this Senator has, as an author of

the bill. And in discussing it with other cosponsors, I think that is the sentiment of the Senate and would be reflected in future authorization and appropriations measures. That is another part to this as well. And one of the concerns, I think, with the amendment that the Senator has sent to the desk is that it could be construed, with a delegation of authority to the executive branch, to remove Congress from the decisionmaking process. We think Congress has a very important role to play in oversight and also in the authorization of deployment and the funding of deployment decisions that will be made in this weapons system development and deployment.

So those are my reactions, my sentiments. I hope that they are not inconsistent with the concerns of the Senator from New Mexico. And I really do not think they are.

Mr. BINGAMAN. I thank the Senator from Mississippi very much for that explanation. I agree with him that clearly Congress needs to maintain its oversight of this program, as well as all other programs. And this is a very high priority for many of us here in Congress and everyone, I think, who is concerned about national security issues. So I would not want, by my amendment, to bring into question the ability of Congress to maintain that oversight. I do not believe the language of my amendment does that.

I am encouraged to hear that the Senator believes that operational effectiveness is an essential part of what has to be established before we go ahead and actually deploy something.

I want to just ask, in order to sort of complete the circle here, my good friend, the ranking member on the Armed Services Committee, which I have the privilege of serving on, Senator LEVIN, if he has any thoughts about the underlying bill.

Again, I guess the question is, Is there, in the language of the underlying bill, essentially a requirement that the Department of Defense treat this weapons system and this program the way it treats other major programs; and that is, to put them through the appropriate operational tests before they go forward with any deployment?

Mr. LEVIN. To my good friend from New Mexico, I say there is no prohibition in this bill against them using the regular procedures. So it is my assumption they would use those procedures given the absence of any prohibition.

Secondly, the word ''effective'' that is in the bill, it seems to me, does include the critical operational effectiveness concept which the Senator has referred to. Indeed, the word ''effective'' could cover a number of elements of effectiveness, but surely one of them is, I believe—and the sponsor of the bill has just confirmed this, I believe—that ''operational effectiveness'' would be included in the concept of ''effectiveness.''

Mr. BINGAMAN. I appreciate that explanation as well.

The Senator from Mississippi, I see, is on the floor. If he has any additional comment, I would be anxious to hear it.

Mr. COCHRAN. Mr. President, if the Senator would yield, I appreciate his allowing me to comment further.

So the RECORD is complete, I would like to read into the RECORD some comments that I wrote down after considering the amendment of the Senator from New Mexico.

This bill is intended to establish a broad policy, stating the intent of the United States to defend itself against limited ballistic missile attack. It does not seek to micromanage the Defense Department's conduct of the program. It gives the Department of Defense flexibility in determining whether the national missile defense system is effective and technologically ready for deployment. That decision will be made with congressional involvement and oversight provided by the appropriate committees.

The Under Secretary of Defense for Acquisition and Technology has stated in testimony before the Armed Services Committee that the criteria to be used by the Defense Department in making such determinations are tailored to the needs of individual programs and the urgency of the threat they are intended to address.

So I think with those further statements we show what we consider to be the meaning of the bill, the effect of the bill, and its relationship between the Congress and the administration.

Mr. BINGAMAN. I thank the Senator from Mississippi for that additional explanation.

Mr. President, in order that I not delay or further confuse the RECORD, let me take those assurances that I have heard from the Senator from Mississippi and the Senator from Michigan and state that I do believe with those assurances the bill does provide for this requirement that operational effectiveness be demonstrated. That has been my primary concern as we considered this bill in the previous Congress, and I am glad to have that resolved.

AMENDMENT NO. 74 WITHDRAWN

Mr. BINGAMAN. Mr. President, I will at this point withdraw the amendment.

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

The amendment (No. 74) was withdrawn.

Mr. LEVIN. Mr. President, let me just thank the Senator from New Mexico. He has raised a very important issue which was the subject of major discussion at the Armed Services Committee the other day; that is, the importance that any weapon system, before it is deployed, be shown to be operationally effective. I think his sensitivity to that issue has been longstanding, and I want to thank him for clarifying the RECORD relative to this bill.

So that it is clear to Senator BINGAMAN and to all of the Members, the word ''effective'' in the bill includes the concept of operational effectiveness. There are other elements of effectiveness which could also be covered, but surely it includes the operational effectiveness concept which the Senator has championed for so long.

I thank the Senator.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today to support S. 257, the National Missile Defense Act, and to thank my friend and colleague, the distinguished senior Senator from Mississippi, for his continued leadership on this issue—not today, not last year, but over a sustained period of time—to help educate America as to why this issue is so important to our future. I thank the cosponsor of this bill, Senator INOUYE from Hawaii, who has joined over the years with Senator COCHRAN in leading the debate and, hopefully, moving this body to a decisive action today on passing the National Missile Defense Act.

Mr. President, the security of the American people is the first and most important responsibility of the National Government. One of the primary threats facing our national security in the 21st century is the proliferation of weapons of mass destruction and advanced, sophisticated missile technology.

Surveys show that many Americans think our Armed Forces can shoot down any missile fired at the United States today. As the debate has pointed out over the last few days, that, in fact, is not the case; it is a myth. We don't have a missile defense system today, we won't have a missile defense system tomorrow, and we won't have a missile defense system next year. Yet the nations who are developing their own weapons of mass destruction are not waiting. Last year, two new countries entered the nuclear club, India and Pakistan. Other nations whose motives are less than friendly toward the United States and our allies are aggressively pursuing these weapons and the ability to launch, the ability to deliver, a nuclear weapon.

As technology spreads throughout the world, the threat increases not only from rogue states but also from terrorist organizations. For years, America was assured by our intelligence agencies that the ability to strike the U.S. mainland by any rogue state was years away and that we would easily have enough time to develop a new missile defense system before that possibility would occur.

Last July, a bipartisan commission headed by the distinguished former Secretary of Defense, former Chief of Staff to the President, former Member of the House of Representatives, Don Rumsfeld, sounded an alarm: All was not quiet on the ballistic missile front. The Rumsfeld Commission examined the emerging and current ballistic missile threat to the United States. As

Secretary Rumsfeld testified last October before the Senate Foreign Relations Committee:

We concluded unanimously that we are now in an environment of little or no warning.

The Rumsfeld Commission report contains several alarming conclusions.

One, Russia and China continue to pose threats. Both possess intercontinental ballistic missile capability of reaching the United States mainland. We must be prepared for the possibility of an accidental launch—an accidental launch. In addition, and even more deadly in terms of the threat it poses, both Russia and China have emerged as major suppliers of technology to a number of rogue nations and other countries.

Two, the Rumsfeld Commission found that North Korea and Iran could each pose a threat to the United States within 5 years of a decision to do so.

Three, Iraq was estimated to be certainly within 10 years of posing a threat. Whether we have been effective at limiting this development with our airstrikes is unknown in Iraq because Iraq is now able to continue its work without the oversight of UNSCOM inspectors. These nations are not isolated; they work together. As Secretary Rumsfeld stated with regard to North Korea:

They are very, very active marketing ballistic missile technologies.

Iran alone received technology assistance from Russia, China, and North Korea, which gives it a wider array of options.

And perhaps one of most striking comments made by Secretary Rumsfeld in his testimony in October was one that rang true with plain, straightforward common sense. Again I quote Secretary Rumsfeld:

We have concluded that there will be surprises [deadly surprises]. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there are and will be surprises, but that we are surprised that there are surprises.

The Rumsfeld Commission report was greeted with some skepticism by the intelligence community. Then on October 31 of last year, the myth that technology was years away was shattered when North Korea launched a Taepo Dong I missile, a three-stage rocket, over Japan and into the Pacific. This is a missile that, with upgrades, could have delivered a small payload, a nuclear payload, to Hawaii or Alaska. We know that the North Koreans are in the advanced stage of developing a Taepo Dong I intercontinental missile with the capability of delivering a nuclear payload to the American interior.

Finally, last month the CIA reversed itself saying the threat was real, imminent, and very dangerous. In testimony before the Senate Armed Services Committee, CIA Director George Tenet stated:

I can hardly overstate my concern about North Korea. In nearly all respects, the situation there has become more volatile and more unpredictable.

Why has it taken us this long to wake up to the threats facing our Nation? How many more intelligence reports and missile test firings do we need? Vast oceans in time protected America at the beginning of World War II. Oceans in time will not protect America today. Time has run out.

I was very pleased to see news reports this morning, Mr. President, that President Clinton has dropped his threat now to veto this bill. However, the administration continues to raise concerns about whether a national missile defense system fits within the framework of the 1972 ABM Treaty with the old Soviet Union—the imploded Soviet Union, a country that no longer exists.

Much has been made by the opponents of this bill on how Russia would perceive our development of a national missile defense. I visited Russia in December. I spent 10 days in Russia and met with leaders throughout Russia. I was in Siberia. I asked about this question. This question is about the relevancy of our national interest, as all questions of national security are about the relevancy of our national interest, as Russia's questions are about their national interest. The Foreign Relations Committee will hold a hearing on the ABM Treaty in April, and a continued set of hearings on into May, leading up to the June 1 deadline by which Chairman HELMS has asked the administration to submit the ABM Treaty amendments.

It is completely inconsistent for the administration to raise concerns about building a national missile defense system under this current 1972 treaty and then not submit the ABM Treaty amendments to the Senate. This administration has yet to send amendments to the ABM Treaty, nor has it given any indication that it will. The President should submit amendments and allow the Senate to debate this issue. We need to determine whether this 1972 treaty is still relevant to America's security in the 21st century. The security of our people cannot be held hostage to an outdated treaty with a country that no longer exists. The most fundamental responsibility of this Government, of each of us who have the privilege to serve in this body, is to assure the freedom and security of this Nation; to do less not only abrogates our responsibility, but makes us less than worthy of serving the people of this country.

As Secretary Rumsfeld stated:

The new reality makes threats such as terrorism, ballistic missiles, and cruise missiles more attractive to dictators. They are cheaper than armies and air forces and navies. They are attainable. And ballistic missiles have the advantage of being able to arrive at their destination undefended.

We need an effective missile defense system, and we need to get at it now.

I conclude with what President Reagan said in 1983. He said:

If history teaches anything, it teaches simple-minded appeasement or wishful thinking about our adversaries is folly—it means the betrayal of our past, the squandering of our future, and the squandering of our freedom.

Mr. President, I urge my colleagues to support the National Missile Defense Act, S. 257.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 75

(Purpose: To require a comparative study of relevant national security threats.)

Mr. HARKIN. Mr. President, I have an amendment that I will offer and then I will engage in a colloquy with the distinguished Senator from Mississippi. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 75.

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

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

The amendment is as follows:

At the end, add the following:

SEC. 4. COMPARATIVE STUDY OF RELEVANT NATIONAL SECURITY THREATS.

(a) REQUIREMENT FOR STUDY.—Not later than January 1, 2001, the President shall submit to Congress the comparative study described in subsection (b).

(b) CONTENT OF STUDY.—(1) The study required under subsection (a) is a study that provides a quantitative analysis of the relevant risks and likelihood of the full range of current and emerging national security threats to the territory of the United States. The study shall be carried out in consultation with the Secretary of Defense and the heads of all other departments and agencies of the Federal Government that have responsibilities, expertise, and interests that the President considers relevant to the comparison.

(2) The threats compared in the study shall include threats by the following means:

(A) Long-range ballistic missiles.

(B) Bombers and other aircraft.

(C) Cruise missiles.

(D) Submarines.

(E) Surface ships.

(F) Biological, chemical, and nuclear weapons.

(G) Any other weapons of mass destruction that are delivered by means other than missiles, including covert means and commercial methods such as cargo aircraft, cargo ships, and trucks.

(H) Deliberate contamination or poisoning of food and water supplies.

(I) Any other means.

(3) In addition to the comparison of the threats, the report shall include the following:

(A) The status of the developed and deployed responses and preparations to meet the threats.

(B) A comparison of the costs of developing and deploying responses and preparations to meet the threats.

Mr. HARKIN. Mr. President, again, for the information of Senators, I intend to withdraw this amendment after talking about it and engaging in somewhat of a colloquy with Senator COCHRAN, and I think Senator LEVIN also wanted to speak on this.

Basically, let me describe what the amendment does. It requires that not later than January 1 of 2001, the President will submit to Congress a comparative study. It is a study that would provide a quantitative analysis of the relevant risks and the likelihood of the full range of current and emerging national security threats to the territory of the United States.

This says:

> It shall be carried out in consultation with the Secretary of Defense and the heads of all other departments and agencies of the Federal Government that have responsibilities, expertise, and interests that the President considers relevant to the comparison.

Then I listed a number of items, including long-range ballistic missiles; bombers and other aircraft; cruise missiles; submarines; surface ships; biological, chemical, and nuclear weapons; and any other weapons of mass destruction that are delivered by means other than missiles, including covert means and commercial methods, such as cargo aircraft, cargo ships, trucks, and any other means.

I would like to describe what I am getting at here. As we look at the bill before us, S. 257, which is kind of narrowly drawn in terms of ballistic missile defense, we seem to be getting kind of overfocus on this, a focus that if only we build some kind of a ballistic missile defense system, it will secure us from the weapons of mass destruction that threaten us. But I am not so certain that is really the major threat that we face, and whether or not all of the money put into that, all of our eggs into that basket, so to speak, really would protect us from what I consider to be more viable and determinable threats to our national security.

For example, what about some of the key threats we hear about every day? Well, I have a chart that lists some of the typical types of national security threats facing our Nation today.

Mr. President, I ask unanimous consent to print the chart in the RECORD.

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

NATIONAL MISSILE DEFENSE: NO SOLUTION TO KEY THREATS

	Theater missile defense solution	Theater missile defense solution
Truck bomb attack on U.S	Ineffective	Ineffective.
Chemical weapons attack in U.S	do	Do.
Biological weapons attack in U.S	do	Do.
Cruise missile attack on U.S	do	Do.
Bomber attack on U.S	do	Do.
Loose nukes in former Soviet Union	do	Do.

Mr. HARKIN. For example, a national missile defense system would be ineffective against a truck-bomb attack on the United States. Of course, we have had some experience, regrettably, in that area. It would not be effective against a chemical weapons attack in the United States. Now, we haven't had that, but Japan has. What about biological weapons that would be delivered by a terrorist? No small threat. It seems like there is an anthrax incident every week here in the country. Again, if there is an anthrax scare, the first line of defense is going to be the local police and firefighters struggling to deal with the threat, and our State and local public health officials, and other health care people.

However, a national missile defense system is no solution to combat this very viable threat. The list goes on with a cruise missile attack. It is much cheaper for a country to engage in; it would be launched offshore. Yet, a national missile defense would be ineffective. Even a bomber attack, coming in under our radar screens, would be ineffective for missile defense; and even some of the ''loose nukes'' in the former Soviet Union, if in fact there were to be warheads smuggled out of the Soviet Union and enter the country by boat, plane, or truck across our borders. A missile defense is totally ineffective. Also listed is the theater missile defense, which would also be ineffective against those threats.

General Shelton of the Joint Chiefs of Staff agrees and has said:

> There are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, that there are adversaries with chemical and biological weapons that can attack the United States today. They could do it with a briefcase—by infiltrating our territory across our shores or through our airports.

I am just concerned that we are focusing so much on this national ballistic missile defense that we are forgetting about these other more determinable and viable threats.

My amendment seeks to provide for a study, sort of a comparative study, and a quantitative analysis of these risks: What is the risk of a ballistic missile attack on the United States? What is that? And what is the risk of, say, a biological weapons attack on the United States? What do we have, either deployed or in development, to protect against each one of those?—thinking about the relative risk. I wanted this study to be done by January 1, 2001, before we go rushing down the road investing more billions of dollars into a ballistic missile defense that would prove absolutely defenseless against these other viable threats.

That is what I was seeking to do with this amendment.

I have had some conversations with the Senator from Mississippi about this. I yield for any colloquy that we might engage in on this.

Mr. COCHRAN. Mr. President, with respect to the amendment of the Senator from Iowa, I thank him for discussing the amendment with managers before offering it. As I understand the amendment, it calls for a report on a wide variety of threats facing the United States. S. 257, the pending legislation, is intended to address one of these threats—a limited ballistic missile attack against us for which we have no defense.

While these other threats are important, they are not the subject of this bill. We have tried to keep this bill focused on a specific policy question—whether the United States will defend itself against ballistic missile attack. We have tried not to entangle this question in the details of other defense issues, however important they may be.

If a report on the many other threats from weapons of mass destruction would be useful, the defense authorization or appropriations bills would be appropriate vehicles for directing such reporting requirements. As a matter of fact, it is our understanding that a similar requirement for a study is being conducted and is being complied with in response to a directive in the intelligence authorization bill for fiscal year 1999.

In conclusion, just because there are some threats that we cannot defend against perfectly doesn't mean we should not defend against others.

So, while being sympathetic with the suggestion that the Senator is making, we think this can be accomplished; the goal can be accomplished that he has pointed out by using the vehicles of the Intelligence Committee authorization, as is now being done to some extent, and the authorization and appropriations bills that will later be considered by the Senate this year.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I appreciate the remarks of my friend from Mississippi. I understand that in the intelligence community that they only look at possible threats but they don't make a comparative analysis, nor do they deal with the status of how the United States counters the threats.

Again, I am saying we need also to engage those agencies on the front line, not just the Pentagon. But I am talking about the Department of Justice, FBI, and HHS—all of these agencies that handle biological, chemical threats. We need to engage them in this comparative quantitative analysis.

Again, I want to make it clear to my friend from Mississippi that I basically was not going to support the bill because I felt that the words ''technologically feasible'' in the bill and saying that we should deploy as soon as technologically possible—that that was kind of putting the cart before the horse.

I was also concerned a little bit about what this might mean for further negotiations on arms control, our START II and possibly the START III, and the ABM Treaty. But with the adoption of the Landrieu amendment last night, I think that puts a balance here. I don't mind the research and stuff that goes into looking at a possible ballistic missile defense. I think we have to examine all of these. But it has to be done in a balanced way and in a way that sort of takes into account what those threats are to our national security on kind of a quantitative basis without putting everything in just sort of one basket, so to speak.

But I think with the adoption of the Landrieu amendment that it is much more balanced. And I therefore support the bill. I wanted to offer this amendment to try to again put that balance in the bill while looking at these other possible threats. I understand what the Senator says—that perhaps this is more amenable, or a more likely prospect for the armed services authorization bill. I take that in good faith.

I spoke with the chairman of the Armed Services Committee, Senator WARNER, and also ranking member, Senator LEVIN, about this. I think I can represent that Senator WARNER was open to the idea, without knowing more about it and without having had an opportunity to really fully look at it.

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

Mr. HARKIN. I am delighted to yield.

Mr. LEVIN. Mr. President, I would like to briefly make a statement before asking the question, so he doesn't lose his right to the floor.

The Senator has put his finger on a very significant issue—and it is one that all of us should struggle with, and many of us have struggled with. His effort here is to focus the attention of this body on a range of threats that we face. And to attempt to see if we can't get a better handle on the likelihood of those threats actually emerging is a very important action on his part. The chart he has used demonstrates what the problem is. There are many threats which are much more likely than a ballistic missile attack against us for which we have no defense. Perhaps we should devote resources to those, and then what would be the relationship between the costs of defending against those more likely threats compared to the cost of defending against a missile attack of the kind that could come from North Korea, theoretically.

General Shelton phrased the issue this way. This was on January 5. He said:

> there are two aspects of the National Missile Defense [issue] that we have to be concerned with. Number one is: is the technology that allows us to deploy one that is an effective system, and within the means of this country money-wise?

This is General Shelton, Chairman of our Joint Chiefs saying this.

> Secondly is the threat and whether or not the threat, when measured against all the other threats that we face, justifies the expenditure of that type of money for that particular system at the time when the technology will allow us to field it?

Those are the factors that the Chairman of our Joint Chiefs wants to consider, and those are some of the issues which the good Senator from Iowa is addressing our attention to.

I asked General Shelton to give us what we call a ''threat spectrum'' and asked him to try to give us a continuum of threats in terms of the most likely and less likely.

The least likely is in the upper right-hand corner, strategic missile attack, 6,000 Russian warheads. The next least likely is the rogue missile. The next least likely, major theater wars, such as in Korea. The next least likely is information wars, attacks on our satellites, or our power systems, or similar assets. The next least likely, but now becoming more and more likely, are terrorist attacks in the United States, some of which for instance the Senator from Iowa is talking about, and then terror attacks abroad, regional conflicts, and so forth.

This is the issue which the Senator from Iowa is really focusing our attention on today. But his amendment goes significantly beyond this chart, which, by the way, was prepared by General Shelton. The amendment of the Senator from Iowa would get us into a greater element of comparative risk in terms of trying to get a range of likelihood of the risks, not just whether one risk is more likely than another. But his amendment, the way it is drafted, would consider how much more or how much less likely is one threat than another.

That is very valuable information, and General Shelton is attempting to work on that issue now. But the amendment of the Senator from Iowa puts it in a very precise and useful form.

In addition, it would be very helpful for us to know what would the range of costs be to defend against the various threats, if we can do so. And all I can do is assure my good friend from Iowa that we on the Armed Services Committee will take a good look at his amendment. It has my very strong support, and as he mentioned, the chairman of the Armed Services Committee said he would be open to such an amendment on the defense authorization bill.

I think that is a very appropriate place for the amendment to go, and I think he would find, hopefully, bipartisan support on the committee for this kind of a study, because it really addresses an issue which I think every Member of this body would like to see addressed.

I thank him for his effort and assure him of my support on the armed services bill. As a member of the Intelligence Committee, I would support an expansion of what we are doing to include the kind of factual analyses for which his amendment would call.

I thank him for the amendment and just assure him, if he does not offer it here, there will be a major effort to get it or something very close to it on the authorization bill.

Mr. HARKIN. Mr. President, I thank my friend from Michigan, the ranking member on the Armed Services Committee, a leader in this area and, obviously, way ahead of me on this topic, who has done a lot of research and work on this. I appreciate that and the kind of information he has given out with this chart he has developed. In taking that assurance, I would withdraw my amendment.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. HARKIN. I will just take about 5 more minutes.

I cannot resist the opportunity to talk a little bit about this concept of the ballistic missile defense system. I was just reading the history of what happened in France prior to World War II. I got to thinking; someone described this ballistic missile defense as sort of our new Maginot Line, so I said I want to find out about the Maginot Line, really what it was.

Louis Snyder wrote the ''Historical Guide to World War II.'' It is a basic reference work for anyone studying the history of World War II. I recommend that my colleagues read through this volume of history, especially the story of the Maginot Line.

In the late 1920s and 1930s, France constructed a huge series of fortifications on its border with Germany. It was named after Andre Maginot, French minister of war who started the project. A huge workforce constructed the fortifications that were considered impregnable by the French military. More than 26 million cubic feet of cement was used to build a series of giant pillboxes, gun turrets, and dragons teeth. Elevators led to underground passages that included living quarters, hospitals, cafeterias, and storehouses. It sounds like our missile silo bunkers.

More than $1 billion was spent by the French military. That is in 1930s dollars. Factored today that would be $12 billion they spent to build the Maginot Line, and from a nation much smaller than the United States. It was truly an awesome endeavor intended to thwart a great threat to France; that is, an invasion by Germany.

Of course, there was just one problem. The German military high command were no fools. They developed an adequate counter. They simply went around the Maginot Line. By going through Belgium, the Maginot Line proved almost useless in defending the French homeland, and it did nothing to counter the blitzkrieg tactics used by the Germans to counter static defenses.

I might also add here that Gen. Charles de Gaulle, who I believe was not a general at that time but a colonel, opposed the Maginot Line, but the French Government, I am sure, probably in sort of a working relationship with concrete people and builders and those who wanted to make a lot of money building this huge fortification, decided to go down that road. Charles de Gaulle warned of the blitzkrieg coming and that the Maginot Line would do nothing to protect them against it.

I think the analogy of the Maginot Line to ballistic missile defense is startling. Are we going to spend tens of billions of dollars on a defense against a single threat? Will our enemies simply go around the ballistic missile defense, our Maginot Line? Of course, they will. The counter is simple. Truck bombs, weapons of mass destruction slipped

into our country by plane, boat, or truck would all go around the ballistic missile defense.

Perhaps some of my colleagues want a simple answer to real and potential threats from around the world. We want a simple silver bullet defense against a dangerous world. We may spend billions of dollars for this new Maginot Line, but the result will be the same as it was for the French 60 years ago. Life is just more complicated than what a national missile defense could counter.

In fact, the Maginot Line analogy applies, I think, to the psychology of missile defense. As Louis Snyder wrote, ''The French public, too, had an almost mystical faith in the Maginot Line and believed its defense to be absolute and total.''

Mr. President, I hope we don't fall in the same trap, but ever since star wars started under the Reagan administration, we have had this sort of concept that we could build some kind of a dome over the United States that would be impregnable, that would totally and fully protect all of our citizens. That is mythical. There is no such dome. A truck bomb, a terrorist attack by boat, a suitcase, anthrax poisoning, that missile shield would never protect us from anything such as that.

So I hope and trust that the authorizing committee will take a look at all these other threats, I think much more real, much more determinable, and I believe much more effectively countered other systems than a national ballistic missile defense system.

So that, again, was the purpose of my amendment. It was to try to bring balance. I appreciate the fact that this bill is focused on one area. But I still believe that this is the way we ought to go if we are going to make any rational decisions around here on how we spend our taxpayers' dollars on defense.

I think we need this kind of study, and I appreciate what Senator LEVIN has said. I appreciate his leadership. In my conversation with Senator WARNER from Virginia, the chairman, he was open to this, and I hope and trust that the Armed Services Committee will proceed down that line and provide us with the kind of balanced information we need on the Appropriations Committee before we go down this road of spending billions of dollars on a ballistic missile defense.

AMENDMENT NO. 75 WITHDRAWN

Mr. President, with that, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 75) was withdrawn.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I start out by extending my appreciation and praise to the Senator from Mississippi, Senator COCHRAN, who has done an incredible job on this legislation. He has, for years, advocated a capability of this Nation to defend itself against missile attack. Without his dedication and hard work we would not be here today. The Senator from Mississippi has performed a signal service, not only for the people of Mississippi but the people of this Nation, including all 50 States rather than just 48. I thank him for the marvelous job he has done.

I also think it is worthy of note that the persuasiveness of his arguments have caused the administration to significantly shift their position on this very important issue. So, again, my congratulations to the Senator from Mississippi and my sincere appreciation.

Mr. President, the question of whether to deploy defenses against ballistic missiles has been a contentious and unresolved issue for over 40 years. As a result, Americans today are vulnerable to destruction by a missile attack on our soil. The bill before us today, the National Missile Defense Act of 1999, resolves this national policy debate by calling for the deployment of an effective missile defense system when technologically possible to protect our citizens from the threat of a ballistic missile attack on the U.S.

Secretary of Defense Bill Cohen announced in January that the Clinton Administration, after years of discounting the existence of a missile threat to the U.S., will now support and provide the necessary funding for development and deployment of a ballistic missile defense system. On the surface, this appears to be one of the President's more propitious policy reversals. Yet, the Clinton Administration threatened to veto this bill, which establishes in law the missile defense policy the Administration now claims to support.

While I am pleased that the Administration has lifted its veto threat, I question the interpretation of the passage of yesterday's amendment that reportedly provided the basis for this latest reversal of position. The United States should proceed with deployment of a missile defense system irrespective of whether Russia agrees to reduce its nuclear force levels in accordance with the START II agreement. How many times do we have to point out that the requirement for missile defenses is predicated upon a much broader threat that the Administration apparently still doesn't fully comprehend.

Mr. President, since its inauguration, the Clinton Administration has demonstrated an approach to national defense that can only be described as disengaged and minimalist. Administration officials have sought not to maximize our military strength within reasonable fiscal constraints, but to find ways to minimize defense spending at the expense of military capability and readiness, and in so doing, they have endangered our future security.

Our late colleague and a man I greatly admired, Senator John Tower, stressed time and again that the size and composition of our Armed Forces, and thus the amount of our budgetary resources that are devoted to defense, must be determined by the level and nature of the threat. The Clinton Administration's long-standing opposition to missile defenses, as well as its continued refusal to provide adequate levels of defense spending, are the complete antithesis of Senator Tower's sound advice. Consequently, our nation is vulnerable right now to the threat of an accidental or unauthorized missile launch from Russia or China, and will be vulnerable to additional threats in the near future from North Korea and other rogue nations implacably hostile to America and governed by unpredictable leaders.

Mr. President, one of the principal reasons for our country's vulnerability to ballistic missile attack is not lack of money or technology. It is the 1972 ABM Treaty.

In the 1960s, at the height of the Cold War, then-Secretary of Defense Robert McNamara developed the theory of Mutual Assured Destruction as a means of deterring nuclear war between the U.S. and the Soviet Union. This concept relied on the assumption that, so long as both the U.S. and the Soviet Union were confident of their ability to retaliate against each other with assurance of enormous destruction, nuclear war would be averted and there would be no incentive to build more offensive nuclear weapons.

The 1972 Anti-Ballistic Missile Treaty was an essential component of this ''balance of terror'' concept. It prohibits the deployment of effective defensive systems which were perceived as undermining the concept of mutually assured destruction. In effect, the ABM Treaty was designed to keep the citizenry of both the U.S. and the former Soviet Union equally vulnerable to destruction in a nuclear exchange.

The ten years following ratification of the ABM Treaty, however, witnessed the greatest expansion of Soviet offensive strategic nuclear forces in history, destroying the basic premise of the MAD doctrine, and the ABM Treaty as well. Yet, the Treaty's proponents cling to it with an almost theological reverence.

It was President Reagan who finally called into question the wisdom of continuing to deprive ourselves of missile defenses in the face of overwhelming evidence that the Soviet Union was pursuing the capability of launching a debilitating strike against the U.S. His March 1983 speech set the stage for the first serious discussion of defensive systems in over a decade. If his vision of a global system was technologically and financially unrealistic, his dream of protecting the American public from the threat of foreign missiles was prescient, and the Strategic Defense Initiative—the butt of many a joke by

arms control theorists—was instrumental in bringing down the Soviet Union without firing a shot.

Since work began in earnest in the Reagan Administration to develop missile defenses for our nation, the threat has changed. The end of the Cold War and the emergent threat of ballistic missile proliferation have fundamentally altered the approach this country must take to the issue of missile defenses. In fact, the imperative to deploy effective systems is greater now because of the unpredictability of the potential threats.

Throughout the Bush Administration, as our overall defense strategy and budget were being adjusted to reflect the changes in the world, so too was our plan for ballistic missile defenses revised to address the changed threat.

Unfortunately, the Clinton Administration has retained allegiance to the outmoded ABM Treaty and, over the years, has significantly cut the funding and restricted the objectives of the ballistic missile defense program.

Remember, back in 1994, when the President evoked considerable laughter from his audience at a campaign rally when he said:

> Here's what they [the Republicans] promise . . . we're going to increase defense and we're going to bring back Star Wars. And then we're going to balance the budget.

The Clinton Administration's attitude for the past six years has been to ridicule efforts to develop and deploy a system to effectively defend our nation against a ballistic missile strike. The result has been a significant and dangerous delay in ending the ''terror'' of a nuclear strike.

Now, the President has belatedly agreed, at least rhetorically, to the agenda he formerly ridiculed. While I applaud the President's words, I remain more than mildly skeptical about his true commitment to protecting our nation from the clear threat of missile attack.

The President's budget proposal, which was submitted to the Congress on February 1, proves skeptics correct.

While the President was pledging more funding for development of a national missile defense system on one hand, his other hand was taking $250 million out of the program to pay for the Wye River Agreement. At the same time, the Administration decided to push back the deployment date for missile defenses from 2003 to 2005, with no justifiable reason for doing so.

If the President is truly getting serious about missile defense, why would he show us the money, and then snatch it back and slip the deployment date two additional years beyond its already much-delayed timetable?

Another indication of the Administration's disingenuous embrace of missile defenses are the qualifications attached to its support in two areas: questions about the nature of the threat, and continued deference to the restrictions of the ABM Treaty.

No fewer than 30 times over the last several years, President Clinton has gone before the public and boasted that, thanks to his policies, the American people, for the first time since the dawn of the Cold War, can go to sleep at night without the threat of missiles targeted against their country. Clearly, the Administration has been existing in a virtual state of denial about the expanding and diverse threat of ballistic missiles.

I urge the President to take another look at the report of the Commission to Assess the Ballistic Missile Threat to the United States, known as the Rumsfeld Commission. It is a completely nonpartisan and very sobering look at the threats we face. The Commission concluded that the threat is here now, and that traditional methods of determining the nature and scale of the threat need to be examined.

The Rumsfeld Commission's meticulous examination of the growing threat to the U.S. of ballistic missiles, with its emphasis on the difficulties inherent in determining when serious threats will appear and the tendency of such threats to materialize sooner than anticipated, should have shaken the White House out of its fatuous complacency. Apparently, that is not the case.

A recent article in Inside the Pentagon pointed out that, even after the Rumsfeld Commission report was released in July 1998, the Administration predicted the absence of a rogue nation threat, excepting North Korea, before 2010. And in a February 3 letter to the Chairman of the Senate Armed Services Committee, the President's National Security Advisor, Sandy Berger, wrote that, prior to a decision to deploy a national missile defense system, ''the President and his senior advisers will need to confirm whether the rogue state ballistic missile threat to the United States has developed as quickly as we now expect. . . .''

Apparently North Korea's launch last August of an intercontinental ballistic missile over Japan, Iran's ongoing efforts with Russian assistance to develop such a missile, and Iraq's continuing efforts in that regard do not constitute a threat.

Equally disturbing is the Administration's view of the ABM Treaty. In his February 3 letter, Mr. Berger reiterated that ''the ABM Treaty remains a cornerstone of strategic stability''—a reminder that we are dealing with an Administration that is imbued with an unquestioned adherence to an outdated treaty. While I am mindful of arguments that deployment of national missile defenses may be perceived by some nations as a potentially hostile act, theories of nuclear deterrence that were of questionable value during the Cold War clearly do not apply today or in the foreseeable future and should not be permitted to stand in the way of going forward.

If the Administration supports deployment of an effective national missile defense system, it cannot remain wedded to the ABM Treaty. Make no mistake, the ABM Treaty was intended to and does preclude our ability to deploy nation-wide missile defenses. Construction of a missile defense facility at the one treaty-permissible site cannot be expanded for national coverage without violating the terms of the treaty. While the original 1972 treaty permitted each country two sites, it stipulated that they had to be deployed so as to preclude even regional coverage.

Deploying a national missile defense system, therefore, requires either unilateral abrogation of the ABM Treaty or an expeditiously negotiated revision of it. As the treaty clearly prohibits us from providing for the common defense—our most fundamental constitutional responsibility—I urge the Administration to proceed without delay to achieve the needed changes to the treaty, or move for its abrogation.

Questionable in its utility even at the time it was negotiated, the ABM Treaty was signed with a totalitarian regime that no longer exists and which violated the treaty at every opportunity. Its day is past. If Russia will not agree to negotiate changes to the treaty that will permit deployment of national missile defenses, then we must exercise our authority to withdraw from the treaty to protect our national interests.

Mr. President, let me take a moment to talk about the larger problem, of which the Administration's refusal to recognize the clear threat posed by proliferating ballistic missile development is but one aspect.

I have long been critical of many aspects of the Clinton Administration's national security policies. This is an Administration that has never been comfortable with the conduct of foreign policy, and so has little grasp of the role of military force in guaranteeing our place in world affairs. Both our policies and the force structure needed to support them seem to be decided in this Administration on the basis of what we can afford after taking care of all other priorities, instead of what is necessary to protect our interests.

We can honestly debate the merits of the numerous contingencies to which the Administration has deployed military force, but no one can deny that the combination of over 10 years of declining defense budgets and longer and more frequent force deployments has stretched the Services perilously close to the breaking point. What is at risk, without exaggeration, are the lives of our military personnel and the security of the United States.

After years of denying the obvious, in the face of compelling testimony before Congress from the Joint Chiefs of Staff, the Administration has finally begun to concede that we have serious readiness problems in our Armed Forces. Those of us who have been criticized for sounding alarm bells about military readiness now have the

empty satisfaction of seeing the Administration admit there is more to maintaining a strong defense than their history of falsely promising to do so.

After six years of short-changing the Armed Forces, the President proposed adding money to the defense budget—another stunning policy reversal—for readiness, modernization, and even national missile defense. Once again, though, his rhetoric far exceeds his actions.

Last fall, the President asked for $1 billion in immediate, emergency funding to redress readiness problems—a mere drop in the bucket compared to what the Service Chiefs said was required. Congress added another $8 billion, but then wasted most of that on pork-barrel spending. The result—a band-aid solution to a serious readiness crisis.

The same minimal approach is reflected in the President's budget submission for Fiscal Year 2000. After promising a budget increase of $12.6 billion, the President only asked for $4.1 billion in his budget request, and most of that will be needed to pay for ongoing contingencies in Bosnia and southwest Asia and desperately needed military pay raises and benefits. The rest of the so-called increase comes from ''smoke and mirrors'', like anticipated lower inflation and fuel costs, cuts in previously funded programs, and an economically unsound incremental funding plan for military construction projects. And even if everything works as planned, the Administration budget short-changes the military next year and every year thereafter.

There is a pattern here, Mr. President, of promising everything and delivering very little. Whether it's protecting our citizens from a ballistic missile attack, or maintaining modern, prepared armed forces, this President seems incapable of following through on his commitments.

Mr. President, I am uncomfortable with a conclusion that the President does not care about the common defense. I must assume, instead, that he simply fails to understand the imperative of establishing policies and providing needed resources to protect our nation's interests and our citizens.

The National Missile Defense Act of 1999 establishes a national policy that we must protect Americans from a clear and present danger—the threat of ballistic missile attack. The President was correct to withdraw his veto threat and join with the Congress to put in place both the policy and the resources that will make our citizens safe.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I rise in support of S. 257. Although this bill is not as comprehensive or detailed as I would prefer, I have come to the conclusion that S. 257, as amended, sends an important signal of our country's commitment to defending itself from ballistic missile attack from a rogue state.

As my colleagues are aware, I am an advocate for national missile defense, and have authored legislation that has advanced the NMD program. I urge the Administration to include funding in the budget that would allow for NMD deployment, and am pleased that $6.6 billion was added to the future years defense plan for this purpose.

Increasingly, I am convinced that we need NMD sooner rather than later. Last July, the Rumsfeld Commission reported that several rogue states could develop an ICBM capable of threatening our country before we expect it. Recent missile tests by North Korea and Iran have confirmed the essence of the Rumsfeld panel's findings. I was disturbed by these developments, but have long said that we should be prepared before we are surprised.

Our country needs to move forward aggressively with NMD. But because our NMD program does not exist in a vacuum, it needs to be guided by what I call three common sense criteria: compatibility with arms control, affordability, and use of proven, tested technology.

As introduced last year S. 257 did not address these concerns, and its authors were refusing to entertain amendments. For these reasons, in 1998 I opposed this measure.

I am pleased that the bill's authors decided to support improving S. 257 through the amendment process. With the addition of the amendments offered by Senators COCHRAN and LANDRIEU, today I am prepared to support S. 257. Allow me to briefly discuss the impact of these amendments.

Yesterday the Senate, on a 99–0 vote, approved an amendment offered by Senator COCHRAN that will ensure that considerations of affordability and use of proven technology will not be neglected. By stating that funding the NMD will be subject to Congressional authorization and appropriations, the Cochran amendment indicates that no final decisions about deployment, funding levels, or the system's technological maturity have been made. I thank my esteemed colleague from Mississippi for his comments on this point during his colloquy with Senator BINGAMAN earlier today. Let me repeat: as amended, S. 257 is not the final word on NMD cost and use of proven technology.

Even more significant was the amendment offered by the distinguished ranking member of the Armed Services Committee's Strategic Forces Subcommittee, Senator LANDRIEU. In affirming that it is our nation's policy to pursue continued negotiated reductions to Russian nuclear forces, the Landrieu amendment makes unmistakably clear that as our NMD program moves forward we will take into account our arms control agreements and objectives. Because there can be little hope of Russian agreement to further nuclear reductions in the absence of continued United States support for the ABM Treaty, following through on the Landrieu amendment will require continued adherence to the ABM Treaty.

I would also like to note that I have been assured by the President's advisors that in no way will S. 257 by interpreted by our nation's arms control negotiators as a repudiation of the ABM Treaty. Administration officials continue to make it clear that the ABM Treaty remains the ''cornerstone of strategic stability,'' and that the Administration has a ''strong commitment to the ABM Treaty.''

I cannot understate the importance of these amendments. Without them, I would again vote against S. 257.

It is true that I would have preferred that the Senate would today be passing a more comprehensive NMD bill, one that is more explicit about the importance of our arms control agreements and offers specific guidance on affordability, system component selection, and technology development and deployment. It is my intention to introduce legislation which will describe in more detail how the NMD program should proceed.

For the time being, however, I regard S. 257 as a constructive contribution to our NMD program. It will do no harm to our nation's security, and will put our nation's potential enemies on notice that we are working aggressively to establish a defense against ICBMs. As amended, S. 257 will also help ensure that concerns of arms control, cost, and use of proven technology will be carefully considered. This is a good bill, and will have my support.

Mr. LUGAR. Mr. President, during the Cold War, the United States co-existed with the Soviet Union in a strategic environment characterized by high-risk but low-probability of a ballistic missile exchange between the two countries involving nuclear, chemical and biological weapons.

Today, however, with the dissolution of the Soviet Union and the end of the cold war, the opposite is the case—we live in a lower-risk but higher-probability environment with respect to ballistic missile exchanges. In other words, even as the probability of a large-scale nuclear exchange between the United States and Russia has mercifully declined, the probability that one or several weapons of mass destruction might be used to attack the American homeland or American forces at home or abroad has increased.

Indeed, absent a U.S. response to the proliferation of ballistic missiles and weapons of mass destruction that is as focused, serious, and vigorous as America's cold war deterrent strategy to protect the American homeland and the West, Americans can anticipate the threatened as well as the actual use of diverse weapons delivery systems to attack the U.S. homeland in the future.

Missile defense must be a part of that response. For that reason, I am pleased to be an original cosponsor of the legislation before us and commend Senator COCHRAN for his leadership on this issue.

Let me explain my strong support for this bill.

Missile defense is not a silver bullet that, by itself, can adequately protect the United States from the enhanced threats posed by ballistic missile proliferation and the spread of weapons of mass destruction. But it is an important component that gives added credibility to the other elements of our strategy.

I approach the response to these threats to American security through the prism of ''defense in depth.'' There are three main lines of defense against emerging ballistic missile threats and weapons of mass destruction. Together, they help form the policy fabric of an integrated defense in depth.

The first line of defense is preventing proliferation at potential sources abroad. The second is deterring and interdicting the flow of illicit trade in these weapons and materials. The third line of defense is ''homeland defense'' and involves programs that run the gamut from preparing domestically for WMD crises to protection against limited ballistic missile attacks.

With respect to the initial line of defense, the United States is implementing programs that address the threat posed by weapons of mass destruction at the greatest distance possible from our borders and at the most prevalent source, the former Soviet Union. While much more remains to be done, the Nunn-Lugar Scorecard is impressive. Nunn-Lugar has facilitated the destruction of 344 ballistic missiles, 286 ballistic missile launchers, 37 bombers, 96 submarine missile launchers, and 30 submarine launched ballistic missiles. It also has sealed 191 nuclear test tunnels. Most notably, 4,838 warheads that were on strategic systems aimed at the United States have been deactivated. All at a cost of less than one-third of one percent of the Department of Defense's annual budget. Without Nunn-Lugar, Ukraine, Kazakstan, and Belarus would still have thousands of nuclear weapons. Instead, all three countries are nuclear weapons-free.

The second line of defense against these threats involves efforts to deter and interdict the transfer of such weapons and materials at far-away borders. Nunn-Lugar and the U.S. Customs Service is working at the borders of former Soviet states to assist with the establishment of export control systems and customs services. In many cases these nations have borders that are thousands of miles long, but local governments do not have the infrastructure or ability to monitor, patrol, or secure them. These borders are particularly permeable, including points of entry into Iran on the Caspian Sea and other rogue nations.

We must continue to plug these porous borders abroad. These nations are seeking our help and it is in our interests to supply it. Secure borders in this region of the world would strengthen our second line of defense and serve as another proliferation choke-point.

The third line of defense involves the United States preparing domestically to respond to these threats. That is the purpose of the 1996 Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act. This law directs professionals from the Department of Defense, Federal Bureau of Investigation, Department of Health and Human Services, the Federal Emergency Management Agency, and others to join into partnerships with local emergency professionals in cities across the country. The Pentagon intends to supply training and equipment to 120 cities across the country over the next four years. To date, 52 metropolitan areas have received training to deal with these potential threats.

We must take those steps necessary to protect the American people from these threats and Nunn-Lugar and Nunn-Lugar-Domenici make powerful contributions to our efforts. We have made significant progress in reducing these threats and constructing a defense-in-depth. But a complete defense-in-depth must include protection from missile attack.

I was pleased to see this commonsense, bipartisan approach to the missile defense issue embodied in the Cochran bill. The bill states: ''It is the policy of the United States to deploy as soon as technologically possible a national missile defense system capable of defending the territory of the United States against limited ballistic missile attack.''

This bill offers a new approach to the missile defense policy debate. It does not specify a specific system architecture or deployment dates which have bogged down previous legislative proposals.

The national missile defense system promoted both in this legislation would not be capable of defending against thousands of warheads being launched against the United States. Rather, we are planning a system capable of defending against the much smaller and relatively unsophisticated ICBM threat that a rogue nation or terrorist group could mount as well as one capable of shooting down an unauthorized or accidentally launched missile.

At minimum, the recent revelations over Chinese nuclear espionage suggests that China is intent on building its military capabilities to a point that exceeds the projections and assessments of the U.S. military and intelligence community. The Cox committee findings have done for American appreciation of the potential Chinese nuclear threat what the Rumsfeld Commission did for our knowledge of North Korean and Iranian capabilities. And like the latter, the former may highlight the need to review the impact of such enhanced nuclear capabilities on our existing assumptions and requirements with respect to a limited ballistic missile defense system. Illicit acquisition and testing of the design for the W–88 nuclear warhead strongly suggests that the Chinese are modernizing their strategic force and using such tests to develop mobile missiles to possibly penetrate missile defense.

Acquisition of United States nuclear warhead technology will give China a major boost in its strategic capability when added to other recent improvements to its long-range missiles. Indeed, possession of the design of the W–88 would have helped China advance toward key strategic goals. Equally important, China's possession of the design of advanced United States warheads poses a proliferation risk. Such warheads have features that could prove useful to aspiring nuclear weapons states. In brief, if China shared W–88 warhead design information with nations like North Korea, Pakistan, or Iran, they could develop and deploy a more potent nuclear force in a shorter period of time.

Lastly, lighter, smaller warheads in the Chinese nuclear arsenal will increase the range of Chinese missiles and make it easier for submarine-launched ballistic missiles to hit the United States. And this, in turn, could make a strategic difference if the United States and China were once again to come to odds over Taiwan. Certainly, it could have an impact on the efficacy of any American plans to include Taiwan—or Japan for that matter—in any regional missile defense system.

In short, these recent revelations should force us to reconsider a number of the assumptions and resulting requirements that underlie our thinking both on theater as well as national missile defense. The recent report by the Rumsfeld Commission raised serious doubts about the core assumptions that undergird administration policy for developing a national missile defense systems and for considering amendments to the ABM Treaty. The Cox committee report not only called into question other core assumptions but also the requirements for an effective, if limited, national missile defense system.

The Rumsfeld Commission took an independent look at the critical question of warning time and not only dissented from the intelligence community's estimates but struck at the core of the administration's ''3+3'' policy by finding that a ballistic missile threat to the United States could emerge with little or no warning over the next 5 years.

Even before the Rumsfeld Commission issued its report, Senator COCHRAN, along with Senator INOUYE, introduced the legislation before us. It directs the deployment of effective anti-missile defenses of the territory of the United States as soon as ''technologically feasible.'' By making a missile defense deployment decision dependent on technical readiness as opposed to intelligence estimates about emerging threats and warning time, this legislation appeared to many to take an approach to missile defense that is fundamentally different from

the administration's policy. Indeed, critics of the Cochran bill have gone out of their way to try and paint major differences with the administration's policy.

The Cochran bill attempts to determine whether and how our current policy on national missile defense should be changed in light of the growing disutility of warning time and intelligence estimates as triggers for deployment decisions. While critics may argue that the Cochran bill neither provides a clear answer to that question or a clear policy alternative to that of the administration, it does propose that a deployment decision rest on more than whether a national missile defense system simply is ''technologically feasible''. The Cochran bill also sensibly insists that the national missile defense system be effective ''against limited ballistic missile attacks (whether accidental, unauthorized, or deliberate)'' before it is deployed.

The Cochran bill is a statement of intentions, not a policy map, and it represents not an escape from but rather a recognition of the difficult intelligence and policy problems with respect to the kinds of emerging ballistic missile threats, the time-frame for their emergence, and what we should do about them.

So the Cochran bill recognizes that there will remain the tough policy and intelligence questions that cannot be ducked. The 1972 ABM Treaty was intended to preclude the kind of nationwide missile defenses that could undermine the credibility of a large second strike deterrent, using measures based on technology over 25 years ago. In 1999, both the threats and the technology have changed. The threat posed by the proliferation of ballistic missiles is clearest, ant the ABM Treaty should not be allowed to interfere with programs to deploy effective defenses.

Equally important, there is nothing in the Cochran bill that would prevent us from engaging the Russians in discussions about modifying the ABM Treaty to permit effective national defenses against the kinds of missile attacks that should constitute the post-cold-war threat of concern to both countries. If these exchanges are not successful, then consideration can be given to withdrawing from the agreement.

Finally, critics of the Cochran bill complain both about the timing of the bill as well as the message its sends to the Russians. Three points are worth making. First, for the critics there is never a good time to take up missile defense and in this they are joined by the Russians. And to the great surprise of absolutely no one, the Russians have announced that the Duma might be prepared to take up START II again. With Russian Prime Minister Primakov on his way to Washington, I would say that the timing is just about right.

The administration must be more forthcoming with Russia on the issue of missile defense. It must explain to Moscow that this defense is not meant as a threat or an attempt to neutralize Russia. Rather, we are attempting to protect ourselves from the machinations of rogue states and terrorist groups. In my trips to Russia and in visits with Russian legislators and members of the Yeltsin Government, I have continued to inform them of a simple fact: America will protect itself.

The Russians—and the world—need to understand that we will proceed with non-proliferation, domestic preparedness, and missile defense to protect the American people against an attack from a rogue state or terrorist group or an accidental or unauthorized attack by another nation.

Secondly, Russian nuclear reductions and eliminations are continuing and even accelerating with American help despite the absence of START II ratification. To the extent that those eliminations become constrained, it will be for reasons of resources, not lack of Duma approval of START II.

Thirdly, critics of the Cochran bill would argue that the congressional expression of intent embodied in the legislation regarding deployment of a limited missile defense system will prejudice any chances of negotiating appropriate adjustments in the ABM Treaty with the Russians to accommodate such defenses. There I disagree! It is precisely because many Russians have doubted the serious intent of the Clinton administration in actually proceeding with a limited deployment under the ''3+3'' plan that we have been treated to dire predictions out of Moscow about the ''end of arms control'' were the United States to ultimately proceed with missile defense.

Rather than prejudicing any opportunity to negotiate changes in the ABM Treaty, I believe that the statement of intent embodied in this legislation to ultimately defend ourselves against limited ballistic missile attacks is a prerequisite to successful ABM modification negotiations. It has never been our technological prowess nor our ability to amass and apply resources to a problem that the Russians have doubted; it has been our political will that has been suspect in Russian eyes when the choices to be made were difficult ones.

In conclusion, the ballistic missile threat to our security interests is real. But it is also complex. The Cochran bill recognizes these realities. But the bill also recognizes that it is not the only threat we face nor can it be addressed in isolation from other major security issues and policies.

As Senator COCHRAN said, this legislation represents not the end of the missile defense policy and program debate but rather the beginning. If I recall correctly where the two parties stood on the issue of missile defense even a year or two ago, I am struck by the efforts of a few dedicated Members on both sides to bridge the gap in our legislative approaches in the interest of addressing the growing vulnerability of the American homeland to ballistic missile attacks. We have come a considerable distance in the last year in narrowing our differences. Senate passage by a strong majority of this expression of policy intent with regard to the ultimate deployment of an effective limited missile defense system is a measured but essential first step.

Mr. BYRD. Mr. President, the security of this nation in an increasingly insecure world remains the highest priority of the United States government. To that end, we support and finance the most powerful military in the world. Our troops have the most advanced weapons available. We have gifted and dedicated military strategists at the helm.

And yet we remain vulnerable, in some ways perhaps more so today than we were at the height of the Cold War. The increased sophistication, radicalization, and financial acumen of terrorist organizations have escalated the threat of terrorist attacks on U.S. soil. The increased interdependence and complexity of computer networks has intensified the threat of potentially devastating cyber attacks on critical defense and domestic communications systems. And despite the end of the Cold War, the proliferation of nuclear weapons technology, particularly among rogue states, has brought with it a renewed threat of nuclear attack on our homeland.

North Korea, Iraq, and Iran are all working furiously to produce nuclear weapons systems that could threaten the sovereign territory of the United States. To our dismay, we have discovered that North Korea, one of the most belligerent outlaw nations in the world, is much further along than previously thought in its efforts to produce a nuclear warhead capable of reaching our shores. The threat from North Korea is sooner rather than later; here rather than there. China, with whom our relations are increasingly strained, has boasted of its possession of a ballistic missile that could reach Los Angeles. Russia, with an arsenal of thousands of nuclear weapons left over from the Cold War, is faced with a crumbling military infrastructure and increasingly empty assurances regarding the security of its nuclear stockpile.

In short, we are living in dangerous times. The Administration has taken a number of steps in recent months to accelerate its efforts to protect the U.S. mainland from attack. As part of that effort, the President has budgeted an additional $6.6 billion dollars to develop a National Missile Defense, or NMD. The legislation that we are considering today, S. 257, the National Missile Defense Act of 1999, puts the United States Senate firmly on record as endorsing the urgency of that program. As a result of several carefully crafted amendments that have been overwhelmingly adopted, this bill has gained strong bipartisan support. Senators COCHRAN, LEVIN, LANDRIEU, and

the many others who have worked to reach consensus on this bill are to be commended.

I support the National Missile Defense Act of 1999 as amended. But, from the vantage point of many years of experience, I also offer a few words of caution. Let us not allow the determination to press for a ballistic missile shield to blind us to other, perhaps greater, threats of sabotage. The technology exists, and is available to those same rogue nations, to develop and deploy chemical and biological weapons without the need for a ballistic missile delivery system. A few vials of anthrax, a test tube full of the smallpox virus, some innocuous canisters of sarin gas, could wreak chaos of unimaginable proportion in the United States. These threats are as real as the threat of a ballistic missile attack, and, if anything, more urgent.

A second cautionary note: let us not allow our eagerness to develop a missile defense system blind us to the cost of developing such a system. In our zeal to erect a national missile shield, the danger exists of committing such a vast array of resources—money, people, research priorities—that we could shortchange other necessary initiatives to protect our national security. We need a balanced national security program, of which a missile defense is but one element.

We have gone down the road of throwing money at this threat before, with the ABM system in the 1970's and SDI in the 1980's. Both efforts cost us billions of dollars, oceans of ink, years of wasted effort. Neither, in the end, made one iota of difference to our national security. Technological feasibility should be the starting point, not the defining element, of a missile defense system. Let us learn from the past. Invest wisely. Test carefully. Assess constantly. This is not the arena in which to allow partisan politics or political one-upmanship to hold sway. This is a matter of far too great consequence to this and future generations. The bipartisan negotiations and the spirit of compromise that have marked the Senate debate over this bill give me cause to hope that this time, we will do it right. Let us continue to work together toward an effective, realistic, and prudent national defense system.

Finally, let us not for a moment forget the importance of working actively and diligently to reduce the number of existing nuclear warheads and curb the proliferation of nuclear weapons. A national missile defense system that precipitates a global arms race is in no one's best interest.

We cannot safely assume that today's geopolitical alliances will be the same tomorrow. A weak and politically chaotic Russia may be not seen as much of a threat to our security today—at least not intentionally—but as it has done before, the situation in Russia could change in the blink of an eye. We have at hand the means and the will and the opportunity to work with Russia to reduce nuclear warheads. Yes, we must take all necessary precautions to protect our security, but we must not be so shortsighted as to let this opportunity for meaningful arms control be muscled aside through misguided belligerence.

With care and planning, we can make progress in both arms control and missile defense. How well we will succeed on both fronts remains to be seen, but S. 257 as amended is a good first step.

Mr. HATCH. Mr. President, there is little doubt that the moment of truth regarding a missile defense of U.S. territory is fast approaching.

The need for it was not unseen. Since 1983, there has been a steady flow of evidence that the post-cold-war era would not be the single superpower cakewalk that many expected. In place of the single adversary nuclear threat, we see a fragmented threat environment populated by mentalities more given to terrorism than the mass attack, direct confrontational strategies of the cold war.

The cloudy grasp that we have of the true threat is not helped by the Clinton administration. They lack a strategic approach to a threat that they don't really know or understand.

They rely on the prevention policies. Arms control and non-proliferation agreements are of questionable value. Disarmament assistance to the former Soviet Union has not kept nuclear, missile, or warhead technology from slipping abroad and has had its most adverse impact on our own U.S. steel workers and the United States rocket launch industry. United States industry has been encouraged to purchase Russian launch vehicles, technologies, and services to keep them from slipping out of the country. The administration is reluctant to squelch illegal Russian steel imports into the United States for fear of causing civil strife among Russian steel workers. Multilateral export controls are not multilaterally enforced, and the framework agreement with North Korea is neither a framework for cooperation nor an agreement.

Second, there is deterrence. However, there is sufficient doubt in the world today about this administration's resolve to use force.

This leaves us with the third element of administration missile defense policy: the missile defense force itself. Supposedly, that is our fall back position when prevention and deterrence fail. But when the force structure depends on a strategy that does not address a threat because the threat is unknown, one seems forced toward the very disturbing conclusion that the easiest way to avoid the messier aspects of the problem, like tampering with the ABM Treaty, is simply to politicize the threat. For too long it has appeared that this administration underestimates the threat in order to preserve the sanctity of a treaty increasingly irrelevant to the contemporary threat environment.

Let me say more about this last issue. In starker terms this means denial, even wishing the real threat away. One would think that it was embarrassing enough for the Clinton threat team to make the sudden and very recent admission that there is a missile threat to U.S. territory. And, by the way, this now includes Alaska and Hawaii, which the administration had chosen to place outside of U.S. territorial boundaries to give academic weight to its anti-development and deployment arguments. If they are seriously seeking the truth, they do not demonstrate it by re-examining the ABM Treaty restraints. Here the administration has a rare opportunity for leadership on a badly understood and very divisive issue. The President acknowledged just this January that, with the long-range missile threat to U.S. territory better understood, progress on developing our defenses would be pursued by renegotiating rather than abandoning the ABM Treaty.

I do not intend to await the outcome of administration negotiations on ABM modifications and amendments, which will take some time given traditional Russian Duma management of the treaty ratification process. In the meantime, I will urge the strongest possible pursuit of conceptual strategies, like the sea-based missile defense force, as well as land-force and space-based missile defense components.

Inaction is eclipsing administration options. Since I join many colleagues as well as other experts outside of official circles in believing China, Russia, Iraq, Iran, India, Pakistan, and South Africa, among others, have real threat capabilities, I want something done by way of creating a viable defense of U.S. territory. For this very reason, I have joined my good friends, Senators COCHRAN and INOUYE as a cosponsor of the National Missile Defense Act of 1999.

Mr. KENNEDY. Mr. President, on balance, I believe this legislation deserves bipartisan support. There is a clear need to do more to protect our country from the threat of missile attacks. This bill avoids most of the problems of previous versions and is consistent with our responsibility to continue working with Russia to reduce the immense threat from their nuclear arsenal.

The bill declares that it is the policy of the United States to deploy a limited national missile defense system as soon as it is technologically possible, but it also stresses that it is the policy of the United States to continue to negotiate with Russia to reduce our nuclear arsenals.

There is no doubt that the United States is facing a growing threat to our country and our interests from rogue nations that possess increasingly advanced missile technology. We must prepare for these threats more effectively by making greater investments in research and development to produce a missile defense system able to defeat these threats.

But, before we decide to actually deploy such a system, we must ask ourselves the following questions:

What is the specific threat we are countering with this system?

Will the system be effective?

What impact will the deployment of the system have on the nuclear arms reduction and arms control agreements we currently have with the Russians?

What will be the cost of the system?

The Rumsfeld Report in 1998 clearly demonstrated the growing missile threat from rogue nations. In spite of international agreements to control the spread of missile technology, these nations are resorting to whatever means it takes to acquire this capability. Because of this growing threat, we must do more to decide whether a defense is practical and can deliver the protection it promises.

Many of us continue to be concerned that the step we are about to take could undermine the very successful nuclear arms reduction treaties and other arms control agreements that we have with Russia. Our purpose in developing a limited national missile defense system is not directed at Russia. It is intended to protect our country against the growing missile threat from rogue nations.

Russia's strategic nuclear force would easily overpower the limited missile defense system that is currently proposed. But the fact remains that the United States and Russia are parties to the Anti-Ballistic Missile Treaty. Without changes to that treaty, our ability to fully test and deploy this defense system cannot occur.

The ABM Treaty is also the foundation for the SALT I and SALT II nuclear arms reduction treaties, which paved the way for the START I and START II treaties. The Russian Duma is again preparing to debate the ratification of the START II treaty, and will do so when Russian Prime Minister Primakov returns from his visit to the United States. President Clinton has already sent a delegation to Russia to discuss changes in this treaty. We must work closely with the Russians to make mutually acceptable changes to the ABM Treaty in order to accommodate a missile defense system. The ABM Treaty is simply too important to abandon.

We also need to work with Russia to develop a joint early warning system, so that false launch alarms can be avoided. We need to strengthen the Cooperative Threat Reduction programs at the Department of Defense. We need to strengthen the Nuclear Cities programs and the Initiaitve for Proliferation Prevention program at the Department of Energy so that we can reduce the danger that nuclear material will end up on the hands of rogue nations or terrorists.

Finally, we must continue to strengthen other counter-terrorism programs. It is far more likely that if terrorists use nuclear, chemical, or biological weapons against Americans at home or abroad, they will be delivered by conventional mathods rather than by a ballistic missile launch from another country. These threats must weigh at least equally—if not more heavily—in our defense decisions.

These are very important defense decisions that go to the heart of our national security. I look forward to working with my colleagues to ensure that we counter these threats in the most effective ways in the years ahead.

Mr. BROWNBACK. Mr. President, I am pleased to express my support for S. 257, the National Missile Defense Act of 1999. As an original cosponsor, I want to impress upon the Members of the Senate that now is the time for passage of this bill.

For over 200 years, the United States has been fortunate to enjoy a high level of security provided by, among other things, our geographic location. In the past, the Atlantic and Pacific oceans have served well in preventing a direct attack on the United States. However, as we approach the twenty-first century and new technology, we find that the proliferation of missile technology has taken this geographic sanctuary away from us.

S. 257 will establish that it is the policy of the United States to deploy as soon as is technologically possible an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

This bill focuses on one important factor for conditioning deployment: technological capability. Other important factors exist including cost, threat, and treaty commitments. These factors, while important, should not be the final determining factor in deciding on national policy to deploy a missile defense.

I am concerned about the cost of such a weapon system and will continue to carefully monitor the costs of a NMD system. However, with this bill, we are not just addressing concerns about protecting America's interests around the globe, but about protecting the American homeland itself. We are not talking about foreign lands and obscure interests, or about some distant, remote, or highly unlikely threat. We are talking about preventing ballistic missiles from shattering the communities in which we all live—we are talking about protecting our families, our cities, and our nation from potential destruction at the hands of a rogue regime anywhere around the world.

The threat of a ballistic missile attack on the United States is real. We face a growing threat from rogue nations which have increased their capabilities due to increased access to missile technology; as demonstrated by the recent successful flight test demonstrations of North Korea, and the flow of technology from Russia to Iran. These countries are making investments to do one thing—intimidate their neighboring states, the U.S. and our allies.

For example, North Korea is working hard on the Taepo Dong 2 (TD–2) ballistic missile. Our national technical experts have determined this missile can reach major cities and military bases in Alaska. They further state that lightweight variations of this missile could reach 6,200 miles; placing at risk western U.S. territory in an arc extending from Phoenix, Arizona, to Madison, Wisconsin. This includes my home state of Kansas.

As if that weren't enough, North Korea poses an additionally even greater threat to the United States, because it is a major seller of ballistic missile technology to other countries of concern, such as Iran and Iraq, Syria and others.

These countries have regional ambitions and do not welcome the U.S. presence or influence in their region. Acquisition of missile weapon systems is the most effective way of challenging the United States.

Mr. President, we should not and must not wait for these weapons to be used against us, the stakes are too high. We must move forward with the development and deployment of a national missile defense to protect our shores from hostile attack.

The bill will send a clear message that we are determined to defend ourselves and will not be deterred from our national and international commitments. An effective and dependable system must be in place before such a threat can be used against us, or the results could be disastrous. We will not get a second change.

The Department of Defense has requested funding to develop a viable missile defense system. I encourage the administration not to back away from this critical defense issue. The world has changed; we must move ahead and change the way we think about the defense of our nation.

It has been argued on this floor that the adoption of S. 257 will make reductions in nuclear weapons more difficult and would place the United States in breach of the ABM Treaty. I too am concerned about honoring our treaty commitments. However, this bill states our intent to protect our homeland. We will have ample time to continue to work with Russia on these treaty issues, and I am confident we will reach an equable position. We must be clear, the threat goes beyond our agreements with other countries.

America has a leadership role in the world. We represent the hope for peace and opportunity. I believe this is one of the most important defense issues facing the United States. To vote against this bill would be to ignore the number one responsibility of the Federal government—the defense of our nation.

Mr. JEFFORDS. Mr. President, the spectrum of emerging missile threats to our national security cannot be ignored. I am very concerned about the implications of the North Korean missile recently launched over Japan. Research and testing on similar missile

systems likely continue in Iran, Iraq, China, and other countries. These circumstances suggest that the Senate should carefully consider our ability to appropriately counter these threats.

I am concerned, however, that the existing national missile defense (NMD) technology has not yet proven to be effective, could be very expensive to deploy and has the potential to adversely affect Anti-Ballistic Missile treaty negotiations with Russia. These concerns should serve to caution us against premature deployment of NMD systems. However, I am now satisfied that amendments to the bill address these concerns. One amendment makes funding for deployment subject to the annual appropriations process and therefore up to Congress to set the appropriate level each year. Another amendment provides that the United States will continue to seek reductions in Russian nuclear forces, and the Administration now states that it can move cautiously on deployment so as to stay within our commitments to the ABM treaty. The bill has consequently become a policy guiding deployment, rather than a decision to deploy.

I have long supported a full program of research, testing and development and resisted a premature decision to deploy. I hope that research will lead to some technological breakthroughs or ways to counter ballistic missiles. Their proliferation, especially in the hands of irresponsible leaders such as North Korea's Kim Jung II, requires that we actively investigate possible defenses, but we must not rush to build, at great cost, the first system that passes a flight test. There is still a great deal of research and development work to be done.

The fledgling NMD systems now being contemplated for deployment simply do not compare in priority to many of our other military needs, such as our need to immediately recruit, train and retain quality men and women for our military. This is why the Soldiers', Sailors', Airmen's and Marines' Bill of Rights, the military pay, education and benefits bill, was the first major legislation considered this session, and it swiftly passed the Senate with overwhelming support. Well-educated Americans in uniform comprise the foundation upon which we maintain the strong defense of this country. While the Senate unanimously agreed on the urgency of enacting this legislation, it still has found no way to pay for it. In my mind this takes priority over deployment of expensive and unproven NMD technology.

Given the competing demands on our finite budget and the high costs to deploy a NMD system, we cannot afford to get it wrong. I hope that this vote will not be seen as endorsement of a rush to deployment, but rather a set of policy guidelines governing an eventual decision to deploy. I will do what I can to ensure this ultimate decision is not made in haste.

Mr. DODD. Mr. President, I rise to express my views on the National Missile Defense bill as it was amended yesterday. I am glad that Senator COCHRAN and Senator LEVIN were able to agree to changes in this bill. The unanimous votes on the amendments and nearly unanimous vote on final passage are tributes to Senator COCHRAN's and Senator LEVIN's resolve to seek common ground on this important issue that has long divided this body along party lines. Thankfully, instead of a partisan battle, the Senate produced a strong statement of this nation's resolve to develop and deploy a national missile defense system in the context of other budget priorities, national security concerns, and the U.S.-Russian arms control process.

The initial bill stated that the United States would deploy a national missile defense system as soon as technologically possible. I stood with the administration and this nation's military leaders in opposing that legislation because it did not consider other important factors such as cost, the specific missile threat, effectiveness of the system, and the impact on the arms control process.

The amendments that were added address some of those other issues. The first amendment explicitly requires that the national missile defense program be subject to the annual authorization and appropriations process despite the bill's requirement to deploy a system ''as soon as technologically possible.'' The amendment stresses the fact that this nation is not committed to giving the missile defense program a blank check. In other words, notwithstanding the Senate's commitment to protect this nation against rogue state missiles, this body will balance the importance of national missile defense with other national security priorities. For example, we have an attack submarine fleet that continues to shrink as the result of a low build rate. That issue and many others need to be considered by our national defense leadership. Furthermore, the first amendment highlights the fact that this body will balance the need for a national missile defense system with the need to provide our citizens with strong and effective domestic programs.

The second amendment, sponsored by Senator LANDRIEU, was absolutely necessary for the passage of this legislation. The amendment reminds us that the United States remains wholly committed to nuclear arms control. The ABM Treaty and START Treaties are basic elements of nuclear arms control, and this bill is not meant to impinge on the effectiveness of those treaties. This nation will not ignore, but instead seek modifications to, the ABM Treaty to allow for a limited national missile defense system. Also, this nation awaits ratification of START II by the Russian Duma and looks forward to agreement on the provisions of START III.

In sum, this legislation does not alter the administration's present policy with respect to national missile defense. This nation will develop and deploy a national missile defense system, but the costs of the system, the specific rouge nation missile threat, the impact on arms control, and our technological ability to field such a system will all be carefully considered. For those reasons, I have decided to support this bill.

Mr. SESSIONS. Mr. President: I rise to make a few remarks concerning S. 257, The National Missile Defense Act.

S. 257 will establish that it is the policy of the United States to deploy as soon as it is technologically possible an effective National Missile Defense (NMD) system capable of defending the territory of the United States against limited ballistic missile attack whether accidental, unauthorized, or deliberate.

Many have asked why would we want to do this as soon as technologically feasible. The answer finally came earlier this year when the Administration finally admitted that the Threat is here and now, not some indefinite number of years down the road.

The Threat, is upon us. According to CIA Director George Tenet's testimony on February 2, page 6, ''theater-range missiles with increasing range pose an immediate and growing threat to US interests, military forces, and allies—and the threat is increasing. This threat is here and now.''

If we look at what the Iraqi's have or will have in the near future, why would we delay given that we are conducting an aggressive air campaign against Iraqi air defense targets daily?

If we look at the improvements the Chinese have made in their missile program at our expense, why would we delay waiting for the Chinese to prove in some scenario yet undefined that they have the capability to destroy an American city or two?

If we look at the proliferation of technology leaving Russia to rogue states because they provide the hard currency to Russian scientists that the West cannot, why then would we wait?

There are some who say that we should wait and work the ABM problem out with the Russians. They say that if we move forward with a deployment this will make the Russians angry. Mr. President, the Russians have strongly objected to any US deployment to Kosovo, yet I do not see the Administration holding back on its desire to send upwards of 4000 troops to the region. Isn't protection of the United States more important that Kosovo?

Our goal in the effort to deploy a National Missile defense System has two crucial impacts on our security:

First, it will signal to nations that aspire to possess ballistic missiles with which to coerce or attack the United States that pursuit of such capabilities is a waste of both time and resources.

Second, if some aspiring states are not deterred, a commitment to deploy an NMD system will ensure that American citizens and their property are protected from a limited attack.

The Rumsfeld Commission report stated that, ''the warning times the US can expect are being reduced. Under some plausible scenarios the US might have little or no warning before operational deployment.'' This is a statement from a very creditable commission. It suggests that America ought to move quickly to defend itself. A NMD system deployed now is the step in the right direction. We cannot afford to debate the ''what could be's or should be's any longer.'' This Congress must act, and act now. I doubt if the American public would forgive this Congress if a situation arises for which we are not prepared.

Lastly, I have a comment about the Chinese spying incident. I have been in two meetings with Secretary Richardson in the last two days. My feeling on this issue is:

We have now learned of improved Chinese Missile guidance system capability due to US computers—sold to the Chinese by two US firms.

Chinese spying has provided that nation with the instructions on how to fabricate compact warheads (MIRV's)

Both of these acts should never have happened.

Mr. President, America cannot tolerate continued slackness in security and we need to press forward with protecting our nation—not tomorrow, not next month, not five years from now. We need to move the NMD program forward as soon as technically feasible.

Mr. ROBB. Mr. President, I support a national missile defense. I have voted—repeatedly—to fund research and development that would make such a defense not just a theoretical hope but a reality. In the past, however, I have also opposed legislation identical to S. 257, the National Missile Defense Act of 1999 as it was introduced. I voted against it when it was reported from the Armed Services Committee. I did so, even though I unequivocally support providing our nation a real defense against missile attack, because I believed that as introduced the bill would not advance that objective and could possibly move us in the opposite direction. While it is imperative for the United States to deploy a defense against missile attacks by North Korea and other rogue nations, it is equally imperative that we consider affordability, operational effectiveness, and treaty implications when determining how best to proceed on such a major acquisition program.

Mr. President, the Department of Defense, in testimony before the Armed Services Committee, has made it very clear that we can't accelerate the national missile defense program beyond what we're doing right now even if we spend significantly more money on it. Yet the original legislation implied that money is no object, that we should forgo our basic responsibility of getting the best defense possible for the taxpayer's dollar. I am concerned—as are many of our colleagues—about numerous, severe problems our military faces today, that can be resolved with proven technologies. Our forces are operating at OPTEMPOS unheard of even during the Cold War. Their equipment is often older than the operators, and spare parts are regularly in short supply. It is no wonder that we are facing one of the most pressing recruiting and retention challenges since the hollow force of the seventies. Passing blank check legislation is not, in my view, responsible, and not in the best interest of our military.

Fortunately, changes were made to the original legislation that addressed some of my concerns. The Cochran amendment subjects national missile defense deployment to the normal authorizing and appropriating process, allowing us to retain fiscal control over the program. This reinforces the need to ensure that any system we approve be affordable and operationally effective before deployment.

Mr. President, the bill in its original form was silent on arms controls. It is clear from hearing the comments of several Senators in support of this bill that they believe the ABM Treaty is of marginal consequence when compared to deploying a missile defense capability. The virtual certainty that the Russians will retain thousands of nuclear warheads if we undermine the ABM Treaty has been brushed aside as a minor annoyance. No matter that the existence of these thousands of additional weapons greatly increases the likelihood of the kind of accidental launch that a national missile defense would defend against. No matter that, by undermining the strategic arms control process, we prompt China and other nations—including so-called rogue regimes—to develop or expand their nuclear arsenals and create the very kind of threat that our limited missile defense is supposed to protect against.

The Landrieu amendment, by reinforcing the need for continued arms reduction efforts with the Russians, addressed this short-coming in the original legislation.

As a result of these modifications, I am now willing to support this bill. I caution, however, that this legislation really accomplishes nothing that will have a meaningful, positive impact on the pace and quality of our missile defense development efforts. While it is appealing to declare a policy, such a declaration doesn't move us closer to the goal, and may in fact cause the American people to gain a false sense of security. We should acknowledge the risk that we could be giving the American people the false impression that by passing this legislation we are somehow approving deployment of a protective shield to safeguard them from nuclear missile attack. At best we'll get a very limited defensive capability. At worst, we will have spent tens of billions on top of the $40 to $80 billion already spent on missile defense since 1983, our troops will continue to struggle with a high OPTEMPO and inadequate equipment due to inadequate funding, the Russians will not honor START II limits—even after ratification of the treaty, and we will have a system that is not operationally effective.

Regardless of the outcome of the vote on this legislation, we will continue to develop a missile defense to protect our nation. The issue surrounding missile defense is not that we don't want such a system—the problem is we don't yet know how to build one we can afford. I remind my colleagues of the Pentagon's dramatic claims of success by our Patriot missile batteries during the Gulf War. It was only after the war that we learned that there were very few if any effective intercepts of the Iraqi Scuds. The technology wasn't here then and it has a long way to go today—especially when it comes to ICBMs.

And we should not let our focus on providing such a defense divert our attention away from the other crucial element in protecting America from missile attack: reducing the number of missiles aimed at our nation. A number of colleagues shared my concern about the effect of this legislation on our efforts to reduce the Russian arsenal through the START II process.

Mr. President, I will support this legislation because we have addressed the largest potential down-sides and because I support the objective of providing our nation with an effective missile defense, but we still have a long way to go before we actually solve the challenges we face and we ought to be up front with the American people in describing where we are in this process.

Mr. KOHL. Mr. President, none of us who sit here in the Senate today is unaware of the potential dangers that face this country from rogue nations with ballistic missiles carrying weapons of mass destruction. There are many nations around the world that are eagerly pursuing weapons that can reach the United States and deliver devastating damage. I, like many of my colleagues, was stunned when I heard the news that North Korea had launched a three stage rocket with technology that many in the intelligence community had said the North Koreans would not possess for many years. All this evidence leads me to agree with Secretary Cohen when he says that the threat to the United States is ''real and growing.'' Because of the danger we face, and our solemn vow to protect this nation, I will vote to support Senator COCHRAN's bill, S. 257, to deploy a missile defense as soon as technologically possible.

With threats looming on the horizon it would be irresponsible not to pursue the development and deployment of a national missile defense. The Administration has responded to the threat by expanding the program. The President has increased funding by $6 billion over five years. They will make a decision next year whether an effective national missile defense can be deployed by 2005.

Negotiations with the Russians have already begun in an effort to reach agreement on amendments to the Anti-Ballistic Missile Treaty. The President has now reversed his previous opposition to this bill by withdrawing his veto threat. The United States is moving forward on missile defense, and this legislation will add momentum.

However, I do have reservations about this bill. A national missile defense system is not a sure thing. Currently there is no technology capable of destroying an ICBM, and we don't know when the technology will be developed. But we do know that developing this technology will be costly. To date we have spent almost sixty-seven billion dollars on developing missile defenses since the early 1980's without anything to show for it. I am concerned that by making a decision to build a system as soon as technologically possible the Congress may commit itself to an expensive project that the General Accounting Office has deemed ''high risk.'' The Pentagon is infamous for underestimating the cost of weapons systems. Right now the Administration plans on spending ten billion dollars over six years on NMD, but I expect that as the project moves forward the cost will rise. We must be careful not to let our commitment to missile defense blind us from our duty to oversee this program and guard against waste and profligate spending so common in the Department of Defense.

While I am very concerned about the costs of the program and the impact on our relations with Russia, I believe we should build a national missile defense to protect our nation in this dangerous and uncertain time. The United States should move swiftly, but with prudence, to safeguard our citizens from the threats of rogue nations and the fear of accidental launches.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, was there a unanimous consent agreement that the Senator from Mississippi wanted to propound?

Mr. COCHRAN. Mr. President, if the Senator will yield, we were trying to nail down a time for a vote on final passage at 2. Why don't you go ahead and use whatever time you want to use.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I rise to speak today on the floor of the U.S. Senate to express my opposition to this resolution that is before us.

I may be standing alone on this vote. I hope not. I appreciate the efforts of my colleague from Louisiana to offer an amendment that would ensure that this bill states, or this resolution, because that is really what it is, that it is still the policy of the United States to pursue arms reduction negotiations. I think that was an important statement. I do not honestly and truthfully believe that that amendment is enough. It does not directly tie a decision to deploy a national missile defense directly to its impact on arms reduction agreements. That is what I am worried about.

I think my good friend, the Senator from Michigan, had it right in his substitute amendment—before a decision to deploy, the administration and the Congress should review the impact of that decision on nuclear arms reductions and on arms control agreements.

I think this is right. The decision to deploy—and that is what this resolution instructs us to do—should be made carefully, at the right time, after we are sure of its impact on important arms control and arms reduction decisions. I know my colleague from Michigan, who I think is one of the truly great Senators, has concluded that the Landrieu language is sufficient, but I have to respectfully disagree.

This resolution talks about deploying missile defense. I have supported in the past efforts to develop such a system to at least do research, but I have never voted for a resolution that says we go forward with deployment.

I would not oppose, again, the research and the focus on the possibility of needing a missile defense system if this was done hand in hand with an emphasis on the importance of arms reduction agreements. But I do not believe that this resolution before us is at all evenhanded in this respect.

Our colleague from Mississippi, a colleague for whom I also have a great deal of respect, Senator COCHRAN, was quoted in the Washington Times today saying that the Landrieu amendment was an important step—and he meant this in very good faith; he means everything in good faith—of an important national security goal. But the inclusion of the national missile defense policy and arms reduction policy in the same bill ''does not imply that one is contingent on the other.''

I think they should be, and that is why I do not think the language is sufficient. That is why I will vote against this bill.

Actually, I do not know whether to call it a bill or a resolution. There is no money. It is just a statement. We say this will be the policy. It is a declaration by the Senate.

We ought to be focusing on the reduction of existing missiles. We ought to be focusing on nonproliferation efforts to stop the spread of existing technology of weapons of mass destruction. We should not be saying that it is the policy of the United States to spend billions of dollars on unproven systems to defend ourselves against phantom missiles from hypothetical rogue states.

We have spent already $120 billion on this antimissile defense system. I heard my colleague from Arizona, who is a colleague for whom I have tremendous respect, talking about some of the ways in which he thinks the administration has been a bit disingenuous about how we can balance the budget and spend money here or do this, that, and the other. I understand what my colleague was saying. In all due respect, I have to raise questions about this.

First of all, I have to say that I believe that this vote today is a profound mistake. I think the vote today, if it is an overwhelmingly strong vote for this resolution, jeopardizes years of work toward achieving nuclear arms control and arms reduction, and that will not increase our security. That will not increase the security of my children or my grandchildren.

I am very concerned about our national defense. I am very concerned about our security. I am very concerned about the security of my children and my grandchildren. I believe the best single thing we can do to assure that security is to maintain a commitment to arms control agreements.

Some of my colleagues do not agree with what we did with the ABM Treaty. They are not so focused on where we need to go with the START agreements. I argue that these arms control agreements and everything and anything we can do to stop the proliferation of these weapons and to engage the former Soviet Union—Russia today—in arms control agreements, reducing the nuclear arsenals, less missiles, less warheads, less of a possibility of a launching of these weapons is what is most in our national security. I do not believe that this resolution takes us in that direction at all.

There is a distinction between talking about the development of a missile defense system and actually the language in this resolution which talks about deploying. There is a distinction between saying we only go forward, but before a decision to deploy, the administration and the Congress should review the impact of this decision on nuclear arms reductions and arms control agreements.

There is a distinction between such language, and I believe what the amendment that my colleague from Louisiana offered yesterday, which says that it is our policy to pursue arms reduction negotiations—oh, how I would like to see a connection. Oh, how I want to see a nexus. You cannot imagine how much I want to vote for a resolution like this, which is going to have such overwhelming support, and I would if I did not believe that what is only a resolution will be used next year when we come to authorization and appropriations to say that there was unanimous—no, there won't be unanimous support; there will be at least one vote against it—near unanimous support to go forward with missile defense. And then the request will come in for the money.

What will the cost be? This resolution, or this piece of legislation, should be called the ''Blank Check Act,'' because that is what we are doing. We are authorizing a blank check for tens of

billions, maybe hundreds of billions of dollars for all I know, for a missile defense system in the future. At what cost?

Mr. President, $120 billion already, tens of billions of dollars a year, I don't know how long in the future, is going to go for a missile defense system, and this vote is going to be used as the rationale for doing so. Maybe not with this administration, because I think the administration has made it clear it is committed to an arms control agreement. But what about the next administration? I hope it will be a Democratic administration, but I do not know and I do not want to vote for a blank check for tens of billions of dollars for such a system which I think puts into jeopardy arms control negotiations and arms control reductions.

Mr. President, for a senior citizen in the State of Minnesota who cannot afford to pay for a drug that has been prescribed by her doctor—this is a huge problem for elderly people in our country, many of whom are paying up to 30 percent of their annual monthly budget just for prescription drugs—for that senior citizen to not be able to afford a prescription drug that her doctor prescribes for her health is a lot bigger threat to her than that some missile is going to hit her in the near future or in the distant future.

Yet, we are being told that we cannot afford to make sure we have prescription drug costs for elderly citizens in this country. But now what we are going to do, I fear, is adopt a resolution that will be used later on as a rationalization and justification for spending tens of billions of dollars on top of $120 billion for unproven systems to defend us against phantom missiles from hypothetical rogue states.

Our focus should be on the arsenal of nuclear weapons that Russia has now and how we can have arms control agreements with Russia. We ought not to be putting ABM and START in jeopardy. We ought not to be putting arms control in jeopardy. We ought not to be putting our efforts at stopping the proliferation of weapons of mass destruction in jeopardy, and I believe that is what this resolution does. That is my honestly held view. The administration has apparently changed its position. I wish they had not.

My colleague from Michigan, Senator LEVIN, has a different interpretation. I think he believes that this resolution puts the emphasis that needs to be there on arms control reductions. I hope and pray he is right. I think he believes this resolution has language, through the annual review process in appropriations bills, that makes it clear that this has to be technologically feasible to go forward. I hope he is right. But, quite frankly, I do not think that is really what this resolution says.

I am not going to err on the side of voting for a resolution that now gives credibility to spending tens of billions of dollars, over the years to come, on a questionable missile defense system that puts arms control agreements in jeopardy and does not speak to the very real national security that we have in our own country.

I would like to finish this way, Mr. President. Since I heard some of my colleagues on the other side talk about the President's budget, I would like to ask my colleagues, What exactly do you propose to do with your budget caps, your tax cuts, and wanting to increase the Pentagon budget $140 billion over the next 6 years?

And that goes for far more than just increasing the salaries of our men and women in the armed services, who should have their salaries increased; and that is much more far-reaching than just dealing with quality-of-life issues for men and women in the armed services, who deserve all our support in that respect. Now we are talking about laying the groundwork, on top of $120 billion that has already been spent, for tens of billions of dollars. This could end up being $40 billion-plus just for this missile defense system.

So my question is, After we do this, what do you say to senior citizens in your State who say, ''Can't you make sure that we can afford prescription drug costs?'' I know what you are going to say. ''We can't afford it.'' What are you going to say to people who say, ''Can't you invest more in our children in education?'' We are going to say, ''We can't afford it.''

What do you say to people in the disabilities community who were in my office yesterday, saying, ''Can't you invest in home-based health care so that we can live at home in as near as normal circumstances as possible with dignity?'' We are going to say, ''We can't afford it.'' What are we going to say to people who say, ''We can't afford affordable housing''? We are going to say, ''We can't afford it.''

I will tell you something; the real national security of our country is not to vote for this resolution that could very well put arms control agreements in jeopardy. And I am not willing to err on that side. If we do that, it will be a tragic mistake. It will be a tragic mistake for all of our children.

The real national security for our country is to not spend billions of dollars on unproven systems to defend us against phantom missiles from hypothetical rogue states. The real national security for our country will be the security of local communities, where there is affordable child care, there is affordable health care, there is affordable housing, people find jobs at decent wages, and we make a commitment to education second to none so that every boy and every girl can grow up dreaming to be President of the United States of America. That is the real national security of our country.

Mr. President, I think this resolution is a profound mistake. And if I am the only vote against it, so be it, but I will not vote for the resolution.

I yield the floor.

Mr. President, my colleague, Senator STEVENS, had made the request he be able to speak right after I finished. I do not see him right now, but could I ask unanimous consent that he be allowed to speak next? I know he was anxious to do so. He should be here in a moment.

Mr. COCHRAN. Mr. President, if the Senator would yield, I think Senator STEVENS is planning to speak. I was going to suggest the absence of a quorum. Here is our colleague from Michigan. He may want to use some time on the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I support the passage of this bill with the two amendments we have adopted. We have made a number of very important changes in the bill which now cause me to support the bill because, very specifically, we now have two policies that are set forth in the bill, no longer just one.

The first amendment that we have adopted, which was an amendment saying that the funding for national missile defense is subject to the annual authorization and appropriation of funds for this system, makes it clear explicitly, specifically, that this bill does not authorize anything. This is not an authorization of anything. It is not an appropriation of funds.

Perhaps somebody could argue before that amendment was adopted that this bill did authorize or did commit us to appropriate funds. But after the adoption of that first amendment yesterday, it cannot be argued that this authorizes anything or appropriates funds for any system.

This bill now states two policies of the United States. That is very different from a bill which commits us to authorize funds or to appropriate funds for a particular system.

So the first amendment made an important difference. It is an amendment which the Senator from Mississippi offered with a number of cosponsors on both sides of the aisle. It seems to me it made it very clear that we are not committing to deploy a national missile defense system in this bill. We are stating now two policies in this bill. The first amendment I referred to makes it clear that the authorization to deploy a national missile defense system would come only if and when we act on funding to deploy such a system through the normal authorization and appropriation process. We are not doing that in this bill.

One of the things this bill says is, before a deployment decision is made, there must be an effective system. That word ''effective'' clearly means, in the view of the military—and I think reasonably—an operationally effective system. That is one of the clear meanings of the word ''effective'' in this bill. And there was a colloquy earlier today between the Senators from Mississippi and New Mexico relating to that issue. An effective national missile defense system means, among

other elements of ''effectiveness,'' an operationally effective system.

The second amendment that has made a major change and a major improvement in this bill is the Landrieu amendment. Until Senator LANDRIEU's amendment was adopted, this bill ignored the crucial importance to our national security of continuing reductions in Russian nuclear weapons. Without the Landrieu amendment, this bill would have put nuclear reductions at risk—reductions that have been negotiated before and are now being implemented, reductions that have been negotiated before and are hopefully about to be ratified in the Duma.

Without the Landrieu amendment, this bill ignored those reductions. It would have put such reductions at risk and increased the threat of proliferation of weapons of mass destruction. That greater threat would have resulted from the larger number of nuclear weapons being on Russian soil, with the greater likelihood, in turn, that there would be leakage of such weapons to a terrorist state or a terrorist group.

The Landrieu amendment adds a second policy to this bill. It is a most crucial policy statement, that it is our policy to seek continued negotiated reductions in Russian nuclear forces. This critically important change in the bill states that we understand the value of continuing the nuclear arms reductions which have been negotiated before and that, hopefully, will continue to be negotiated in START III, and that those reductions improve our security by reducing the numbers of nuclear weapons on Russian soil.

Mr. President, without those two amendments, I would not have supported this bill. As I stated in my opening statement, it is critically important, in my opinion, that we continue to see reductions in nuclear weapons in this world, and most specifically, reductions in nuclear weapons in Russia.

I think many of our colleagues, if not all of us, see the importance of those reductions. Now we have a specific policy statement equal to the policy statement relative to deploying an effective limited national missile defense subject to authorization and appropriations. The second policy statement which is critically important says that it is the policy of the United States to continue to negotiate reductions in the number of nuclear weapons on Russian soil.

Because of these amendments, the President's senior national security advisers will now recommend that the President not veto the bill if it comes to him in this form. That is an important measure of the significance of these changes in this bill. The White House has not changed its position on national missile defense anymore than I have.

The bill has been changed in two significant ways. I think the bill has been vastly improved. It has been improved because of the efforts of many people. I want to thank the Senator from Mississippi, the author of this bill, for his cooperation in including both the Cochran amendment and the Landrieu amendment. And I particularly want to commend and thank the Senator from Louisiana, Senator LANDRIEU, who is now the ranking member on the Strategic Forces Subcommittee of the Armed Services Committee, for her hard work and her dedication in bringing about the adoption of an amendment which made such an important difference in this bill.

I yield the floor.

Mr. STEVENS addressed the Chair.

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

Mr. STEVENS. Mr. President, I am here today to join two of my closest friends, Senators COCHRAN and INOUYE, to support this bill that is before the Senate. I believe that Senator COCHRAN and Senator INOUYE have championed this measure for some time now in the face of very strong opposition. I am pleased to see that opposition is now fading away.

I cannot fathom anyone being opposed to deploying the defenses that are necessary to protect this Nation. Recent events clearly warn that our Nation must prepare for the worst possible scenario. We have watched reports that India and Pakistan have detonated nuclear devices. Each of these countries have very solid, demonstrated capabilities in building ballistic missiles. Our U.S. intelligence community admitted surprise after those demonstrations.

Unrest in Indonesia and turmoil in other Pacific nation economies demand the attention of the United States and the world. Those nations increasingly look to develop or acquire a range of ballistic missiles. The threat that troubles me the most is North Korea. North Korea's missiles can already reach parts of Alaska and Hawaii, and perhaps beyond.

When I visited North Korea 2 years ago, I was struck by the contrast there. Their people live a life of sacrifice, but many of their limited resources are diverted to military investments. The United States should not underestimate the determination of the North Koreans nor the risks the threats pose to the United States and our Pacific allies.

Now, new reports indicate that North Korea may launch another rocket, possibly a satellite or possibly a longer-range ballistic missile. The world's ability to monitor North Korea now is limited. We all know that. Certainly almost no one in the intelligence community anticipated the recent launch of the multistage booster that we saw.

Just as in World War II, the first to be threatened in the Pacific will be the States of Hawaii and Alaska. My constituents, the residents of Alaska, ask me, Why should it not be the policy of the United States to deploy a national missile defense system as soon as it is technically feasible? I can state categorically that after my recent trip home I know Alaskans want these defenses now.

Indeed, the Alaska Legislature has already passed a joint resolution calling on the President of the United States to deploy a national missile defense system. I know, as more Americans recognize that this threat is here today—and I believe the whole country will wonder what is wrong with us; I believe they are going to even wonder why we have to have this debate this long on this issue.

I am confident that Members of the Senate should be familiar with the congressionally established commission of evaluating the ballistic missile threat to the United States, known as the Rumsfeld Commission, which completed a thorough review of the missile technologies existing in other countries. More importantly, that Commission recognizes the fact that missile technologies are increasingly available to any nation with money and determination to use them.

Protecting our Nation requires building a national missile defense system that will protect every square inch of every State, including Alaska and Hawaii, and the 48 contiguous States. When this issue first came before the Defense Appropriations Subcommittee, the administration projected a system that would defend almost all of the 48 States but did not include Alaska and Hawaii and the tips of Maine and Florida. At that time, I expressed concern about that. I am pleased to see we all are now considering a truly national missile defense system.

In recent weeks, I was fully briefed on the Defense Department's efforts to develop a national missile defense, a defense which would provide our Nation's only capability against these missiles. I have been reassured of the commitment to protect all 50 States by Lieutenant General Lyles, the Director of the Ballistic Missile Organization. I can also tell the Senate that some of the best engineers in this Nation are working on the current national missile defense program under the direction of Brigadier General Nance, a very capable officer and knowledgeable program manager.

I believe this team, and any of the ballistic missile defense organization program managers, would tell the Senate that building this defense system is technically feasible today. That is good news. We have it within our reach and our means to build a missile defense system to protect our entire Nation from ballistic missiles.

Last year, we added $1 billion as emergency funds for the development of the missile defenses to protect the United States as well as its deployed forces. This Cochran-Inouye bill makes clear that these funds are available only for enhanced testing, accelerated development, construction, integration, and infrastructure efforts in support of ballistic missile defense systems.

The taxpayers' money being made available on an emergency basis was put up for the purpose of encouraging the availability of this system and to reward success in the efforts. I believe we have to have the ability to defeat the threat that is posed by ballistic missiles as soon as possible. Many Senators will recall the criticisms made last year of our ballistic missile defense programs—too little testing, schedules that didn't ask for the dollars available, and many other concerns expressed.

I am pleased to report to the Senate that the $1 billion emergency increase has become a catalyst for the national missile defense program—allowing this program to add testing, fully fund development, and to rebut the critics who say it is not possible for such a system to be deployed.

The administration has stated that it will match these funds and budget the necessary additional funds to develop and deploy a national missile defense system. I am still concerned that the funds budgeted by the administration, however, will allow a missile defense system to be deployed about 2005.

On March 14, 1995, Defense Secretary Perry testified before our Defense Appropriations Subcommittee that:

> On the national missile defense system, that system would be ready for deployment in 3 years on the basis of this program projection, and then 3 years later than that it would be operational.

He said it would be operational in 3 years.

> So we are about 6 years away from deployment of national missile defense systems.

That was 1995. In responding to my question during a hearing in June of 1995, Lt. Gen. Malcolm O'Neill noted Secretary Perry's promise and went on to add:

> I think the timeframe (Secretary Perry) talked about was 3 years of development and then 3 years to deploy. So that would mean a 2001 scenario, and that would get a system in position before the Taepo Dong 2.

Mr. President, that is the Korean missile that we are all so worried about now. The Taepo Dong 2 is ready now but we are still developing a system. The national missile defense system that should be in place by 2001 will not be there in 2001, and we were promised an operational national missile defense system as early as 2001. As one who has watched this system now develop over a period of years, I have been frustrated that it has slipped now, apparently, to 2005. The track record is one of continual delays and slips as far as the deployment date is concerned.

I believe that this Nation must get ahead of the threats. The risks are too great.

Again, I basically come here to commend these two Senators for their very hard work on this bill.

Senator COCHRAN and Senator INOUYE deserve the entire support of the Senate. I am pleased that these matters which had previously looked like they might delay this bill might be resolved. I congratulate the managers of this bill and its author for their wisdom and determination. I hope the Senate will proceed rapidly to approve it.

Mr. MURKOWSKI. Mr. President, I rise in strong support of S. 257, the National Missile Defense Act of 1999. This is an extremely important initiative, which really goes to the heart of our national security policy. The bill simply declares that it is the policy of the United States to deploy, as soon as technologically possible, a national missile defense system which is capable of protecting the entire territory of the United States from a limited ballistic missile attack.

Why is this important? For one, because most Americans mistakenly believe that we already have a system in place which can intercept and shoot down incoming missiles. We do not. While we can, in some instances, tell in advance if an adversary is likely to launch a ballistic missile strike at the United States, our ability to thwart the attack is limited to diplomatic efforts or, alternatively, to a quick strike military capability of our own.

In the case of an unauthorized or accidental missile strike, we have no deterrent capability. Imagine the horror, Mr. President, of knowing a missile strike against an American city was underway and there was nothing we could do to stop it.

This is the same bill that Senate Democrats filibustered twice during the 105th Congress. So, why the change of heart? I think that the main reason is that they can no longer sustain the argument that we do not face a threat credible enough to justify deployment of a national missile defense system. They now acknowledge that we face a number of real threats from many different parts of the globe. Most of these threats are the byproduct of 6 years of flawed administration foreign policy initiatives which have actually increased, not decreased, the likelihood of the post-cold-war threat.

What are the threats that we currently face? China comes to mind. While I for one do not consider China an adversary, I am particularly concerned by the wide range of espionage allegations connected to China. First, our military experts believe that China's missile guidance capabilities were enhanced significantly by the Loral/Hughes incidents. And more recently, there are chilling allegations that China has stolen some of our most closely held secrets on miniaturizing warhead technology, thereby exponentially increasing the threat that China poses to the United States and many of our key allies in the Asia/Pacific theater.

Last summer, it was widely reported that 13 of China's 18 long-range strategic missiles are armed with nuclear warheads and targeted at American cities. What's more Chinese officials have suggested that we would never support Taiwan in a crisis ''because the United States cares more about Los Angeles than it does Taipei.'' If this type of declaration, on its own, is not justification for deploying a national missile defense system, Mr. President, than nothing is.

Let's examine the case of North Korea. This is a country which continues to defy rational behavior, and which seems to be encouraged by this administration's bankrupt North Korea policy. Just yesterday, Secretary Albright announced that the United States would pay North Korea hundreds of millions in food aid to gain access to an underground facility north of Pyong Yong which we believe is connected to their nuclear regime. Plain and simple bribery at it's best.

Last year, North Korea fired a multistage missile over Japan. No warning and unprovoked. Why? Presumably to show that they have the capability.

Iran and Iraq speak for themselves. Additional concerns are the inability of the former Soviet Republics to keep good track of the ICBM's which they inherited from the breakup of the Soviet Union. Be it accidental or deliberate, if these weapons fall into the wrong hands, we will have new foreign policy concerns the likes which none of us have ever seen or will care to address.

We are vulnerable, Mr. President, and we need to act to prevent a catastrophe of horrific proportions. The best way to do this is to do what should have been done long ago—deploy a national missile defense system.

There are a number of ballistic missile defense programs at various stages of development. Ideally, the United States would pursue a dual track system, namely a sea-based system which could be deployed to various theaters as the need arises. The aim here being to protect our troops and allies which may be at the front line of a confrontation. And a ground based system based in Alaska, which is the only place in all the United States from which true, 100 percent protection of all the United States and her territories can be achieved.

By basing a system in Alaska, we will have the added advantage of being close to both the Asian and European theaters. Our aim should be not only to intercept a launched missile, but in being able to intercept it in the still early stages—preferably while it is still over the territory of the aggressor country.

As many of my colleagues are aware, we have 80,000 American troops in the Asia/Pacific theater alone. Many of these troops are already well within the range of current North Korean missile capability. As their missile development program advances, we can expect American lives and American soil to be exponentially at risk. We simply cannot stand idly by and wait. We need to be prepared, so that we can protect the American people from such a strike, be it deliberate, unauthorized or accidental.

Finally, Mr. President, there are those who argue that S. 257 should be

rejected because it sends the wrong signal to Russia and raises flags about the future of the ABM Treaty. Let me say unequivocally that this is not about Russia, and the Russians know it! The ABM Treaty was a product of a different era, an age when the United States and the Soviet Union were alone in their ability to launch intercontinental ballistic missiles. This age passed quickly with the breakup of the Soviet Union, and a much more unsettling world has been left in her place. Today, there are many, many threats and ignoring them will not make them go away.

This is not about Russia. This is about the United States and our constitutional and moral duty to protect the people whom we have been elected to represent. Mr. President, I strongly support this measure and commend Senators COCHRAN and INOUYE for their untiring efforts to see that this bill becomes law.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in opposition to the bill. Could the Chair inform me of the time limitations, if any on, debate?

The PRESIDING OFFICER. There are no time limits on debate.

Mr. DURBIN. Mr. President, I can recall this concept when it was first suggested by President Reagan. It was a concept that was alluring. The notion that we could somehow put a protective umbrella of defense over the United States against nuclear missiles would certainly be an effort that would allay the fears of many that a missile might be launched from some nation like Russia. This idea of a strategic defense initiative, Star Wars, or whatever you might characterize it as, has always had a certain appeal to me and I am sure to anyone who hears it. I have been skeptical from the start as to whether or not this was feasible. Now I think there are more fundamental policies that should be addressed.

First, let us take a look at the history of the early part of the century.

After World War I, the French—determined never to let the Germans invade their country again—set up a series of ''impregnable'' fortifications along their border from Switzerland to Belgium called the Maginot Line. When Hitler decided to invade France he passed north of the Maginot Line via Belgium, swept behind the line, and captured it from behind. France was totally defeated in 6 weeks.

The national missile defense plan is our Maginot Line. It would give us a false sense of security and be completely ineffective in countering threats that simply go around it—like the terrorist with chemical, biological or nuclear weapons in his suitcase. It could be totally overwhelmed by intercontinental ballistic missiles (ICBMs) held by Russia, and its existence would encourage nuclear countries to defeat it with devastating force. The star wars Strategic Defense Initiative in the 1980's faced these same problems. The current plan is ''star wars lite,'' a shrunken relic of the cold war.

THE ROGUE STATES

No one is underestimating the capacity for so-called rogue nations to act in ways that seem irrational to us. However, in deciding that we must spend billions of dollars to build a missile defense system to protect ourselves against these third-rate powers, we are making one of two assumptions. Either we are tacitly admitting that we would not respond to an attack by one of them against us with overwhelming force—whether nuclear or conventional—or else we are assuming that these leaders are so crazy that they would risk the destruction of their nations and the loss of their own power or lives for one shot at the United States.

The leaders of the rogue nations, like Iraq and North Korea, may be isolated and seem irrational to us, but survival, not suicide, has been their overarching goal. It is much more likely that terrorists would do these nations' dirty work for them in a way that is difficult to link to a particular nation, to avoid a retaliatory strike. National missile defense would not help against terrorist attacks, which are far more likely to be delivered by truck than by missile.

The danger of missile attacks from rogue nations is much more acute against our military forces in the Persian Gulf and Asia than against U.S. cities.

During the gulf war we made it quite clear that if Saddam Hussein used his weapons of mass destruction against our forces, he would suffer an overwhelming response. He did not use those weapons. We have made it clear to the whole world that we will respond to any use of weapons of mass destruction against us, while leaving the type of weapon, nuclear or convention, ambiguous.

Our massive arsenal should be as capable of deterring a rogue nation as it was to deter the Soviet Union for 50 years. Are thousands of weapons now ineffective against one or two or three or four or five missiles in North Korea or some other country?

Nonetheless, the enormous cost in lives of even one missile strike against one U.S. city, no matter how unlikely, could lead us to decide to deploy a national missile defense system at some point in the future—if that would mean that our country would be more secure. That is why Congress has consistently supported research into missile defense technology for theater and national applications. We should continue to research with deliberate speed and reasonable funding, but we must not make the decision to deploy prematurely. We must not make the leap which this resolution would lead us to.

ARMS CONTROL IMPLICATIONS

Deciding to deploy a missile defense system without getting Russian agreement to changes in the Anti-Ballistic Missile (ABM) Treaty not only would in effect abrogate that treaty, it would also be the end of the Strategic Arms Reduction Talks (START) process that is the basis for the strategic stability between the United States and Russia. Strategic stability means that neither side is willing to engage in a first strike against the other.

If a missile defense system is deployed without regard to its effect on strategic stability with Russia, our own security will be imperiled. The United States and Russia still have thousands of nuclear warheads poised to launch at each other with just a few minutes between targeting and launch. If arms control breaks down because of our deployment of a missile defense system, we would be encouraging nuclear countries to use multi-warhead ICBMs to defeat it. It would seem a fairly irrational decision on our part to trade away a strategic balance that has kept the peace for 50 years in order to protect us against a hypothetical threat. The threat of 6,000 Russian and some 400 Chinese missiles is not hypothetical.

We are at peace with Russia and the cold war is over. A first strike seems quite unlikely at this time. The danger today is from an unauthorized launch from Russia, or, because parts of Russia's early warning system do not work, that Russian leaders could falsely think the United States had started a first strike and would launch a retaliatory strike. A national missile defense system could not stop those missiles.

Since Russia is having difficulty maintaining its nuclear arsenal now, it is in our vital national interest to see reductions in the number of missiles on both sides—rather than pursuing a policy that would put the START process on ice and could lead to redeploying multiple warheads instead.

Our broader nuclear nonproliferation goals could also be undermined by the demise of arms control. The grand bargain forged when the Nuclear Nonproliferation Treaty (NPT) was negotiated was that the nuclear countries would work toward nuclear disarmament, in return for the non-nuclear countries foregoing them.

If we take a unilateral action that undermines the START process, there will be no grand bargain, and we will have no argument against any country, including the rogue states, acquiring nuclear weapons.

The Maginot Line of national missile defense will not only encourage countries to go around it, or to overwhelm it, it could also become the Trojan Horse that lets our enemies into the nuclear club.

COSTS

While we must make this decision on its merits, we cannot ignore the costs of making it. We have spent over $40 billion on national missile defense since 1983 with virtually nothing to show for it. That figure does not include the $52 billion spent before 1983

on various missile defense systems, like the Nike and Safeguard systems of the 1960's and 1970's. Estimates vary greatly on how much a limited missile defense system would cost, and these estimates depend greatly on what system would be chosen. I think it is safe to say that no one really knows yet how much a system would cost.

I listened to the debate earlier today from some of my colleagues. One of them raised the specter of vulnerability of nations on the west coast as well as Hawaii in terms of attack from new members of the missile nuclear club. One of the people speaking said if we know that threat is out there, and we know the damage that could take place, isn't it a given that we would spend any amount of money to protect our coast? Isn't that a responsibility? That is an interesting argument, and it certainly is one that would suggest that we would spend any amount of money on this national missile defense system, that there are no limits to spending.

In fact, as I read it, the only limitation in this bill is that it has to be somehow technologically possible to have a national missile defense system. I would like to suggest that it is interesting that this would be the standard which we would use to determine defense spending.

I wonder if I introduced a resolution into the Senate which asks if it would be the policy of the United States to spend as much money as necessary if we found that it was technologically possible to cure cancer, how many votes we would get on the floor of the U.S. Senate. We have made more progress in the war against cancer than we have on any national missile defense system. Yet, when it comes to that kind of courage with respect to virtually every American family, that is not considered really food for thought or even an issue for debate. The same question could be asked when it comes to education. If it is technologically possible to educate children in America better, should we make it our policy to spend whatever is necessary to achieve that? I doubt that I could muster a majority vote in the Senate for that suggestion. Or the elimination of drugs in America, if it is technologically possible to end the scourge of drugs in our country, should we spend whatever is necessary?

I have given you three examples which come to mind, and many more could be produced. But it is interesting to me that when it comes to defense spending we apply standards which are totally different than the priorities which many Americans would identify as important to us and important to all families.

In May 1996 the Congressional Budget Office estimated that it would cost $31–60 billion through 2010 to acquire a system outlined in the Defend America Act of 1996, plus an additional $2–4 billion per year to operate and maintain it. The National Security Council estimated that a two-site, ground-based system would cost $23 billion to deploy. The General Accounting Office reported that the Ballistic Missile Defense Office estimated that limited deployments in North Dakota and Alaska would cost between $18–28 billion. The Congressional Budget Office estimated that it would cost $60 billion to build a ''high end system,'' including space-based lasers. Given the history of defense cost over-runs, it is quite likely that these figures are the floor, not the ceiling of what these costs may be.

No matter how many amendments are adopted—and some I have supported, and some are very good—the bottom line is the U.S. Senate with this vote is virtually giving a blank check to this project. There are no limitations on cost. As long as it meets the threshold requirement of being technologically possible, it can go forward.

We must not forget that, if we push ahead with deploying a national missile defense system without seeking Russian agreement with changes to the Anti-Ballistic Missile Treaty, the nuclear arms reduction process will be moribund.

Let me salute my colleagues in the House.

Senator LANDRIEU offered an important amendment that at least reiterates America's commitment to negotiating some type of disarmament. I support it. Virtually every Member did. I think that is a positive step. But to simply adopt that amendment and ignore the bill that is before us, I think, is folly. We have to be consistent. We have built into this bill an inconsistency. On the one hand, we are going to move forward with the national missile defense system, even if it violates existing treaties, and then an amendment which says we are going to continue to negotiate these START treaties. I don't know what the negotiating partner would believe, if they read this bill after this debate.

That means we would also be bearing the costs of maintaining our current level of 6,000 nuclear weapons, instead of being able to reduce to START II levels of 3,500 warheads, or START III levels of 2,500 warheads, or even 1,000 warheads. We now spend about $22 billion on maintaining and supporting our current nuclear force levels, including $8 billion per year maintaining nuclear warheads.

Would it not be in the best interests of the United States of America and its future to continue the arms control negotiations to reduce the nuclear warheads not only in the United States but around the world? I think that is the best course of action. I am afraid this bill is inconsistent with that strategy.

In March 1998, the Congressional Budget Office estimated that reducing warheads to START II levels by the end of 2007 would save $700 million per year through 2008 and about $800 million a year in the long run (in constant dollars). Making these reductions by 2003 would yield an additional $700 million through 2008.

Reducing warheads to START III levels would save $1.5 billion per year in the long run, provided weapons platforms are also retired. If warheads were reduced to 1,000, savings would increase to $2 billion per year in the long run. Talk about a peace dividend. This $2 billion per year savings—25 percent of the current costs of maintaining nuclear warheads—does not include huge savings that would result if nuclear platforms, such as submarines, were retired to reflect the reduced number of warheads.

Thus, in considering the costs of deciding to deploy a national missile defense system, we must add not only the $35-60 billion or more that it would cost to deploy it, but also the opportunity cost of billions of dollars every year of foregone savings from not being able to reduce our nuclear arsenal.

If Russia reverts to deploying multiple warhead missiles in response to our decision to deploy a national missile defense system, we may then feel that we must do the same—potentially creating a new arms race. The cost fighting the proliferation of nuclear weapons that could occur if the Nuclear Nonproliferation Treaty is undermined is incalculable.

Deciding today that it is our policy to deploy a national missile defense system is an expensive and bad idea that will lower, not improve our national security.

I yield the remainder of my time.

Ms. SNOWE. Mr. President, I rise in strong support of S. 257, the National Missile Defense Act of 1999. I am also honored to serve as an original cosponsor of this bill since it makes a straightforward but vital statement of policy regarding the core mission of the Defense Department to protect the United States from an accidental or deliberate ballistic missile attack.

Our bill this year, introduced on a bipartisan basis once again by the distinguished Senators from Mississippi and Hawaii, establishes a guideline without dictating its implementation. The so-called Cochran-Inouye measure simply urges the United States to deploy ''as soon as it is technologically possible'' a national missile defense system.

Why should Congress pass a sentence-long policy endorsing the deployment of national missile defenses? We float in an ocean of evidence that documents the emerging threat of a multistage ballistic missile attack against the United States.

Last summer, former Defense Secretary Donald Rumsfeld led a distinguished bipartisan panel in finding that North Korea and Iran, thanks to the support of Chinese and Russian technicians, could hit the far western territories of the United States with a multistage rocket by 2003. Iraq, the commission also informed us, could obtain this capability in a decade.

Several months before the completion of the Rumsfeld Report, the Air

Force released an updated ballistic missile threat assessment noting that the number of countries producing land-attack cruise missiles will increase from two to nine early in the next decade.

A 1995 National Intelligence Estimate cautioned that about 25 countries could threaten U.S. territory in less than 14 years if they acquired launch and satellite capabilities from the sky or seas.

Two years later, the CIA Director testified that Iran could have a medium-range ballistic missile by 2007. The following year, India and Pakistan exploded more powerful nuclear devices, and a North Korean multistage rocket soared over Japan.

The nonpartisan Congressional Research Service informs us that 21 countries overall possess or have ready access to chemical warheads. Another 10 nations harbor or seek inventories of biological weapons.

And among all of these states, only four lack the ballistic missiles to fire these terrifying munitions. Several more countries without weapons of mass destruction, such as Afghanistan, Algeria, Belarus, Bulgaria, Ukraine, and Yemen, nevertheless have the launchers to deliver them far beyond their borders.

Senators COCHRAN and INOUYE wisely recognize this real and expanding security threat while leaving the scientific and budgetary issues involved with the deployment of missile defensive hardware to the technicians of the Pentagon who have devoted their careers to this cause.

But the Congress as a whole must take responsibility for framing priorities of policy, and no priority could loom larger than the protection of our homeland. And on this fundamental front, supporters of the Cochran-Inouye bill have extensive reinforcements.

The first reinforcement comes from the President of the United States. A 1994 Executive order declared that nuclear, biological, and chemical weapons proliferation poses an ''unusual and extraordinary threat'' to our national security.

Another reinforcement comes from the President's deputies. Echoing the main theme of a bill still opposed by the administration, General Joseph Ralston told the Senate Armed Services Committee last summer that the Pentagon would field a national missile defense system as soon as ''technologically practical.''

In this fiscal year 2000 budget submission statement increasing missile defense accounts by $6.6 billion over 5 years, Secretary Cohen concluded that such programs remained ''critical to a broader strategy seeking to prevent, reduce, deter, and defend against weapons of mass destruction.''

If the Secretary of Defense tells Congress that curbing the capacity of rogue governments to assault the United States is a ''broad'' security ''strategy,'' who can doubt that the administration already has a policy of making a missile defense system operational sooner rather than later?

While this evidence of proliferation mounts by the month, our colleagues from the minority have blocked the Senate from exercising its majority will on the pending legislation because they believe that it would undermine the 1972 Anti-Ballistic Missile (ABM) Treaty between the United States and the Soviet Union.

But this bill addresses the prospect of a destructive weapons attack at any time of any intensity from any source. It primarily reflects the Second and Third World missile launch capabilities of tomorrow, not just the cold war arsenals of yesterday.

These capabilities also do not always discriminate on the basis of nationality. Russia, just as unpredictably as America, could one day fall under the threat of attack from a rogue state.

So instead of rejecting a fundamental statement of national defense, we should modernize the ABM Treaty in partnership with Moscow to ensure that both countries enjoy adequate protection against an accidental or deliberate ballistic missile strike.

As the President's Acting Under Secretary of State for Arms Control told a Senate Governmental Affairs Subcommittee nearly 2 years ago, ''the determinant of our national missile defense program . . . is going to be what the threat requires.'' And the Threat, Mr. President, requires both the United States and Russia to prepare workable defensive networks.

At the same time that we build safeguards against attack, we must support the thirty-year negotiating process, pursued by administrations of both parties, of reducing and eliminating the prime agents of attack: long-range nuclear weapons.

For this reason, I was pleased to join Senator LANDRIEU in sponsoring an amendment to S. 257 reinforcing the United States arms control process with Russia. Despite Moscow's economic difficulties, a demoralized Russian Strategic Rocket Forces Command still maintains thousands of nuclear warheads subject to an accidental launch and the black markets of the Third World.

Our amendment, endorsed on a roll-call vote by 99 Senators, simply reaffirms the ''policy of the United States to seek continued negotiated reductions in Russian nuclear forces.''

As a result, S. 257 now provides America with the best defense: a twin policy to deflect a short-notice missile strike against our homeland and to redouble our efforts at reducing the size and lethality of the world's two largest nuclear arms inventories.

Finally, Mr. President, I want to highlight the relationship between an affordable and robust national missile defense system and our military modernization agenda.

We pursue modernization to harmonize technology development with anticipated security threats. Missile defense programs embody this process since the president and his experts have diagnosed an evolving but real threat in ballistic arms proliferation.

Modernization objectives require us to build new systems against a new ballistic missile threat that is less graphic than the one posed by the Soviet Union, but just as menacing to our strategic interests and economic vitality.

In this light, Mr. President, a national missile defense system will bring the United States to the threshold of defense modernization. The Cochran-Inouye bill fully acknowledges that the architecture, components, and the budget for this program, like any other one scrutinized by Congress, must pass the test of practicality without jeopardizing other important priorities such as the Pentagon's planned increase in procurement spending to $60 billion by 2001.

Beyond this responsibility, however, we have the obligation to reconcile public policy with the evidence of arms proliferation.

Let's listen to the president, his analysts, his Defense Secretary, and his scientists.

Let's awaken to an uncertain world rumbling with launchers, warheads, and satellites whose range and power grow by the year.

And let's understand that the treaties of yesterday fail to help us shield the country against the potential attacks of tomorrow.

The statement of policy proposed by the Cochran-Inouye bill would represent a compelling step by Congress to counter the growing ballistic missile threat to America's most precious assets: her land and her people. I therefore urge all of my colleagues to vote in favor of the National Missile Defense Act of 1999.

Ms. LANDRIEU. Mr. President, the need for a national missile defense system is real. The North Korean Taepo Dong tests, the Iranian Shahab III project and the uncertainty resulting from unexpected nuclear tests in India and Pakistan underscore the palpable threat that we now confront. Today, we signify that the United States has no intention to allow its foreign and national security policies to be held hostage to weapons of terror. In this sense, this bill will provide a real incentive against nuclear proliferation. By embracing a system of counter-measures that will grow progressively stronger in the next century, we tell the North Koreans, the Iranians and any other country thinking of threatening this nation with ballistic missiles, that those efforts will fail. They may as well spend their modest resources on something constructive for their people, because the United States intends to commit whatever resources necessary to ensure our security. That we will be able to send this message with bipartisan resolve, makes it that much stronger.

I would also like to thank my colleagues Senators LEVIN and COCHRAN for providing their leadership, guidance and wisdom on this issue. It was their flexibility and negotiation that made yesterday's amendment possible. The amendment that we adopted by a vote of 99 to nothing shows the consensus that this body shares regarding the importance of nuclear arms control. By setting deployment of a limited national missile defense and future reductions of nuclear stockpiles on equal footing, this legislation emphasizes the complimentary nature of those two key national security concerns. They are equally important, and we cannot lose site of one for the other.

Finally, I think the compromise we have reached will signal to our Russian partners that we are serious about maintaining the progress that we have achieved. A limited national missile defense is not a threat to Russia, I would not support such an act. Instead this bill helps move both countries beyond cold war thinking. It should hearten the Russian Government to know that we will deploy a missile defense system which preserves the Russian nuclear deterrent. Again, it demonstrates how far our countries have come. It is concrete evidence that we have moved beyond a national security policy centered on containing Russian influence and countering every Russian capability.

Mr. President, I am very proud of this legislation and proud of this institution. I hope that we will use the momentum gained here for further bipartisan efforts to address serious threats to our national security.

Mr. President, I thank my ranking member, Senator LEVIN, and our sponsor, Senator COCHRAN, and my colleague, Senator SNOWE for working through this important piece of legislation.

Thank you, Mr. President.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I understand from both sides that those who are listed under the order to permit them to offer amendments do not intend to offer the amendments, and I know of no other Senators who are seeking recognition. I would suggest that we have come to the time when we could have third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. ASHCROFT). The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—97

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

NAYS—3

Durbin	Leahy	Wellstone

The bill (S. 257), as amended, was passed, as follows:

S. 257

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Missile Defense Act of 1999''.

SEC. 2. NATIONAL MISSILE DEFENSE POLICY.

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

SEC. 3. POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES.

It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I have an amendment at the desk to the title of the bill and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title to read as follows: ''The Cochran-Inouye National Missile Defense Act of 1999''.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment to amend the title.

The amendment was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for that kind gesture and express again my appreciation for his assistance in the development of the legislation and the passage of this bill.

By this vote, the Senate has done what has never been done before. It has passed legislation making it the policy of the United States to deploy a national missile defense system capable against rogue-state threats as soon as the technology to do so is ready.

By this action, the Senate has sent an unmistakable message around the world:

To rogue states, that America will marshal its technological resources and refuse to be vulnerable to their ballistic missile threats of coercion;

To our allies, that the United States will continue to be a reliable alliance partner;

To other nations, that no country will have any form of veto over America protecting its security interests;

To those working on the development of a national missile defense, that their work is valued and the system will be deployed just as soon as it is ready to protect America;

And most of all, to the American people, who will no longer have cause to wonder if their Government intends to fulfill its most fundamental responsibility.

In my opening statement I said we have heard many statements that have been made to reassure us about the willingness of the United States to defend itself. But there is always an ''if'' attached—if the threat appears, if we can afford it, if other nations give us their permission. By our actions today, we have removed what Winston Churchill called ''the terrible ifs.''

Without doubt, there will be other challenges ahead for national missile defense. There will be test failures as well as successes, but we will not be deterred from continuing to test until we develop a system that works.

There will be discussions with other nations on arms control issues. But now these discussions will not begin with the question of whether America will protect itself. By this vote we have taken the necessary first step to protecting the United States from long-range ballistic missile attack.

I thank the distinguished Senator from Michigan, Mr. LEVIN, the ranking minority member on the Armed Services Committee, for his cooperation as floor manager for the minority. I also thank all Senators who came to the floor to speak on the bill, and especially those Senators who cosponsored the bill. And finally, I thank my staff members, Mitch Kugler and Dennis Ward, whose excellent assistance to me

and other supporters of this legislation has been very helpful indeed.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for 5 minutes.

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

HAPPY BIRTHDAY TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. BYRD. Mr. President, today we celebrate the life of the patron saint of Ireland known popularly as Saint Patrick. Saint Patrick's given name was actually Maewyn and he was born in Wales about 385 A.D. Many of us, whether we have a drop of bonafide Irish blood or not, will have donned something green today, in honor of the great spirit and rich traditions of the Irish people, and of their substantial contributions in all walks of life to this, their adopted homeland.

Right here in the Senate we can see the brilliant legacy of the Irish gene pool personified in the physical presence of some of our most outstanding Members.

I note that one of these sons of Ireland celebrated his 72nd birthday on yesterday—merely a young lad in my eyes. That illustrious son of Ireland is none other than the Honorable DANIEL PATRICK MOYNIHAN. Although I am honored to wish this amazing gentleman the happiest of birthdays, my heart hangs heavy with the knowledge that all too soon this incredible man will be leaving this body. He has announced his retirement from the United States Senate, commencing with the end of this Congress.

In this coming year, we will celebrate his life and his achievements, but I cannot emphasize enough what a loss this body will have suffered when the senior Senator from New York, Mr. MOYNIHAN, no longer graces this Chamber. He is, quite literally, irreplaceable.

PAT MOYNIHAN is, in every sense of the word, a giant. He has written more books than most of us have read. Often his observations have been astoundingly prophetic. From his towering intellect, to his wry wit, to the breadth of his experience in governing, to his contributions to his country, and to the world, Senator MOYNIHAN is almost without parallel in our times. He is that rare commodity to which superlatives may be applied without hesitation, and in complete honesty. Time will only enhance his legacy and his reputation.

When my own time comes to leave this august body or even to leave this beautiful blue sphere we call the great, good earth, I will count among my proudest, most important and enjoyable experiences, that of having served with the gentleman from New York.

So today, on St. Patrick's Day, I thank his ancestral nation for sending this phenomenal gentleman to us, and I congratulate DANIEL PATRICK MOYNIHAN for a life of excellence. What pride we have in him as one of our own, what pride, indeed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTERIM FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION ACT

Mr. McCAIN. Mr. President, we are seeking a UC, which I expect to get sometime relatively soon—at least I hope so. If not, we will have just had a good discussion. But I think we are fairly near to making sure that it is agreeable to all Senators.

In the meantime, the Senator from Virginia is missing a very important hearing that concerns some China issues. I would like to have him recognized at this time since he has to leave the floor.

The issue is a short-term extension of 60 days of the FAA authorization, with two amendments. We are awaiting approval from the other side of the aisle before we proceed.

I yield the floor so that the Senator from Virginia can speak.

Mr. WARNER. Mr. President, I thank my colleague.

Mr. President, Senator McCAIN and I met with the majority leader, Senator LOTT, in the past day or so to discuss the bills relating to the Nation's airports. I specifically in each of these meetings raised those pieces of legislation that pertain specifically to National and Dulles Airports. The Senator and I have worked together for decades. We are old shipmates in some respects; slight difference in time, but, nevertheless, shipmates. We have our differences.

The purpose of this legislation today is to enable, at the request of the majority leader, a short-term, 60-day measure to go forth to extend existing legislation. But I have filed two bills with the Senate. I am going to ask now that the second bill be made a part of this extension of 60 days.

There are approximately some $200 million currently in escrow for the combined reconstruction programs at National and Dulles Airports. That sum is yet to be disbursed. I am working to get it disbursed.

So, for the moment, Senator McCAIN and I have agreed, together with Senator LOTT, that $30 million of that fund can now be released subject to adoption by the Senate of this legislation, and, of course, with the concurrence in the House; but can be released to begin some very needed projects at these airports.

Mr. President, I am going to depart the floor. I have to go to the Senate Intelligence Committee. Senator McCAIN will put this amendment in on my behalf. I think he is going to be a cosponsor on it. But essentially we are making some progress towards the release of these funds.

I thank the distinguished chairman and my good friend.

I will enter no objection to the 60-day legislation going forward.

I thank the Chair.

Mr. McCAIN addressed the Chair.

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

Mr. McCAIN. Mr. President, as the Senator from Virginia leaves the floor, I will support his amendment, which allows the Metropolitan Washington Airports Authority to collection $30 million of the PFC charge and Airport Improvement Funding Program to complete projects at the Reagan National and Dulles Airports. Full funding for those projects has been delayed until we are able to put in place our corresponding agreement on the reauthorization of the FAA.

Mr. President, I have no desire to hold up progress at either airport. I will be proposing, if we get agreement from the other side, the amendment on behalf of Senator WARNER. We have reached an agreement.

I thank the Senator.

Mr. WARNER. Mr. President, I thank my colleague.

I think it would be wise, I say to our distinguished chairman of the Commerce Committee, to advise the Senate with regard to the discussions he has had with me and others as to the future timing of the major piece of legislation in which I have another very specific interest.

Mr. McCAIN. Mr. President, I believe that we should be able to pass this FAA reauthorization in its entirety very quickly through the floor of the Senate. We spent 2 weeks on it last year. This bill is fundamentally the same as it was last year. I am hopeful that the majority leader will seize the time after the recess to spend a day or so on it.

I would like to remind my colleague from Virginia that we reached an agreement on flights from Reagan National, Chicago O'Hare, Kennedy, and LaGuardia, the slot-controlled airports last year. And also we had agreement on the perimeter rule.

It is not that we can't reach agreement, because we already did. It appears to me that, with the agreement of the majority leader, sometime well within the next 30 days we should get this passed, because we would have to go to conference with the House. As you know, the House bill may contain some rather controversial provisions, including taking the entire aviation trust fund off budget, which is an issue which will be addressed, frankly, by the majority leader, and the chairman of the Budget Committee and others, because it is one that transcends aviation itself.

I thank the Senator.

Mr. WARNER. Mr. President, on that point, when the major piece of legislation comes up, as I advised the majority leader himself, I will likely have further amendments to that piece of legislation. We discussed that the other day.

I thank the Chair. I yield the floor. I thank my colleague.

Mr. McCAIN. I thank the Senator from Virginia.

Mr. President, I want to support this proposal to reauthorize the aviation improvement fund for 2 additional months. The Aviation Improvement Program is the Federal program that provides much-needed grants to airports throughout the country. This program will expire on March 31, unless Congress takes some type of action to keep the program going.

I remind my colleagues that the majority leader has scheduled to take up the budget all of next week, and it is my understanding that there is a recess after that. So I think we would be well to get this 2-month extension passed today, if we could, since the other body will have to pass it as well. The only change that would be made would be, as we just discussed with the Senator from Virginia, that some of the money that is not being used at this time would proceed with projects at the Reagan National and Dulles Airports.

This two-month extension will give the Congress enough time to complete work on comprehensive aviation proposals that are working their way through each chamber. As my colleagues are aware, the Commerce Committee recently reported out S. 82, the Air Transportation Improvement Act. That bill includes numerous provisions that would help the federal government to maintain and improve the safety, security, and capacity of our nation's airports and airways. Furthermore, S. 82 would make great strides in enhancing competition in the airline industry—something that is much needed.

Mr. President, I want to point out again that one of the reasons why we should not have a lengthy extension reauthorization is that there are several provisions in the bill that directly affect airline safety. It is not in our interest not to have those provisions enacted into law, not to mention the compelling need that we have to modernize our air traffic control system.

I would prefer to have the Senate take up consideration of S. 82 rather than this short-term extension. But I understand that there is other important business pending before the Senate that prevents us from debating it at this time. Given these existing time constraints and the looming expiration of the AIP, there simply may not be enough time for both chambers to pass comprehensive aviation legislation. Therefore, this extension has become necessary.

Nevertheless, I look forward to bringing the complete reauthorization bill to the Senate floor for a full debate as soon as possible. Because S. 82 is very similar to the Federal Aviation Administration (FAA) reauthorization bill that passed the Senate last year by a vote of 92 to 1, I am confident that we will be able to move it swiftly soon after the Easter-Passover recess.

Despite the immediate need for this extension, the Senate and House are close to meeting our mutually shared goals of enacting significant legislation to improve the state of aviation in this country. A few weeks should give everyone more than enough time to complete this effort.

I would now like to outline what is contained in this short-term extension of the AIP. Most important, it would allow the FAA to continue supporting important safety and capacity projects at hundreds of airports around the nation. It also includes several technical amendments requested by the FAA to ensure that the program can be properly managed until we have the opportunity to reauthorize it on a multi-year basis. Authorizations would also be provided for the FAA's Operations account and its Facilities and Equipment programs through the end of this fiscal year.

In addition, this proposal would extend the Aviation Insurance Program, which is commonly known as war risk insurance. This program provides insurance for commercial aircraft that are operating in high risk areas, such as countries at war or on the verge of war. Commercial insurers usually will not provide coverage for such operation, which are often required to further U.S. foreign policy or national security policy.

This short-term extension would also correct a technical oversight related to the Military Airport Program, which provides grants for the conversion of military aviation facilities to civilian use. When the AIP was extended for six months in last year's omnibus appropriations bill, the MAP was not specifically reauthorized. Consequently, the program is not currently eligible to receive funds. This extension would remedy the situation.

I also want to express my appreciation to Majority Leader LOTT and the leadership of the Appropriations Committee for allowing this AIP extension to move through the Senate so quickly.

I know the Senate schedule is quite full. I strongly urge my colleagues to support this 2-month extension of the AIP. It will give us sufficient time to fulfill our larger responsibility to enact substantive aviation legislation. I think we owe it to the American people to keep aviation policy high on our list of national priorities.

Mr. President, I would like to address the amendment that I will offer on behalf of Senator WARNER, if we get agreement to move forward on this legislation.

I support his amendment, which is $30 million for the passenger, use of the passenger facility charge for the Airport Improvement program funding that is applied to complete projects at Reagan National and Dulles Airports. Full Federal funding for these projects will be delayed until we are able to put in place our corresponding agreement on new flights at Reagan National.

To his credit, my colleague from Virginia has demonstrated that certain capacity-related, perhaps safety-related projects at National and Dulles should not remain unfunded. I agree we should not allow our negotiations to get in the way of these improvements.

Mr. President, my new colleague from Illinois, Senator FITZGERALD, has been involved in this issue for some time. Senator FITZGERALD has previously represented a district in the Illinois State Legislature, the residents of which had a significant involvement in this issue. There are some complicated issues out in the State of Illinois concerning the need for or not the need for an additional airport in Illinois. That has somewhat complicated this issue as regards to Chicago O'Hare Airport.

I have had several meetings with Senator FITZGERALD.

Senator FITZGERALD is doing his utmost to see if we can't arrive at a reasonable resolution of this issue. I appreciate his immediate attention to this issue, and I am impressed with his in-depth knowledge of this important situation.

I look forward to working with him during the period, if we are able to pass it, of this 2-month extension.

I note that my friend from Virginia, Senator ROBB, is here. He and I have had a great deal of friendly combat on this issue, and I hope that Senator ROBB would agree to this 2-month extension so that we can continue this friendly but very spirited discussion that he and I have been having for several years. Since Senator ROBB has arrived in the Chamber, I will reserve the remainder of my remarks and yield the floor.

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

Mr. ROBB. I thank the Chair. I thank my friend from Arizona. And he is, indeed, my friend. On most issues we are as one, particularly as it relates to our Nation's defense, and many other areas, sometimes taking on some tough issues.

This is one of those areas where we disagree. We have a fundamental disagreement with respect to the scope of the legislation that we passed some 13 years ago, and whether or not Congress should still have its hands in and control of the local regional airport authority. But I thank my friend from Arizona for not offering an amendment that I was told about an hour ago he was going to offer which would in effect have told the local airport authority not only that they could not have their nominees approved, that they had to have additional slots and change the perimeter, but tell them exactly how

to spend the money that they were going to get.

I thank my friend from Arizona for not doing that because that, frankly, would be an additional insult to the authority that Congress granted to the local authority some 13 years ago. We are going to have a significant discussion about the wisdom of Congress meddling in the local airport authority's jurisdiction to determine its own fate and make its own decisions with respect to the number of flights, the impact that the number of flights has on noise pollution, on safety, on the convenience of customers, and a number of other factors that are involved, and whether or not we ought to allow the two airports, working together, to work out a plan that helps both of them grow and both of them to serve the greater Metropolitan Washington area.

But for now, recognizing that there is a longstanding, legitimate need to release some of the airport improvement funds, I thank my friend from Arizona for at least allowing us to get what I understand—and I haven't still read the entire amendment—is about $30 million, which is $10 million more than we had a little while ago and with less strings attached. For increasing the number—it is not the $200 million that the airports are owed, but it is $30 million that will allow them to get started on much delayed, very important projects, particularly out at Dulles International—I thank my friend from Arizona for this modified amendment.

I join not only my friend from Arizona, but the distinguished senior Senator from Virginia and urge its passage as soon as it is the will of the Senate to do so. With that, Mr. President, I thank the Chair and, again, I thank my friend from Arizona. We will have more opportunity to discuss the full merits of this legislation at a later time.

Mr. McCAIN. Mr. President, I would like to say to my friend, Senator ROBB, that it shows I am just an easy mark and pushover; whatever the Senator from Virginia and the good folks out at the Metropolitan Washington Airports Authority want, I always try to do. I am sure the Senator is aware of that.

Seriously, I do look forward to this debate with Senator ROBB. We may never agree on it, because I know how strongly held his views are, and I believe he is reflecting the views of many of his constituents. But I do want to emphasize that the respectful level of debate, the friendship that exists between us, I think, has been important to me because this has been very emotional. My motives have been probably impugned more than in some years about why I support this legislation.

My friend from Virginia has never alleged anything but that we just have different views, and I am very appreciative of that. And I know that the other aspect of the approach of the Senator from Virginia is that he is willing, and has shown in the past an eagerness to debate the issue openly and fairly, taking whatever time is necessary, and then we put it to a vote of the Senate.

That is the way we should work around here, and that is the way, to my knowledge, the Senator from Virginia has always operated. So I thank the Senator from Virginia.

I yield for the Senator from Virginia.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, if I might respond to the Senator from Arizona, I thank him for his compliments. I do have enormous personal respect for him. It has not been personal. I disagree with him not on the basis of whatever motivation he has, but on the impact that it has on the regional authority that this institution authorized some 13 years ago and on which I worked during the end of my term as Governor with then former Governor Holton, then-Secretary of Transportation Elizabeth Dole, then-Senator WARNER, then other members of the local delegation, and others. But it is a merit-based discussion, and I do look forward to having that with Senator MCCAIN at the appropriate time. But for right now it is important to have the $30 million available to us.

Again, I thank my friend from Arizona.

With that, Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. McCAIN. I ask unanimous consent that it now be in order to proceed to the consideration of S. 643, which is at the desk. I further ask that it be considered under the following limitations: 30 minutes for debate on the bill equally divided in the usual form; the only first-degree amendment in order to the bill be an amendment by Senator WARNER regarding airport funding, and the debate on that amendment be limited to 30 minutes equally divided in the usual form; no other amendments or motions be in order to the bill. I further ask unanimous consent that following the disposition of the above-listed amendment, the bill be read a third time.

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

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 643) to authorize the Airport Improvement Program for 2 months, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 76

(Purpose: To release $30 million of the funds available to the Metropolitan Washington Airports Authority for passenger facility fee/airport development projects)

Mr. McCAIN. Mr. President, I made my remarks already about the necessity for this bill, so I would like to now send to the desk the amendment offered by Senator WARNER, for himself, and Mr. ROBB.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. WARNER, for himself, Mr. MCCAIN, and Mr. ROBB proposes an amendment numbered 76.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in excess of that amount are from other authority or sources.

Mr. McCAIN. Mr. President, rather than take up the time of the Senate on this amendment, I have described it, both Senators from Virginia have described it, so I note there is no further debate on the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McCAIN. I yield the remainder of my time; on behalf of the other side, I yield the remainder of their time.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 76) was agreed to.

Mr. McCAIN. Mr. President, finally, I look forward to bringing forward the complete reauthorization bill to the Senate as soon as possible for debate. It is very similar to the FAA reauthorization bill that passed the Senate last year by a vote of 92 to 1. I am confident we will be able to move it soon after the Easter/Passover recess.

Mr. President, we are committed to getting this done. I will not reopen the debate with Senator ROBB, as I mentioned. But it was a Federal law that caused a situation where, according to the Department of Transportation, the General Accounting Office, and every other outside organization in this Nation that has observed this situation, they all agree that in the present situation, where the perimeter rule is in place and the slot rule is in place, there is a decrease in competition and higher air fares. That is indisputable. That is

indisputable: higher air fares, less competition.

We have had a tremendous increase in complaints by people from all over the country about the air service in America today. Many of those complaints are a direct result of a lack of competition, because the one thing we know, no matter where a service is provided, in what area of the public sector, if there is not competition, there is a commensurate decrease of service. That happens to prevail whether it be selling hamburgers or whether it be department stores or whether it be public transportation or the cable industry or any other. And when we have the deplorable conditions which have provoked an outcry all over America, which has then motivated Senator HOLLINGS, Senator WYDEN and me, with almost unanimous agreement from the entire Commerce Committee, to introduce a bill called the Passengers Protection Act, then it is clear there is something badly wrong with the service that is provided in America today.

You can trace it back to lack of competition. When you are the only game in town, you can give about whatever service you want to give. That is the case at National Airport, because there is no fear that there will be additional flights to compete with those that are flying out of National Airport. So I believe very strongly we need to lift this congressionally approved perimeter rule.

I will say, without referring to anything that has happened in the past, it is more than coincidental that it happens to reach the western edge of the runway at the Dallas-Fort Worth Airport. But I will not go into that debate and discussion at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, to complete the unanimous-consent agreement, I ask consent that following the disposition of the amendment, that the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

I finally ask consent that following that vote, the Senate proceed to the consideration of Calendar No. 15, H.R. 99, and all after the enacting clause be stricken and the text of S. 643, as amended, be inserted in lieu thereof, and the bill be read a third time and passed.

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

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is on the bill.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent the vote take place at 4:15.

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

Mr. McCAIN. Mr. President, I yield the remainder of my time, and I yield the remainder of Senator HOLLINGS' time.

The PRESIDING OFFICER. All time has been yielded back.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Mr. President, in the couple of moments remaining before the 4:15 vote, I rise in strong support of the 2-month extension of the Federal Aviation Administration's Airport Improvement Program. The AIP, as it is known, Airport Improvement Program, is absolutely basic to virtually all of our Nation's airports, and in rural States it is particularly important.

We were unable to complete our work on this last year for a variety of reasons that I am not going to dwell on, but I do want to emphasize how important it is that we pass this 2-month reauthorization extension.

Airports in West Virginia, South Dakota, I would presume Wyoming, and all other places are going to need this money in the planning of runway projects, in terms of resurfacing and repairing runways, infrastructure. And all of that is tremendously important.

I think people often tend to underestimate the power of the growth of the aviation industry and the enormous consequences that go along with that. We tend to think that it is a large industry, but we do not really know whether it is growing or not that much. It is one of the most dynamic. It is not up there quite with the Internet in its growth, but it is not that far behind. Americans are flying in absolute record numbers, and the growth in air traffic alone will be just under 4 percent for each of the next 12 years. People are getting on airplanes; 600 million people this year in this country. That is going to go up to 820 million in several years. When you get that kind of growth, you cannot just leave what you have been using in place unchanged and unrenovated. It has to be modern. It has to work. It has to be safe.

This year the FAA, and in particular its Airport Improvement Program, is being forced to do this kind of improvement work in a very piecemeal fashion. That is not good. That is not safe. It is not modern and, when you are playing around with the world of aviation, it is very, very unwise. The short-term extension is what we are doing, frankly, because that is the best we can do. It doesn't mean it is the best that we could do; it is the best that we can do. In Congress, sometimes, you have to do that.

I am very committed, as I know Chairman MCCAIN is, Senator HOLLINGS, and Senator GORTON, to enacting a full and comprehensive reauthorization of the FAA and airport improvement bill this year. That will come. There will be discussions and controversy, but that will come. We passed a bill out of the Commerce Committee, so we are on our way on that.

We have other things we have to look at. We have to look at the modernization of the FAA system itself, our air traffic control system. We happen to have an absolutely superb individual, Mr. President, running the FAA in the person of Jane Garvey—absolutely superb. In working with her, you can just see all kinds of good things happening. But we have to reauthorize so that we can get on to modernizing our air traffic control system, modernizing certain parts of the FAA itself, its institutional structure, and dealing with the whole question of how we allocate aviation dollars.

For the moment, what we need is what we have at hand, the pending measure, a 2-month extension of the reauthorization. I hope soon my colleagues will go along with that.

I thank my friend, the distinguished Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the question is, Shall the bill, S. 643, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 52 Leg.]

YEAS—100

Abraham	Brownback	Craig
Akaka	Bryan	Crapo
Allard	Bunning	Daschle
Ashcroft	Burns	DeWine
Baucus	Byrd	Dodd
Bayh	Campbell	Domenici
Bennett	Chafee	Dorgan
Biden	Cleland	Durbin
Bingaman	Cochran	Edwards
Bond	Collins	Enzi
Boxer	Conrad	Feingold
Breaux	Coverdell	Feinstein

Fitzgerald	Kohl	Rockefeller
Frist	Kyl	Roth
Gorton	Landrieu	Santorum
Graham	Lautenberg	Sarbanes
Gramm	Leahy	Schumer
Grams	Levin	Sessions
Grassley	Lieberman	Shelby
Gregg	Lincoln	Smith (NH)
Hagel	Lott	Smith (OR)
Harkin	Lugar	Snowe
Hatch	Mack	Specter
Helms	McCain	Stevens
Hollings	McConnell	Thomas
Hutchinson	Mikulski	Thompson
Hutchison	Moynihan	Thurmond
Inhofe	Murkowski	Torricelli
Inouye	Murray	Voinovich
Jeffords	Nickles	Warner
Johnson	Reed	Wellstone
Kennedy	Reid	Wyden
Kerrey	Robb	
Kerry	Roberts	

The bill (S. 643), as amended, was passed, as follows:

S. 643

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interim Federal Aviation Administration Authorization Act''.

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking from ''$1,205,000,000'' through the period and inserting ''$1,607,000,000 for the 8-month period beginning October 1, 1998.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking ''March'' and inserting ''May''.

(c) LIQUIDATION-OF-CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999 is amended by striking the last proviso under the heading ''Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)'' and inserting ''*Provided further,* That not more than $1,300,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond May 31, 1999.''.

SEC. 3. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

Section 48101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) $2,131,000,000 for fiscal year 1999.''.

SEC. 4. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended by striking from ''$5,158,000,000'' through the period and inserting ''$5,632,000,000 for fiscal year 1999.''.

SEC. 5. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 6. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking ''March'' and inserting ''May''.

SEC. 7. MILITARY AIRPORT PROGRAM.

Section 124 of the Federal Aviation Reauthorization Act of 1996 is amended by striking subsection (d).

SEC. 8. DISCRETIONARY FUND DEFINITION.

(a) AMENDMENT OF SECTION 47115.—Section 47115 of title 49, United States Code, is amended—

(1) by striking ''25'' in subsection (a) and inserting ''12.5''; and

(2) by striking the second sentence in subsection (b).

(b) AMENDMENT OF SECTION 47116.—Section 47116 of such title is amended—

(1) by striking ''75'' in subsection (a) and inserting ''87.5'';

(2) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

''(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

''(2) the remaining amounts based on the following:''.

SEC. 9. RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in excess of that amount are from other authority or sources.

The PRESIDING OFFICER. Under the previous order, H.R. 99 is amended by substituting the text of S. 643, is read a third time, and passed.

The bill (H.R. 99) as amended, was passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business.

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

CHINA'S WTO ACCESSION AND THE VISIT OF PREMIER ZHU RONGJI

Mr. BAUCUS. Mr. President I rise to offer some thoughts on our relations with China, and in particular the prospects of China's WTO membership, as the visit of Premier Zhu Rongji to the United States next month approaches.

CONTEXT OF RELATIONSHIP

Let me begin, however, with some context.

During this decade, the Senate and the country as a whole has had an intense debate on China policy. Participants in this debate have taken radically different views on the prospects of our relationship, and on the trade, security and human rights policies we should adopt in it.

But virtually all participants have held one basic assumption: that is, that economic growth in China will inevitably continue at a very rapid rate for many years to come, and that consequently, China is a ''rising'' regional power which is likely to become a superpower economy and military power on a par with ourselves.

For some time I have been skeptical of this assumption. In the past year, as the Asian financial crisis has affected China more and more deeply, another possibility has become quite clear: China's immediate future may be one of protracted economic difficulties and social instability rather than unbroken ascendance.

Within the past year, China's growth appears to have dropped significantly. Foreign investment commitments have dropped. Signs of financial crisis have emerged in Guangdong Province. China's exports overall seem to have dropped due to the contraction of Asian economies.

And unemployment in cities has risen sharply.

This has coincided with growing strains in our relationship. A number of Chinese actions—notably arrests of a number of people associated with the Chinese Democracy Party, and a series of statements by Chinese officials about American research on theater missile defense—have raised a great deal of concern, and rightly so.

These have been combined with inflammatory reports in the press on clandestine Chinese efforts to gain access to American military technology, including nuclear weapons design.

U.S. RESPONSE

How do we respond?

First of all, we should not simply set these issues aside and we should not be intimidated. In our bilateral relationship, I do not, for example, agreed with those who say that spying—especially in areas as sensitive as nuclear technology—is a natural and tolerable activity by foreign governments and that the only fitting response is better security in the U.S. Spying is intolerable and a breech of national security of this magnitude deserves the most serious attention and swiftest of action.

And I do not agree with Chinese contentions that policies to defend American troops abroad, our treaty allies and our homeland from missile attack are destabilizing and provocative.

And with respect to Taiwan, our goal must always be prevention of conflict in the Strait, and the more China threatens Taiwan with missiles, the more Taiwan will need to provide for security against missiles.

Likewise, we should continue to develop our relationship with our Asian allies and the Pacific region generally.

Special priorities this year should be ratification of the newly developed defense guidelines in our alliance with Japan; passage of the legislation allowing joint military exercises with the Philippine Senate; conclusion of the negotiations toward a commercial

agreement and normal trade relations with Vietnam; and broader efforts toward economic recovery in Asia.

At the same time, however, we should avoid seeing the present strains in relations with China as signs of inevitable confrontation. They likely reflect growing fears of domestic unrest and loss of confidence in China's future strength, rather than an arrogance born of security and success.

And while we should be firm, we must also avoid being wilfully provocative or unwilling to seek out common interests.

U.S. INTERESTS IN WTO ACCESSION

That brings me to the largest single item of common interest on our agenda: China's potential accession to the WTO.

Such an accession would have immense potential benefits for both America and China.

From our perspective, it can create a more reciprocal trade relationship; promote the rule of law in China; and accelerate the long-term trend toward China's integration into the world economy and the Pacific region.

This integration is, we should always remember, immensely important to our long-term security interests.

To choose one example, twenty-five years ago China would likely have seen the Asian financial crisis as an opportunity to destabilize the governments of Southeast Asia, South Korea and perhaps even Japan. Today it sees the crisis as a threat to its own investment and export prospects and has thus contributed to IMF recovery packages and maintained currency stability.

Thus China's policy has paralleled and complemented our own; and as a result, the Asian financial crisis remains an economic and humanitarian issue rather than a political and security crisis.

From China's perspective, WTO entry has the long-term benefits of strengthening guarantees of Chinese access to foreign markets and promoting competition and reform in the domestic economy; and the short-term benefit of creating a new source of domestic and foreign investor confidence at a time of immense economic difficulty.

COMMERCIALLY MEANINGFUL ACCESSION ESSENTIAL

Neither of us, however, will win the full benefits of WTO accession unless the accession agreement is of commercially meaningful quality.

Thus Congress should be vigilant about the details of such an agreement. Broadly speaking, this means:

Significant tariff reductions and other measures to liberalize trade in goods;

Market access for agriculture, including the elimination of phony health barriers of Pacific Northwest wheat, citrus, meats and other products.

Liberalization of service sectors including distribution, telecommunications, finance, audiovisual and others;

This requires a lot from China. It is not entirely clear that China will make a commercially meaningful offer to us. and if they do not, we should be willing to wait rather than push forward with this accession.

ACCESSION MUST BE JUDGED ON TRADE POLICY MERITS

However, if they are ready to make such an offer, the United States should clearly be willing to say yes. That should include the permanent normal trade relations we offer virtually all WTO members.

Congress would, of course, have to vote on permanent normal trade relations. Because Congress already holds all the cards with respect to the Normal Trade Relations vote, I am concerned about proposals to create a second vote, which would delay accession by requiring a prior vote on admission. This raises a number of troubling questions.

First, I think we need to be prepared to move quickly if and when we get the desired commercially acceptable accession package—simply put, we must be prepared to strike when the iron is hot. Such an important step should not be hamstrung by requiring a separate vote by Congress.

Second, the proposal raises constitutional and precedential questions. Congress has not voted on any of the previous 100 GATT and WTP accessions since 1948, since WTO accessions are executive agreements which generally require no U.S. concessions.

But most important, a vote on WTO accession would more likely be a judgment on the immediate state of our overall relationship with China than on the trade policy details of the accession.

China's accession to the WTO is about whether China is ready to trade openly and fairly with the United States. Whether China will accept rule of law and abide by that rule of law.

In effect, we would likely hold a set of unilateral trade concessions by China to the United States hostage to every other concern we have about China—from human rights to security, environment, labor policies and much more. The likely result would be an immense loss to the United States. Therefore, I do not favor such a proposal and will oppose it on the floor.

CONCLUSION

In conclusion, Mr. President, China policy must not be considered simply in isolation.

Premier Zhu's visit offers us an immensely important opportunity, both to right the overall course of our relationship and to conclude the specific talks over WTO membership for China on the right, commercially meaningful basis. I welcome this and hope our colleagues will do the same.

But this relationship is only one piece—important, but only one piece—in our broader relationship with the Pacific region and our Asian allies.

If we are to develop these other relationships carefully; if we are firm with China when necessary but also willing to seek out areas of common interest; if we react to difficult periods with confidence in our own strength and commitment to our own interests, we can expect a very good future.

I am fully confident that this is what we will do because we have some very important opportunities here to be sure to secure that relationship.

I thank the Chair and I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—S. 544

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 28, S. 544, the supplemental appropriations bill, and the only tobacco amendments be relative to the Medicaid tobacco recoupment provision.

I further ask that Senator SPECTER be recognized to offer an earmarking amendment, that all debate conclude on the amendment this evening, with the exception of 90 minutes to be equally divided, and the Senate resume the amendment on Thursday at 9:30. I further ask that the vote occur on or in relation to the earmarking amendment at 11 a.m. on Thursday and that no further amendments be in order prior to that 11 a.m. vote.

I further ask that following that vote Senator HUTCHISON of Texas be recognized to offer her amendment relative to Kosovo.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. In light of that agreement, there will be no further votes this evening. However, Senators will be reminded that the next vote will occur at 11 a.m. on Thursday.

I thank the chairman of the committee, the managers of the bill, and the Senator from West Virginia for being ready to go, on relatively short notice, on this important matter.

I yield the floor, Mr. President.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

Mr. STEVENS. Mr. President, is the supplemental bill before the Senate?

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, this afternoon the Senate will consider a supplemental appropriations bill that includes both emergency and nonemergency spending for the fiscal year.

Over the past 3 months, the Office of Management and Budget has transmitted to Congress several supplemental budget requests, totaling $2 billion.

These requests seek funding for agricultural relief, implementation of the Wye River Accords and recovery in Central America from the damage caused by Hurricane Mitch.

Each of the subcommittees has examined the requests under their jurisdiction, and closely reviewed other emergent agency needs.

In addition, the administration proposed deep cuts in defense funds to offset additional foreign assistance sought for Jordan, Israel and the Palestinian Authority.

This proposed offset re-opened issues settled in the omnibus bill in October, and violated the spirit of the firewalls that govern discretionary spending for fiscal year 1999.

In total, the bill reported by the committee provides $1.538 billion in emergency appropriations and $332 million in non-emergency appropriations.

These new appropriations are matched by $1.87 billion in rescissions and program deferrals.

The recommendations made by the committee nearly double the administration's request for agricultural relief, providing a total of $285 million.

That bill proposes $100 million in funding this year for Jordan, to provide additional support for a vital ally during a period of transition and tension in the region.

The deferral of the remaining $800 million in funding to implement the Wye agreements does not reflect opposition to that request.

After consultation with the administration, it was determined that those amounts can await consideration later this year. This committee has a long record of support for the Middle East Peace Process—our friends in the region know they can count on us.

The amounts requested for Hurricane Mitch relief respond to the truly desperate conditions facing our neighbors in Central America.

The Department of Defense, and the U.S. Southern Command, led by Gen. Charles Wilhelm, deserve great credit for their efforts to respond to the immediate crisis late last year.

We must backfill the amounts spent by the Department to ensure our ability to respond to future crises is not diminished—especially in respect to drawdown authorities and overseas humanitarian assistance.

In addition, we must address the needs of our friends in Honduras, Guatemala, El Salvador, Nicaragua, and the Dominican Republic to rebuild from this disaster. These funds provide a good first step in that effort.

Recognizing the considerable amount of emergency spending provided in the omnibus bill in October, I recommended that all new appropriations in this bill be offset by rescissions of other available funds.

These rescissions include defense and non-defense discretionary appropriations, mandatory appropriations, emergency appropriations and funding deferrals.

There were very few good choices to consider. I'm sure every Member here might have assembled a different mix of offsets.

These rescissions, totaling $1.868 billion, reflect an effort to balance competing needs.

Only defense funds were rescinded to offset defense spending, and only non-defense amounts to balance the non-defense spending.

Some of these will be controversial, but our intention is to reduce only funds that are not likely to be obligated this year, or are of a low priority.

We are at or over the budget caps for 1999. We have no headroom or flexibility to make any non-emergency appropriation unless it is fully offset in both budget authority and outlays.

For that reason, any amendment to this bill must be accompanied by offsets. I must insist that even emergency spending amendments be accompanied by budget authority offsets.

Finally, many Members have raised various legislative amendments this week.

I hope that controversial amendments can again be deferred. Every Member has a right to propose amendments, but this is a supplemental appropriations bill, and deals with some very real emergency needs.

In my judgment, we need to complete final action and try to send this bill to the President before the Easter recess which commences a week from tomorrow. I believe we must pass the bill in the Senate this week to meet that schedule.

Mr. President, compared to previous emergency supplemental appropriations bills presented to this body, this bill does not respond to the kind of domestic disasters we faced in 1997 or 1998.

This is a modest bill, that is fully offset in terms of new budget authority.

It extends an important hand of friendship and support to our neighbors in Central America, and a closer partner in the Middle East Peace Process, Jordan.

Mr. President, it is our goal to complete this bill by Friday, no later than 11 a.m.

I yield for my good friend from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, S. 544, the Emergency Supplemental Appropriations and Rescissions Bill for Fiscal Year 1999, as reported by the committee, recommends appropriations which total some $1.9 billion, of which approximately $1.6 billion is designated as emergency spending pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Very importantly, in Title I of the bill, the Committee unanimously approved provisions that I included to establish the Emergency Steel Loan Guarantee Program. This initiative is designed to respond to record levels of foreign steel imports that have been illegally dumped in U.S. markets. As a result of these imports, more than 10,000 American jobs have been lost, and the United Steelworkers of America estimates that another 100,000 jobs are in peril nationwide. In my home state of West Virginia, nearly 800 men and women have been laid off from Weirton Steel. Three domestic producers have already filed for bankruptcy, and others are in dire financial straits.

If the U.S. steel industry goes under, not only will there be lost jobs, but there will also be lost communities; the domestic industrial base that underpins our security will be irreparably weakened; and the nation's defense readiness will be diminished.

This initiative, cosponsored in Committee by Senators SPECTER, DURBIN, SHELBY, and HOLLINGS, would create a revolving fund to give domestic steelmakers a sorely needed infusion of capital. The program, which is fully compliant with international trade laws, would give cash-strapped companies access to the funding they may need to keep their furnaces burning and keep workers on the job until proper trade mechanisms can be implemented to end this crisis. The loan guarantees would help to bolster the financial security of a threatened industry that is critical to this nation's economic base and domestic security.

Specifically, the guaranteed loan program would provide qualified U.S. steel producers with access to a two-year, $1 billion revolving guaranteed loan fund. The minimum loan that would be guaranteed for a single company at any one time would be $25 million, and the aggregate amount of loans that would be guaranteed for a single company over the duration of the program would be $250 million. A board, to be chaired by the Secretary of Commerce, would oversee the program and would have flexibility to determine the specific requirements for awarding the guaranteed loans. The Act protects taxpayers by requiring that a reasonable assurance for the repayment of the loans exists, and that the loans would bear market interest rates.

Finally, in Title I, the committee increased FEMA's emergency disaster assistance funding by $313.6 million, while at the same time reducing a like amount from HUD's Community Development Block Grant emergency funding. The VA/HUD Subcommittee was concerned over HUD's failure to implement an effective emergency disaster relief program. The committee felt that FEMA could more appropriately respond to unmet disaster needs throughout the nation.

Title II of the bill contains a number of appropriations for regular supplemental budget requests of the administration, including: NOAA operations research and facilities activities, $3,900,000; Salaries and Expenses of the

Supreme Court, $921,000; Bureau of Indian Affairs, $1,136,000; Office of the Special Trustee for American Indians, $6,800,000; Corporation for Public Broadcasting, $18,000,000; and Military Construction for the Army National Guard, $11,300,000.

For each of these regular supplementals, offsets have been included in the bill.

Title II also provides non-emergency supplemental appropriations of $210 million for the Department of Defense to reimburse the DOD for its assistance in Central America, as well as $80 million in non-emergency appropriations for the salaries and expenses of the Immigration and Naturalization Service to cover increased costs of handling the large influx of aliens from Central American countries. Both of these items have been requested by the administration as emergency spending, but the Defense and Commerce/Justice/State Subcommittees chose to fully offset these appropriations and to include them in Title II as non-emergency spending.

I note that Title II also contains a number of general provisions, one of which, Section 2008, extends the Airport Improvement Program which under present law, would expire on March 31, 1999. Additionally, section 2011, is a general provision which prohibits the Federal Government from recouping any of the savings to the Medicaid program achieved by the States as a result of their tobacco settlements.

Title III of the bill contains rescissions sufficient to offset all of the emergency appropriations contained in the bill. It is my personal view that emergency spending for natural disasters and for unanticipated military spending, such as the operations in Desert Fox and Kosovo, as well as the military's assistance to the disaster victims in Central America need not be offset. In fact, I participated in the creation of the provisions in the Balanced Budget and Emergency Deficit Control Act, which allow emergency spending to be provided in order to respond to natural disasters and other types of emergencies without having to come up with offsets to pay for those unpredictable events. The emergency designation was negotiated as part of the Budget Enforcement Act of 1990, in large part because the discretionary budget caps established there, and which have remained in place each year since, are very tight. I have never felt that the American people should be required to pay for spending which appropriately qualifies as emergency relief under that Budget Enforcement Act. If that is to be the case, we need not have gone to the trouble of adopting the emergency provisions I have just described.

Regarding the specific rescissions proposed in Title III of the bill now before the Senate, I know that a number of Senators have concerns about one or the other of those rescissions. I am certain that the concerns of those Senators will be expressed as the Senate progresses with this bill.

I urge my colleagues to help the managers of the bill, the distinguished chairman, Senator STEVENS, and myself, in expediting completion of Senate action in time to meet with the other body and complete conference action on the bill prior to the upcoming Easter recess.

I especially commend the work of the distinguished chairman of the Appropriations Committee, Mr. STEVENS. For many years, I have worked with the Senator from Alaska. I have always found him to be evenhanded, courteous, congenial, cooperative, and very able in handling the difficult legislation on the floor, in committee and in conference. He is my friend, has been my friend through the years, and will always be my friend. I consider it a great privilege and a honor, indeed, to be able to stand by his side and express support for this legislation. I count it a privilege to work with him. He is one of the finest Senators with whom I have ever had the pleasure of serving. I have served with almost 300 Senators in my time here. I say that without any reservations. I salute him, believe in him, trust him, and can count him not only as my friend but as a very fine Senator. The people of Alaska are to be commended for sending him here and sending him back repeatedly.

The assistance provided in this bill to the people of this country, as well as those in Central America, is desperately needed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I say to my friend, I was looking around to see who he was talking about when he was talking about that kind, benevolent and calm fellow, but I do thank you for your courtesy and kindness. It is a pleasure to work with you. Mr. President, I studied under Senator BYRD so long I think I imitate his ways. I have tried to anyway.

Mr. President, it is now time to have an amendment offered by the Senator from Pennsylvania, Mr. SPECTER. It is my hope, and I want to announce to the Senate it is my hope, we will get an agreement tomorrow that will require amendments to this bill to be filed no later than 5 o'clock. We don't have that agreement yet. It has not been cleared. But if we are to finish this bill and get it ready to go immediately to the House after the House passes their bill on Monday, it will be necessary to complete this bill on Friday. I am hopeful we will complete it in time to allow those people who have to catch planes to go West, so they can make their schedules.

I yield to the Senator from Pennsylvania. There is a time agreement for tomorrow on this amendment, is my understanding, but there is no time limit this evening. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Pennsylvania.

AMENDMENT NO. 77

(Purpose: To permit the Secretary of Health and Human Services to waive recoupment of Federal government medicaid claims to tobacco-related State settlements if a State uses a portion of those funds for programs to reduce the use of tobacco products, to improve the public health, and to assist in the economic diversification of tobacco farming communities)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself, Senator HARKIN, Senator JEFFORDS, and Senator KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HARKIN, Mr. JEFFORDS, and Mr. KENNEDY, proposes an amendment numbered 77.

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

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

The amendment is as follows:

Beginning on page 35, strike line 13 and all that follows through line 24 on page 36 and insert the following:

SEC. 2011. WAIVER OF RECOUPMENT OF MEDICAID TOBACCO-RELATED RECOVERIES IF RECOVERIES USED TO REDUCE SMOKING AND ASSIST IN ECONOMIC DIVERSIFICATION OF TOBACCO FARMING COMMUNITIES. (a) FINDINGS.—Congress makes the following findings:

(1) Tobacco products are the foremost preventable health problem facing America today. More than 400,000 individuals die each year as a result of tobacco-induced illness and conditions.

(2) Each day 3,000 young individuals become regular smokers. Of these children, 1,000 will die prematurely from a tobacco-related disease.

(3) Medicaid is a joint Federal-State partnership designed to provide to provide health care to citizens with low-income.

(4) On average, the Federal Government pays 57 percent of the costs of the medicaid program and no State must pay more than 50 percent of the cost of the program in that State.

(5) The comprehensive settlement of November 1998 between manufacturers of tobacco products and States, and the individual State settlements reached with such manufacturers, include claims arising out of the medicaid program.

(6) As a matter of law, the Federal Government is not permitted to act as a plaintiff in medicaid recoupment cases.

(7) Section 1903(d) of the Social Security Act (42 U.S.C. 1396b(d)) specifically requires that the State reimburse the Federal Government for its pro rata share of medicaid-related expenses that are recovered from liability cases involving third parties.

(8) In the comprehensive tobacco settlement, the tobacco companies were released from all relevant claims that can be made against them subsequently by the States, thereby effectively precluding the Federal Government from recovering its share of medicaid claims in the future through the established statutory mechanism.

(9) The Federal Government has both the right and responsibility to ensure that the Federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health, and to assist in the economic diversification of tobacco farming communities.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting ''(A)'' before ''The''; and

(2) by adding at the end the following:

''(B) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products (as defined in section 5702(d) of the Internal Revenue Code of 1986) and States, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers, if (and to the extent that) the Secretary finds that following conditions are met:

''(i) The Governor or Chief Executive Officer of the State has filed with the Secretary a plan which specifically outlines how—

''(I) at least 20 percent of such amounts recovered or paid in any fiscal year will be spent on programs to reduce the use of tobacco products using methods that have been shown to be effective, such as tobacco use cessation programs, enforcement of laws relating to tobacco products, community-based programs to discourage the use of tobacco products, school-based and child-oriented education programs to discourage the use of tobacco products, and State-wide awareness and counter-marketing advertising efforts to educate people about the dangers of using tobacco products, and for ongoing evaluations of these programs; and

''(II) at least 30 percent of such amounts recovered or paid in any fiscal year will be spent—

''(aa) on Federally or State funded health or public health programs; or

''(bb) to assist in economic development efforts designed to aid tobacco farmers and tobacco-producing communities as they transition to a more broadly diversified economy.

''(ii) All programs conducted under clause (i) take into account the needs of minority populations and other high risk groups who have a greater threat of exposure to tobacco products and advertising.

''(iii) All amounts spent under clause (i) are spent only in a manner that supplements (and does not supplant) funds previously being spent by the State (or local governments in the State) for such or similar programs or activities.

''(iv) Before the beginning of each fiscal year, the Governor or Chief Executive Officer of the State files with the Secretary a report which details how the amounts so recovered or paid have been spent consistent with the plan described in clause (i) and the requirements of clauses (ii) and (iii).''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to amounts recovered or paid to a State before, on, or after the date of enactment of this Act.

Mr. SPECTER. Mr. President, parliamentary inquiry. It is my understanding that the unanimous consent agreement provides for argument, debate this afternoon, and then 90 minutes equally divided tomorrow morning, between 9:30 and 11?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. So, whatever time is used this afternoon does not count against the 90 minutes which will be equally divided tomorrow?

The PRESIDING OFFICER. There are 90 minutes tomorrow.

Mr. SPECTER. Mr. President, this amendment seeks to require that the States allocate a portion of the funds recovered under the tobacco settlement for purposes relating to tobacco—smoking cessation education for children, 20 percent; and some 30 percent to be allocated for public health matters.

The origin of this issue arose when there was a settlement in November of last year where 46 States agreed to accept $206 billion over 25 years. The settlement grew out of lawsuits that primarily sought the recovery of Medicaid costs, although there is a contention that there were some other allegations in the cause of action. The current law requires the States to share Medicaid recoveries from third parties with the Federal Government. The Federal Government's share of Medicaid costs is generally 57 percent, but varies from State to State.

Under the existing law, only the States have the authority to bring suits for the recoveries. During the course of the litigation, the States, as I understand the legal documents, released all of the claims which the Federal Government would have for these Medicaid funds. An amendment to the appropriations bill was offered by the distinguished Senator from Texas, Senator HUTCHISON, to provide that all of the funds would be paid over to the States, specifically prohibiting the Federal Government's recoupment of funds recovered by States from the tobacco companies.

At the appropriations markup, some concerns were expressed by this Senator and by others. On Monday of this week, March 15, we held a hearing, participated in by Senator HUTCHISON and myself, where we heard from the Governor of Kentucky and the attorneys general of Pennsylvania, Texas, and Iowa. At that time, the assertion was made by the Governor and the three attorneys general that all of these funds should be retained by the States, and a representation made that there were other claims involved in the settlement besides Medicaid funds.

Senator HARKIN and I worked together to craft the amendment which is now before the Senate, joined, as I noted, by Senator JEFFORDS and Senator KENNEDY; Senator HARKIN and I taking the lead because of our positions as chairman and ranking member of the appropriations subcommittee having jurisdiction over the Department of Health and Human Services.

It is a fact that we are very limited in the funding which is available for health care. Our subcommittee has a budget which has to be divided among education matters and also the Department of Labor, which implicates many issues of worker safety, so that every dollar is of vital importance and we must make an application to purposes of health care.

The problem of tobacco in America is well recognized and the statistics are really very, very stark. Some 400,000 people die each year from tobacco-related illnesses. Approximately 5 million Americans under 18 are projected to die from smoking if the current trend continues. Some $72 billion a year constitute the health care expenditures in the United States on tobacco-related illnesses; some $7.3 billion annually total Medicaid payments directly related to tobacco, and between $1.4 and $4 billion constitute expenditures for infant health and developmental problems caused by mothers who smoke. It is a matter of overwhelming importance.

There is a very pervasive mantra in America today that the Federal Government should not dictate to the States how the funds are to be used. In accordance with the principles of federalism, I believe in leaving as much control as is possible to the State governments and also to local governments, as they carry out their responsibilities.

But when you have a very major settlement involving $206 billion and where the Federal Government has a very strong claim to 57 percent of those monies and the existing law provides that an allocation shall be determined by the discretion of the Secretary of Health and Human Services, it is my view that it is preeminently reasonable to ask States to make a commitment to spend at least a portion of these funds—50 percent, I think, would be a reasonable sum—on matters which are related to tobacco. The cause of the damages involves tobacco, and that is why we are asking that 50 percent be allocated, as we have said—20 percent for smokers cessation and education; and 30 percent for public health programs.

We do not propose an elaborate series of regulations, we do not propose micromanaging in any way what the States will be doing, but require only a certification from the States. We have already seen announcements from officials in a number of States on plans to spend these monies for other purposes; for example, for highways. Highways are very important. States would have latitude to spend part of the money for highways, but certainly should not have unfettered discretion to spend the total sum of the money on highways. Other funds are proposed to be spent for mental health services—here again, a very, very important item. Perhaps some of the mental health services are reasonably related to tobacco causes. That contention can be made and may well be honored.

Another State official is talking about eliminating the State debt, which is certainly a worthwhile matter. Again, 100 percent of the funds ought not be used for that purpose, nonrelated to tobacco. Other proposals are to increase teacher pay. Perhaps some of that is allocable for drug education. In another State, the officials propose using the funds to finance tax relief. That, again, is a worthwhile objective, but there ought to be some assurance that on a matter like this, some of the funds ought to be used for tobacco-related purposes.

Other States propose scholarships, which may be related, if the educational portion is to be assigned to tobacco-related education. We see that in the very short term, there are a great many purposes where the States have a need for funds where they would like to have unfettered discretion. In a perfect world, we would like to see them have $206 billion. But with a very, very substantial Federal claim, there ought to be at least some allocation for public health, which we are proposing in this amendment.

If this legislation is not enacted, it is possible that there could be very bitter, protracted, and expensive litigation, with the Federal Government asserting its claim under existing law, which could take a great deal of time. The Governor of Kentucky and three attorneys general who testified on Monday at the hearing and I agreed that we ought to try to resolve the matter so they would know what is going to happen and their planning would be firm. This, we think, is a preeminently reasonable approach to a very, very difficult issue.

I am joining with my colleagues, Senator TOM HARKIN, Senator JIM JEFFORDS, and Senator KENNEDY in introducing an amendment to the fiscal year 1999 supplemental appropriations bill concerning the State tobacco settlements. In November 1998, 46 States agreed to a settlement with the tobacco industry that totals $206 billion over 25 years. If focused in the right direction, these settlement funds could serve as a significant resource for improving the quality of life in the 21st century.

Each year, the total health care expenditures in the USA directly related to smoking is $72 billion. $7.3 billion is spent by Medicaid for smoking-related illnesses. Smoking-related diseases claim an estimated 430,700 American lives each year. Despite all of what we know about the consequences of smoking, it is estimated that every day 3,000 young people become regular smokers and it is believed that approximately 89 percent of smokers begin to smoke by or at the age of 18. And finally, it is reported that cigarette smoking kills more Americans than AIDS, alcohol, car accidents, violence, illegal drug use, and fires combined.

On March 15, 1999, the Labor, Health and Human Services, and Education Subcommittee, which I chair, held a hearing to discuss the State tobacco settlements. We heard from the National Governors' Association, States' Attorneys General, a teen smoking prevention advocacy group, and the Deputy Administrator of the Health Care Financing Administration to review the policy implications of how the tobacco settlement funds will be used and whether the Federal Government should receive a share of these funds for programs to reduce the use of tobacco products as well as programs for the public health.

Michael Hash, Deputy Director of the HCFA, testified that the comprehensive settlement of November 1998 between manufacturers of tobacco products and States, and the individual State settlements reached with these manufacturers, included claims arising out of the Medicaid program. Mr. Hash explained that as a matter of law, the Federal Government is not permitted to act as a plaintiff in Medicaid recoupment cases. 42 U.S.C. section 1396a provides that ''the State or local agency administering such plan will take all responsible measures to ascertain the legal liability of third parties . . . to pay for care and services available under the plan. . . .'' The statute further gives the State the authority to ''pursue claims against such third parties.'' The Department of Justice, in interpreting this statute, has determined that the State has the sole power to take action against third parties, and that the Federal Government has no authority to take this action. During his testimony, Deputy Director Hash further explained that Section 1903(d) of the Social Security Act specifically requires that the State reimburse the Federal Government for its pro rata share of Medicaid-related expenses that is recovered from liability cases involving third parties.

In a letter addressed to me dated March 15, 1999, Secretary Shalala expressed the Administration's strong opposition to the provision approved by the Senate Appropriations Committee as part of the FY 1999 supplemental appropriations bill that would prohibit the Federal Government from recouping its share of the Medicaid funds from the settlement with the tobacco companies. She noted that ''by releasing the tobacco companies from all relevant claims that can be made against them subsequently by the states, the settlement effectively precludes the federal government from recovering its share of Medicaid claims in the future through the established statutory mechanism.'' Specifically, in section XII of the Master Settlement Agreement, the States and tobacco companies agreed to the following:

> Under the occurrence of State-Specific Finality in a Settling State, such Settling State shall absolutely and unconditionally release and forever discharge all Released Parties from all Released Claims that the Releasing Parties directly, indirectly, derivatively or in any other capacity ever had, now have, or hereafter can, shall or may have.

During the hearing, we also heard from representatives of the states. Governor Paul Patton of Kentucky and Attorney Generals' Mike Fisher of Pennsylvania, John Cornyn of Texas and Tom Miller of Iowa argued that because the states took the risk and burden of the tobacco lawsuits on their own, they are entitled to all of the tobacco funds.

While I agree with the Governor and Attorney Generals' that the Federal Government should not micromanage the use of the funds, I am not prepared to turn all of this money over to the states carte blanche to use on matters unrelated to tobacco. Several of my colleagues have proposed creating a bureaucratic system that would strictly dictate how the states must spend the tobacco funds. I do not think this is a wise approach. However, I think it is entirely appropriate for the Federal Government to set general standards to ensure that the federal share of the tobacco funds is spent to advance the public health.

Medicaid is a joint Federal-State partnership designed to provide health care to citizens with low-income. On average, the Federal Government pays 57 percent of the costs of the Medicaid program, and no State must pay more than 50 percent of the cost of the program in that State. The Federal government has both the right and the responsibility to ensure that the federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health and to assist in the economic diversification of tobacco farming communities.

The amendment that I am introducing today would require states to use at least 20% of the total funds received in the settlement for tobacco reduction and education programs. Further, my amendment would require states to use at least 30% of the total funds received in the settlement for public health programs or to assist tobacco farmers. The amendment contains a provision that these funds must supplement and not supplant funds already being spent on similar activities in the State. Finally, in order to ensure that we do not create an unnecessary bureaucracy to implement this program, each Governor would merely have to certify to the Secretary of HHS each year how the funds have been used.

It is vital that we act now to ensure that these funds are used to protect public health. During the discussion which is currently occurring in the states on how to use the tobacco funds, a wide variety of uses have been proposed. Specifically, I understand that states have plans to spend funds on roads, mental health services, to assist tobacco farmers, and to eliminate the State debt, increase teacher pay, other proposed uses include financing tax relief, and using these revenues to fund a new Merit Award Trust Fund. While all of these goals may be noble, I am convinced that states, who sued tobacco companies to reimburse state health costs as a result of smoking, have a fiduciary duty to use these funds to reduce smoking and to support public health.

The Federal Government has both the right and the responsibility to ensure that the federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health and to assist in the economic diversification of tobacco farming communities. I urge my colleagues to support this amendment.

I ask unanimous consent to print a March 15, 1999, letter from Secretary Shalala.

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

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, March 15, 1999.

Hon. ARLEN SPECTER,
Chairman, Appropriations Subcommittee on Labor, HHS, Education and Related Agencies, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing to express the Administration's strong opposition to the provision approved by the Senate Appropriations Committee as part of the FY 1999 supplemental appropriations bill that would prohibit the federal government from recouping its share of Medicaid funds included in the states' recent settlement with the tobacco companies. The Administration is eager to work with the Congress and the states on an alternative approach that ensures that these funds are used to reduce youth smoking and for other shared state and national priorities.

Under the amendment approved by the committee, states would not have to spend a single penny of tobacco settlement funds to reduce youth smoking. The amendment also would have the practical effect of foreclosing any effort by the federal government to recoup tobacco-related Medicaid expenditures in the future, without any significant review and scrutiny of this important matter by the appropriate congressional authorizing committees.

Section 1903 (d) of the Social Security Act specifically requires that the states reimburse the federal government for its pro-rata share of Medicaid-related expenses that are recovered from liability cases involving third parties. The federal share of Medicaid expenses ranges from 50 percent to 77 percent, depending on the state. States routinely report third-party liability recoveries as required by law. In 1998, for example, states recovered some $642 million from third-party claims; the federal share of these recoveries was $400 million. Over the last five years, federal taxpayers recouped over $1.5 billion from such third-party recoveries.

Despite recent arguments by those who would cede the federal share, there is considerable evidence that the state suits and their recoveries were very much based in Medicaid. In fact, in 1997, the states of Florida, Louisiana and Massachusetts reported the settlement with the Liggett Corporation as a third-party Medicaid recovery, and a portion of that settlement was recouped as the federal share.

Some also have argued that the states are entitled to reap all the rewards of their litigation against the tobacco industry and that the federal government can always sue in the future to recover its share of Medicaid claims. This argument contradicts the law and the terms of the recent state settlement. As a matter of law, the federal government is not permitted to act as a plaintiff in Medicaid recoupment cases and was bound by law to await the states' recovery of both the state and federal shares of Medicaid claims. Further, by releasing the tobacco companies from all relevant claims that can be made against them subsequently by the states, the settlement effectively precludes the federal government from recovering its share of Medicaid claims in the future through the established statutory mechanism. The amendment included in the Senate supplemental appropriations bill will foreclose the one opportunity we have under current law to recover a portion of the billions of dollars that federal taxpayers have paid to treat tobacco-related illness through the Medicaid program.

The President has made very clear the Administration's desire to work with Congress and the states to enact legislation that resolves the federal claim in exchange for a commitment by the states to use that portion of the settlement for shared priorities which reduce youth smoking, protect tobacco farmers, assist children and promote public health. I would urge you to oppose efforts to relinquish the legitimate federal claim to settlement funds until this important goal has been achieved.

Sincerely,

DONNA E. SHALALA.

Mr. SPECTER. Mr. President, I note the presence of my distinguished colleague, the Senator from Iowa, on the floor. I yield the floor, Mr. President.

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

Mr. HARKIN. Mr. President, first of all, I want to commend and congratulate Senator SPECTER, my chairman, for taking the lead on this issue, for holding the hearings, doing all the work that is necessary to get the information that we need to come up with this amendment. Senator SPECTER has certainly been the lead in addressing this very vital issue of health in the United States, medical research, and all that goes along with making our people healthier citizens.

He has always taken a lead on this one issue of how we get tobacco use down among teenagers, which is one of the most serious health risks in our society today. I want to thank Senator SPECTER for taking the lead on this amendment. It is a very, very, very important amendment. The repercussions of this single amendment alone could do more to enhance the health of our young people in the future than perhaps anything we are going to do this year. I will get into more about that later, but this single amendment, if adopted, I maintain, will do more to enhance the well-being and health of our future citizens—the kids today—10, 15, 20 years from now, 30 years from now, than anything that we will do this year.

Why do I say that? Look at this chart. This really illustrates what is happening today and continuing to happen with the consumption of tobacco. Tobacco kills more Americans than alcohol, car accidents, suicides, AIDS, homicides, illegal drugs and fires, all combined. I use this chart a lot because I think it just spells it out in stark detail. Add up everything from alcohol to homicides to AIDS and illegal drugs. How much money do we spend every year fighting illegal drugs? Compare it to how many people die of tobacco-related illnesses. It is minute.

This is what we are going after—cutting down the illnesses and deaths caused by tobacco uses in this country. It is an epidemic. Tobacco also imposes a heavy financial cost, $50 billion a year estimated in health costs alone. And a big portion of that is borne by Federal taxpayers, who, as the Senator from Pennsylvania pointed out, pay over half the cost of Medicaid. The average, as he said, is 57 percent. Sometimes it goes as high as 77 percent. In no case is it less than 50 percent of the Federal taxes used to fund the Medicaid programs in the States.

I want to commend the States for their efforts to recover the costs that they and the Federal Government have borne related to tobacco. What our amendment does, as the Senator from Pennsylvania very correctly pointed out, is simply require the States to use 20 percent of the total settlement on reducing tobacco use, mainly going after teen smoking, because if we know we can get it there, we solve the problem, but just to use 20 percent of that and 30 percent for public health programs—again, public health broadly; we did not spell it out, we did not try to micromanage—or for tobacco farmer assistance, to help some of the tobacco farmers in some of our States in their transition away from growing tobacco to doing something else.

Again, our amendment did not in any way dictate specific programs the states can spend the money on. It did not require the Federal Government have a role in designing any initiative the states undertake. This amendment simply sets broad, commonsense parameters on a portion of the funds.

The Congressional Budget Office has estimated that the Federal share of the State's tobacco settlement would total $14 billion over the next 5 years. That is a lot of money, $14 billion.

I know there are some who are saying that the Federal Government had no role in these lawsuits; therefore, no right to these funds. I heard that argument made in the committee when the amendment was adopted. That is not true. If it were true, we would not be here today.

Keep in mind that Medicaid is a Federal-State partnership. The Federal Government pays over 50 percent of the cost of each State's Medicaid Program. But here is the real clincher. Under the Social Security Act, it is the responsibility of the States to recover any costs caused by third parties. In fact, the law says that only the States can file such suits.

It is really kind of, I think, shading the truth a little bit to say the Federal Government was not involved in the lawsuits. The Federal Government could not be involved in the lawsuits. By law, only the States can file such suits. Then the Medicaid law requires a State to turn back to the Federal Government its share of any money the State recovers. That is the law.

A, the Social Security Act says it is the responsibility of the States to recover any costs caused by third parties.

B, the law says only the States can file such lawsuits.

C, Medicaid law says the States then have to turn back to the Federal Government its share of any Federal money that they recover.

All right. What happened? The States settled this case with the tobacco companies, and in November of 1998, when

the States settled this case, even those that did not include a Medicaid claim in their suit, waived their right to any future claims under Medicaid.

Think about that. If the States, in conjunction with the tobacco companies—and I have to hand it to the tobacco companies, they have great lawyers; they have the best—they negotiated with the States that if you settle for $206 billion over 25 years, we will agree to that if you waive your right to any future claims under Medicaid.

The States said, ''We waive our rights.'' By waiving their rights, they waive our rights, the Federal Government's rights, to go out and reclaim any of those Federal tax dollars that went out. So the States have, by using the law, precluded us on the Federal end from reclaiming any of these moneys.

It is just not right. Federal taxpayers have provided over 50 percent of those Medicaid payments to those States. As I said, the law requires the States to file those lawsuits and only the States can file those lawsuits. The States then must, under the law, return those funds to the Federal Government. Yet, they made an agreement with the tobacco companies to waive all of their rights and, thus, waiving our rights.

Turning over all of the Federal share of the tobacco settlement to the States without any requirement that a penny of the funds be used to reduce teen smoking defies common sense. The whole purpose of this effort was to protect our kids and to cut down on smoking. Now that the States have settled with the tobacco companies, it only makes sense to use some of those moneys to strengthen the public health system and to fight tobacco use.

As the Senator from Pennsylvania said, I have to ask the questions: Did the States file their lawsuits against the tobacco companies because the tobacco companies were not building highways in their States?

Did the States file a lawsuit against the tobacco companies because they were not building enough prisons in their States?

Did the States file the lawsuit against the tobacco companies because you, tobacco companies, were not building a sports arena in our State?

Did they file the lawsuit because you, tobacco companies, were not building enough highways in our State?

No, that was not the basis of the lawsuit. The basis of the lawsuit was the health impact on its citizens from smoking.

Now we hear from the States, oh, now they want to use the money for highways, they want to use the money to build some prisons, they want to use the money to build a sports arena, they want to use the money for tax relief, and on and on and on and on. That was not the basis for the lawsuits.

The basis for the lawsuits were to recoup the costs that Medicaid spent taking care of the health impacts of smoking on our people. It had nothing to do with paving a highway or building a prison or anything else.

Again, we are not even saying that the States have to use their money for that. If the States want to use their share of the money to build a prison, that is their business. I can tell you, if I were a citizen of a State, and our State legislature and Governor were spending money that way, I would be vocal about it in my State, and I assume other people would be in their States. But that is not for us here at the Federal level. It is for us at the Federal level to say how about the Federal portion. What should you do with that? Should we be allowed to build highways with it when the basis of the lawsuit had to do with the health impact and the deaths of people that we paid for on Medicaid to take care of them because they got hooked on tobacco, because they were lied to by the tobacco companies?

All we are saying is that the Federal share be used to attack tobacco use and to protect the public health. How much are we saying? Fifty percent: 20 percent to reduce teen smoking, 30 percent for a broad variety of public health programs to reduce smoking or to assist farmers, to assist the tobacco farmers.

No State receives less than 50 percent of its Medicaid money from the Federal Government. Some States receive as high as 77 percent. The average is 57 percent. So actually we are being somewhat generous in this amendment. We are not saying you have to spend even all of your Federal moneys.

Some States are going to get a windfall. Those States that are getting 70 percent of their Medicaid moneys paid for by the Federal Government, if our amendment is adopted, will have at least 20 percent of that Federal money that they can use as they see fit. Rather than trying to draw the line in each State, we just settled on the 50 percent and said that is fair for everybody. It gives some States, I will admit, a bit of a windfall. Again, it does not take away from any State any more than the Federal shares that they already get.

Mr. President, this is a bipartisan, commonsense amendment. I hope all of our colleagues can support it. It will be a dramatic step forward in saving lives and protecting children and saving billions of dollars in future health care costs.

I know you are going to hear talk about how all the Governors support the Hutchison amendment that was added in committee. By the way, it should not even be on this bill. It should be in the Finance Committee. All the Governors support it. I said to myself, ''If I was Governor, I probably would support it, too.'' But I am not a Governor.

I represent my State, but we all have to represent the national interest here. More than that, we have to represent the interest of those people who are getting hooked on tobacco and what this tobacco lawsuit was all about. So I think we ought to keep that in mind as the debate goes forward. I know we will hear some more this evening, but tomorrow morning we will have more debate on the amendment and we will have more to say at that time.

Again, what we have to keep in mind is the basic underlying fact: Why was the lawsuit brought? On what basis? On the health basis, Medicare expenditures to pay for the sickness and illness and death of people. Who put the money into Medicaid? The Federal Government, 57 percent average; States, 43 percent average.

Law requires the States to file the lawsuits. Law requires the States to return to the Federal Government the Federal Government share of those lawsuits.

Law—only the States can file those lawsuits.

Settlement facts—States settle with the tobacco companies and strike a sweetheart deal, where they waive all of our rights to ever sue again under Medicaid to recoup those costs—waive our rights. Think about that. That is why this amendment is so important, Mr. President. If this amendment is adopted, it will have a big impact on cutting down on health care costs in the future. That is what it is all about.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise in opposition to the plan of the Senator from Iowa to mandate to the States how they will spend the money they won in litigation against tobacco companies. It went on for quite a number of years. The State attorneys general gradually, through various different theories of law—and there were lots of different theories—won those lawsuits and achieved a tremendous settlement. Basically, the tobacco companies, at some point, just capitulated and agreed to pay billions of dollars.

At this point, the Federal Government may or may not have a claim upon that money. Senator HUTCHISON of Texas has introduced legislation, which I intend to support, which would say that that money would stay with the States. They won it in the litigation. It is part of their settlements. They should keep it. And the Federal Government is not claiming it.

I understand the Senator's idea—and I know he has the highest motives behind it—is to tell the States how they should spend portions of that money, primarily under the theory that it was Medicaid money, and the Federal Government put money into Medicaid, a big chunk of the money is paid by the Federal Government for Medicaid. But let me just say why I think we would be better off not doing that.

First of all, in all the settlements, as I understand it, only one settlement, Florida's, mentions Medicaid. A large number of the cases mentioned Medicaid in their lawsuits, but a lot of

them were based on other causes of action against the tobacco companies: RICO, the racketeering charges; antitrust violations—unjust enrichment was the one in Mississippi, which I thought was astounding, to win several billion dollars on the old common law theory, equity theory, of unjust enrichment. In fact, they filed it in an equity court and did not even have a jury trial. They eventually settled it without even a trial occurring.

But at any rate, that money goes to the States, and it is their money. I suggest that the States already are planning how to spend it. I understand in Texas, according to Senator HUTCHISON, who will be back on the floor shortly, they have antismoking educational campaigns planned.

Alabama has, I believe, a good program. It is called Children First. It is a program to deal with dropouts, to deal with teen smoking and drinking and drug abuse and problem kids, preschool programs, a comprehensive plan to deal with juvenile crime and violence and delinquency, and to help place children first. The funding for it will come from the settlement of this lawsuit. They are counting on doing that.

To mandate them to spend it on entirely a new set of proposals they have never given any thought to would complicate Alabama's freedom to spend the money they won the way they want to spend it. I really believe it would be a terrible burden on the State of Alabama. I think that is going to be true in every State where these settlements have taken place.

So what we have is the Federal Government saying, ''If we can't have the money, and if we're going to lose on this amendment''—and Senator HUTCHISON has bipartisan support for it, and I am confident it will pass—''if we're going to lose on this amendment, if we don't get to bring it into our Treasury so we can spend it and do what we want to do with it, we'll just declare how the States have to spend it. By the way, if you don't satisfy us, the Secretary of HHS, Secretary Shalala, can cut off your Medicaid funding or deny you benefits under these settlements in the future.''

So I just believe that that isn't what we need to be doing here. I do not think that is good public policy. I believe that these States are already at this moment planning how to spend it.

And, by the way, these mandates are not easily achievable. Presumably, a State, to get money under it, would have to call a special session of their legislature—have to call a special session. And what if they did not want to vote to do that? What if good and decent State legislators said: We don't want to do these percentages that the Senator has just proposed. We don't want to spend our money just like that. We would like to spend it on Children First. We would like to spend it on delinquency camps or alternative schools. We want to do it on various other projects that are not precisely what is mandated here. Maybe they are already spending money on programs mandated here.

I salute the Senator from Texas. I believe she has the right approach. We need to let this money go, give it up. We did not file the lawsuits; the States filed the lawsuits. We did not win the lawsuits; the States won the lawsuits. The tobacco companies agreed to pay the money to the States. And they are going to spend it for what they believe is best for their people. I think we ought to follow that.

I want to mention one other thing. I am uncomfortable with this deal in which the Secretary of HHS would be able to review the allocation of the funds by the States and given the power to cut off funds to the States if they did not precisely allocate it as this proposal would allocate it. I do not think that is the kind of power we need to have over the States.

I think this is good legislation. The Senator from Texas, I know, will be returning to the floor in just a moment, and she will be making further comments on it. I thank the Chair for his attention and I yield the floor.

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

Mr. STEVENS. Will the Senator withhold that?

Mr. SESSIONS. Yes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have not gone into this argument before. In the committee, in dealing with this supplemental, I did vote for the Hutchison amendment. I voted for it because I do believe that, because of the circumstances of this series of settlements coming after the failure of the Congress to pass the tobacco legislation, we should not force the States to turn the money over to the Federal Government as required by law.

The Social Security Act does provide that—I ask unanimous consent that this section 1903(d)(3) be printed in the RECORD.

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

SECTION 1903(D)(3)

(3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to medical assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.

Mr. STEVENS. This section states:

(3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to medical assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.

Clearly, that has required other States to make payments to the Federal Government to restore the amounts of money that were paid under the Federal plans and recovered by State litigation.

The difficulty with the position that I understand the Senator has just taken, Senator SESSIONS, is that the States did file their cases, but Section 1902(a)(9)(A) of the Social Security Act says:

. . . the State or local agency administering such plan will take all reasonable measures to ascertain the legal liability of third parties (including health insurers, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act. . . .

And it sets forth the duty of the State to take that action, and since we have assigned that duty to the State, the Federal Government cannot take that action.

As a consequence, while I believe that Senator HUTCHISON's amendment is correct, that we should not take this money from the States at this time, I do believe that the requirement that the States show that they will spend the money in the way envisioned by the Social Security Act is a fair compromise, and it is my intention to support the amendment offered by the Senator from Pennsylvania in order to try to see to it that we have that consideration.

Failure to do so will exacerbate the future bills that we will present to the Senate which will have to seek money to make the payments for the programs that the State will not undertake unless that requirement is there. That money, incidentally, is projected in both the President's budget and in past budgets adopted by the Senate.

So if this money stays in the hands of the State, and there is no obligation to comply with existing law, we will be in the position where we will have to come up and find more money—in effect, break the caps on the Health and Human Services bill, which is the bill that is now the largest bill that we will prepare for the Congress this year; the largest bill is no longer Defense, it is the Health and Human Services bill.

That bill is under severe stress for the future and cannot afford to see this money stay in the State hands and the money be spent in the way envisioned by the recovery; really, a recovery for moneys spent by the States using Federal taxpayer's funds in the past. If the State diverts those funds to other endeavors, we will have to make that up in future appropriations bills, in my judgment.

I intend to support the amendment of Senator SPECTER and Senator HARKIN to require the States to show that they will, in fact, make those payments. As I understand it, it will not take a great deal of trouble on behalf of the States to show that they are doing that. I think many States are doing that.

I understand my State has taken the position that they don't like Senator SPECTER's amendment. I sometimes have duties here that are contrary to that of the Governors in terms of trying to see to it that fairness is provided as far as the use of funds from the recovery that comes about because of actions such as the States have taken,

and my State was one of them—to pursue those who have brought about the great expenditures for health care that we had to face because of the scourge of excessive smoking.

I do believe that this amendment is on the right track. I intend to vote for it. I put my friends on notice that I do not believe that it is inconsistent with the position of supporting the Hutchison amendment in the first place, because I think the States should retain the money and the States should make the plan of how the money should be spent. The power of the Secretary of Health and Human Services is to approve that plan, not to dictate how it is to be spent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, we will have time tomorrow to speak on the amendment by Senator SPECTER and Senator HARKIN, but I think it is important that we understand what we are talking about. The Federal Government had nothing to do with the lawsuits that were brought by the States. In fact, the States asked for Federal help. They asked for Federal guidance, and they got none.

It was only after the States had settled with the tobacco companies and all States were covered that the Health Care Financing Administration decided that these suits were based on Medicaid and, therefore, the Federal Government should be able to take the average of the Medicaid expenditures from the States from these tobacco settlements. It came up with a figure of 57 percent. They are relying on the part of the law that says the States are responsible for recovering Medicaid overpayments or mistakes in billing; or if a person is covered with private insurance and they get Medicaid coverage, the States would go after the private insurance companies to pay these Medicaid costs.

The Health Care Financing Administration is using that law to say that the tobacco settlement should be covered for Medicaid, and they are coming in and saying to the States that the tobacco settlement that was made should not be allowed to be kept by the States and, in fact, they want to withhold 57 percent.

The amendment that is before the Senate today would take 50 percent and tell the States how to spend this money. It doesn't even tell the States that they have to spend it on Medicaid. We are not even now talking about what the Health Care Financing Administration had hoped to get in the first place, and that is help on Medicaid payments. They are just saying that big brother Federal Government is going to tell the States that they must spend the money on health care or tobacco cessation programs or helping tobacco farmers, and they are going to allocate 50 percent of the State's money for these purposes.

Let's take the State of Ohio as an example. Say that the State of Ohio has a legislature that meets every other year. They are not in session. All of a sudden we have a Federal mandate that the States spend 50 percent of their hard-earned money on these specific program purposes and the Secretary of HHS says to the State of Ohio, ''I'm very sorry, but your program doesn't meet my standard so I'm going to withhold your Medicaid money.'' The legislature is not in session, the programs are in place. Is the legislature going to have to come into special session to try to determine how they are going to change the program to meet this test? They are going to have to because no State can absorb the loss of their Medicaid money, and, most certainly, they are not going to leave people on the streets unserved by Medicaid.

This is going to be duplicated all over America if this amendment passes. Nobody is thinking about what happens after the Federal Government says, ''This is simple, this is simple. We will say you have to spend 20 percent on tobacco cessation and 30 percent on the health-related or tobacco farmer aid programs.'' They don't say what happens after we pass this broad general guideline. But what happens is, we are going to have standards, we are going to have regulations, we are going to have certifications, and all of a sudden they have what always happens in Washington, and that is we are going to have the Federal Government encroaching on the States rights with the States' money, earned by the States; and we are going to have costly regulations and bureaucracy, and then we are going to have crisis after crisis after crisis in States that are not going to meet the test of Health and Human Services Secretaries for 25 years to come, who will be able to hold on to the Medicaid money if we don't keep the underlying bill intact.

The underlying bill is very simple. It just says that the Federal Government will not encroach on the States at all. The States are using this money for very different purposes. Most of the States—in fact, almost all of the States—did not sue on Medicaid, and if your purpose is to help Medicaid, this amendment doesn't do it.

So I hope that we can keep it simple. I hope that we can allow the States to do what they have sued to recover and achieve their purposes. Some States sued on health care. Some States sued on consumer fraud. Some States sued for RICO. There were a myriad of causes of action. But the fact of the matter is, it is the States that sued.

So I say to the distinguished chairman of the committee, if he wants to help Medicaid, this amendment doesn't do it. If he wants to help Medicaid, what he needs to do is add another amendment that requires the money go to Medicaid. He thinks that if we pass this amendment, it will keep the State budgets from growing. It won't keep the States' budgets from growing at all in Medicaid costs. What we are talking about here is 20 percent going for tobacco cessation programs and 30 percent going for health care or tobacco farmers.

So I hope, if the purpose is to give Medicaid money, that we will have a different amendment. The amendment that is before us today will be costly, it will cause more bureaucracy, more regulation, and it will cause crises in States if they don't meet the Secretary's test of what the program should be. And this Secretary of Health and Human Services will have a different interpretation, perhaps, than the next Secretary of Health and Human Services. So the States are going to fashion a program that meets Secretary Shalala's needs today, and 2 years from now they are going to have to fashion a new set of programs in order not to have the money jerked out from under their noses when they have counted on this money because their tobacco settlement was made by the States.

We have time to talk about this tomorrow. I hope Members will consider the havoc that this would wreak on the States and the fact that it will not help the Federal Government. It is putting a strain on that which has no relationship to the problem that is being alleged. If the problem is that we aren't going to share Medicaid, how are we going to help tobacco farmers and meet the Medicaid needs? It is not going to work.

This is not an amendment that has been thought through, and we have not thought of what is going to happen 2 years from now, and 4 years from now, and 6 years from now. I hope that Senators will understand that this will wreak havoc on our States. It is an encroachment on States rights, and it will not help the Federal coffers at all.

I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I rise in support of an amendment that is to be offered by Senators SPECTER and HARKIN relative to the tobacco settlement funds and the question of Federal recoupment.

First, let me say that I have been involved in the tobacco issue on Capitol Hill for almost as long as I have been here. As a Member of the House of Representatives, I introduced legislation

to ban smoking on airplanes, and I have addressed this issue from so many different angles that I believe I have some knowledge on the subject.

Having said that, I have to tell you that I stand here in admiration of the 42 State attorneys general who had the political courage and foresight to file these lawsuits against the tobacco giants in an effort to recoup some of the money that had been spent on tobacco-related disease and death in their States. In my own home State, our attorney general, Jim Ryan, was one of those. I have saluted him privately and I do it publicly. I am happy they did this. The money they have recouped is going to be an important resource for the State of Illinois and all of the other States.

In addition, they have forced the tobacco companies to make some major changes in the way they sell the product. Perhaps, we will see—I hope in the not-too-distant future—a decline in the number of young people who have become addicted to tobacco products. It is truly a frightening statistic to consider the impact on America's public health when you consider the percentage of high school students, and even younger, who are taking up smoking. But now that we have recovered money from the tobacco companies, the debate now is how it should be spent. I have tried to come up with a reasonable approach to it. I salute my colleagues, Senators SPECTER and HARKIN, for what I consider to be a reasonable approach as well.

Mr. President, I ask unanimous consent to be shown as a cosponsor of the Specter-Harkin amendment.

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

Mr. DURBIN. Having said that, Mr. President, let me try to explain, if I can, the predicament we face. Many of the States that filed lawsuits against tobacco companies tried to recover in those lawsuits moneys that had been spent for Medicaid. Medicaid is, of course, health insurance for the poor and disabled. Across the United States, on average, out of every dollar spent on the Medicaid health insurance program, 57 cents of it comes from Washington, and 43 cents comes from the local State.

In my State of Illinois, it is a 50/50 split. But including all States, it is an average of 57 percent coming from the Federal Government. Now, we send the money to the States and ask them to administer the Medicaid funds. We also say to the States that if there are lawsuits to be filed relative to Medicaid, it is your responsibility as a State to do it. They are obligated to recoup any cost that they recover in these lawsuits against third parties back to the Federal Government, proportionately based on the Federal Government's contribution.

So the suggestion that a State would file a lawsuit against the tobacco company claiming expenditures for Medicaid funds and recover, and then be asked to send some of that money back to Washington is not a novice suggestion. It is not radical. It is what happens by normal course. That is what has happened in the past.

But there have been some who have argued that when it comes to the tobacco settlement we should suspend that and say that the moneys recovered by the States against the tobacco companies for Medicaid expenditures should belong entirely to the States and not come back to the Federal Government at all. I have a problem with that inasmuch as I am concerned about how the money will be spent by the States.

Some Senators have come to the floor and said it is really none of our business. The States filed the lawsuit; let them spend the money the way they want. I think that is the wrong way to approach this. The lawsuits were filed because of a public health problem with tobacco. The money that was recovered—at least a portion of it—is Federal in nature. I think it is reasonable for us to say that the money recouped from these tobacco companies should at least be spent for the public health purposes of the lawsuit. That is what the Specter-Harkin, and now Durbin, amendment seeks to achieve.

I am also concerned, because, as part of their settlement, many of the States relinquished their right to file claims in the future against tobacco companies for Medicaid expenditures. In other words, they said they would give up the right of the Federal Government to recover funds under Medicaid against tobacco companies in the future. They have, in fact, surrendered a right of the Federal Government. I think that is noteworthy, because it means that, basically having settled these future claims, we have no opportunity to pursue them if we wanted to. The Federal Government has paid, and will continue to pay, one-half or more of Medicaid costs associated with treating tobacco-caused diseases, even though the States have now waived the Federal Government's right to any further tobacco-related Medicaid recovery. This further underscores the Federal right to have, if not a share of the settlement proceeds, at least a voice in how they are spent.

Let me say that the States routinely follow the requirements of the Medicaid statutes when it comes to money that they collect.

For those who argue that the tobacco suits should be treated somewhat differently, let me give them some evidence to consider.

In March 1996, five States—Florida, Louisiana, Massachusetts, Michigan, and West Virginia—settled a lawsuit with the Liggett tobacco company. In fiscal year 1996 and fiscal year 1997, the total reported to HCFA, the Federal agency, as the Federal share, was $465,359. This is the precedent for a Federal claim for the tobacco proceeds.

It is important to keep in mind that if we don't recoup this money from the State in some form, we also create a budget problem on our own.

The Congressional Budget Office estimates, for scoring purposes, that we would recover from State tobacco suits $2.9 billion over 5 years and $6.8 billion over 10 years. Any legislation that allows the States to keep all the funds is going to require some more on our part to offset this budget priority, this budget assumption.

Having said that, let me try to address my point of view on what I believe the Specter-Harkin amendment will achieve.

It is less important to me who spends the money from the Tobacco companies than how it is spent. It is not as important to me that a Federal agency achieve the results so much as the results are achieved. And the results I am seeking are several.

First, it reduces the number of young people who are taking up tobacco and becoming addicted to it. Ultimately, one out of three die. If we can bring that percentage down by innovative, creative, and forceful State programs, that is all the better as far as I am concerned.

But I worry about suggestions in the underlying Hutchison amendment that we not be specific in terms of what we ask of the States. I am happy to see that the amendment that has been proposed by Senators SPECTER and HARKIN will try to address this by putting 20 percent of the proceeds into tobacco control to reduce the number of young people who are addicted to the product. I think that is sensible.

Second, I think it is reasonable to ask that a portion of the money recovered go toward public health purposes, particularly children's health programs. And it is my understanding that the Specter-Harkin amendment does that. It says that another 30 percent will go for those purposes.

This is consistent with the National Governors' Association, which I already identified, as their priorities at their 1999 winter meeting for the tobacco settlement money. Let me quote from the statement that they released:

> The Nation's Governors are committed to spending a significant portion of the settlement funds on smoking cessation programs, health care education and programs benefiting children.

The Specter-Harkin-Durbin amendment seeks to follow the recommendations of the National Governors' Association—to say the Federal Government will not claim a share of these proceeds so long as they are spent for this purpose, and then to make certain that we are doing something with the money that is consistent with the goals of the initial litigation.

It would be troubling to me, and to many others who have been involved in this battle for a long time, if the net result of the tobacco lawsuits by the States should result in a windfall to the State treasuries and are spent on other things that really forget these important elements, important priorities of smoking cessation, as well as children's health care.

So I will be supporting the amendment being offered by Senators SPECTER and HARKIN.

I can tell you that when the American people were asked through a poll conducted by the American Heart Association last November, that 74 percent of the voters supported at least half of the Medicaid dollars to go to tobacco addiction treatment and to efforts to educate teens about the dangers of tobacco.

I am hoping that Members on both sides of the aisle will join us in this bipartisan amendment to the supplemental appropriations bill.

At this point, I yield my time on this issue.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

I believe the Senator from Illinois has a resolution and a discussion that he wants to put forward about St. Patrick, of all things, if you can imagine that. Of course, that is a very worthy cause.

I yield the floor.

Mr. DURBIN. Mr. President, I thank the Senator from Kansas.

THE GOOD FRIDAY PEACE AGREEMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 64, introduced earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 64) recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. DURBIN. Mr. President, as the Senator from Kansas has noted—and, Mr. President, your tie notes—today is St. Patrick's Day, and it is a fitting time to remember not only the Irish heritage, which so many Americans—over 40 million—claim, but also as equally important is the significant progress that has been made in this island nation over the last several months to finally bring peace. Tributes, of course, could be given to so many different people.

Today, we were meeting with Taoiseach Bertie Ahern, as well as President Clinton, and the leaders from Northern Ireland, as well as the Republic of Ireland, celebrating their courage and the fact that they have received the Nobel Peace Prize for their endeavors, and really making certain that we double our resolve so that peace can come to that land.

The Good Friday Peace Agreement that was entered into and initiated about a year ago outlined the political settlement to three decades of political and sectarian violence in Northern Ireland. It also reminds us, too, that there is a lot of hard work to be done to complete this agreement.

Over the last 30 years, more than 3,200 people have died in Northern Ireland and thousands more were injured. In 1997, the British and Irish Governments sponsored peace talks, chaired by our former colleague, Senator George Mitchell, and attended by eight political parties.

Senator Mitchell will be receiving an award this evening at the White House from the President and representatives of Ireland for his amazing role in bringing about this peace process. It is a much-deserved accolade.

An agreement was reached on April 10, 1998, that includes the formation of a Northern Ireland Assembly, a North/South Ministerial Council, and a British-Irish Council. The agreement also contains provisions on human rights, decommissioning of weapons, policing, and prisoners. Voters in both Northern Ireland and the Republic of Ireland approved the agreement on May 22. Elections to the new assembly were held on June 25. Enabling legislation has been passed by the Irish and British Parliaments, the necessary international agreements have been signed, and many prisoners have been released.

However, some contentious issues still remain before the agreement is implemented. In addition to former Senator George Mitchell, the Clinton administration and many Members of Congress and Senators have played a positive role in the peace process. Again, the parties have turned to the United States for leadership and mediation. Many party leaders from Northern Ireland will be at the White House this evening. Let me also say I attended last night a special tribute to one of our colleagues, Senator TED KENNEDY. The American-Ireland Fund presented him with their Man of the Year Award for his extraordinary contribution toward this peace process throughout his career in the U.S. Senate.

This resolution which we are considering today is cosponsored by 34 of my colleagues. It recognizes the historic first anniversary of the Good Friday peace agreement, encourages the parties to move forward to implement it, and congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together for peace. I appreciate my colleagues' support of this resolution, and I hope it will add another constructive measure of support for the meetings going on at the White House today.

I am glad the Senate, when it enacts this resolution, will be on record this year to not only celebrate the legacy of Ireland and the legacy of St. Patrick, but to look to the future of that great country, a future in peace, a future as one people.

Mr. KENNEDY. Mr. President, I strongly support this timely resolution and its tribute to the courage and vision of the political leaders of Northern Ireland who have given that land an extraodinary opportunity for peace.

By signing the historic Good Friday Peace Agreement last April, leaders such as John Hume, David Trimble, Gerry Adams, and others launched a new era of peace and reconciliation for all the people of Northern Ireland. And I commend as well the indispensable contributions to the peace process by President Clinton, our former Senate colleague George Mitchell, Prime Minister Bertie Ahern of Ireland and Prime Minister Tony Blair of Great Britain.

The goal of the peace process is to end thirty years of violence and bloodshed in Northern Ireland, reduce divisions between Unionists and Nationalists, and build new bridges of opportunity between the two communities. Through this process, they have committed themselves to finding the needle of peace in the haystack of violence—and they are finding it. When those of lesser vision urged a lesser course, the leaders in Northern Ireland acted boldly. They tirelessly dedicated themselves to the pursuit of peace, and they made difficult political choices to bring their noble vision of a peace agreement to reality.

As we all know, there are still miles to go before the victory of lasting peace is finally won. But because of what they accomplished, there is better hope for the future. They have made an enormous difference, perhaps all the difference, for peace. Their achievement in the Good Friday Peace Agreement has changed the course of history for all the people in Northern Ireland.

The task now facing all of us who care about this process is to build greater momentum for full implementation of the Agreement. There has been welcome recent progress. Last month, the Northern Ireland Assembly approved the designation of the Northern Ireland Departments and the group of cross-border bodies. Last week, Britain and Ireland signed historic treaties for closer ties. Prisoners have been released. The British have reduced their troop levels to the lowest point in twenty years. We are also heartened by the establishment of the Human Rights Commissions.

Full implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of all involved. The goal of peace is best served by prompt action on the Agreement. Those who take risks for peace can be assured of timely support by President Clinton, Congress, and the American people.

Mr. DURBIN. Mr. President, at this point I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid

upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 64) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 64

Whereas Ireland has a long and tragic history of civil conflict that has left a deep and profound legacy of suffering;

Whereas since 1969 more than 3,200 people have died and thousands more have been injured as a result of political violence in Northern Ireland;

Whereas a series of efforts by the Governments of the Republic of Ireland and the United Kingdom to facilitate peace and an announced cessation of hostilities created an historic opportunity for a negotiated peace;

Whereas in June 1996, for the first time since the partition of Ireland in 1922, representatives elected from political parties in Northern Ireland pledged to adhere to the principles of nonviolence and commenced talks regarding the future of Northern Ireland;

Whereas the talks greatly intensified in the spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was critical to the success of the talks;

Whereas on Good Friday, April 10, 1998, the parties to the negotiations each made honorable compromises to conclude a peace agreement for Northern Ireland, which has become known as the Good Friday Peace Agreement;

Whereas on Friday, May 22, 1998, an overwhelming majority of voters in both Northern Ireland and the Republic of Ireland approved by referendum the Good Friday Peace Agreement;

Whereas the United States must remain involved politically and economically to ensure the long-term success of the Good Friday Peace Agreement; and

Whereas April 10, 1999, marks the first anniversary of the Good Friday Peace Agreement: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement;

(2) salutes British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern and the elected representatives of the political parties in Northern Ireland for creating the opportunity for a negotiated peace;

(3) commends former Senator George Mitchell for his leadership on behalf of the United States in guiding the parties toward peace;

(4) congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together in peace;

(5) reaffirms the bonds of friendship and cooperation that exist between the United States and the Governments of the Republic of Ireland and the United Kingdom, which ensure that the United States and those Governments will continue as partners in peace; and

(6) encourages all parties to move forward to implement the Good Friday Peace Agreement.

Mr. BROWNBACK. Mr. President, I have a series of items I need to go through and a discussion I want to have, but I understand the Senator from Michigan has some comments to make, so I yield the floor to the Senator from Michigan.

TOBACCO RECOUPMENT

Mr. ABRAHAM. Mr. President, I thank the Senator from Kansas. I wanted to just briefly speak in relationship to the Harkin-Specter amendment with regard to the tobacco recoupment issue and the issue of exactly what should happen to the funds that the States are now entitled to receive as a result of the legal settlement that was achieved between 46 States and the tobacco companies.

Mr. President, this, to me, should be a pretty clear-cut result. The States entered into this litigation. They did all the work. They made the case persuasively. They were finally able to prevail on the merits, in terms of convincing the other side to engage in a settlement. So, for those reasons, it does not seem to me to be particularly difficult to conclude that the benefits, the proceeds, the settlement moneys ought to go to the States. I believe, since the States did this on their own and since the States are certainly quite knowledgeable about the needs of their constituents, that we should allow them not only to be the recipients of those funds but we should give them the discretion to make the decisions that are necessary as to what priorities to set in spending those dollars.

Let me just begin briefly with the basic case itself. The States joined together. The Federal Government did not play a role in the technical sense, or as a party to the proceedings. Indeed, in his State of the Union Address the President even indicated he was directing the Department of Justice and the Attorney General to bring a separate litigation on behalf of the people of the United States against the tobacco companies. Presumably, one would not bring that case if one did not think that the States' decisions were separate from any kind of Federal component.

Once the States won, of course, money became available. Unfortunately, at that point the Federal Government, through the Health Care Finance Administration, is attempting to intercede in the President's budget to a very substantial degree, trying to wrest control of a substantial portion of those dollars. As I recall, roughly 60 percent of the first 5 years' revenues to the States which, under the President's budget, would, instead, be diverted to Washington. The basis for their claim is, in my judgment, a weak one, predicated on the argument that Medicaid overpayments are to be returned to the States. This is not a Medicaid overpayment from the Federal Government. This is a settlement between the States and these tobacco companies, a settlement fairly reached and a settlement based on the States' belief that their citizens had been in some ways the victims of the illnesses relating to tobacco.

That said, we have now moved to a slightly different stage. In the content of this supplemental appropriation bill is language which would make it absolutely and explicitly clear that the States will receive these dollars. Now, we have before us an amendment that says: OK, if the States are going to get the money they still have to spend it on the priorities set by bureaucrats in Washington. Indeed, it is my understanding that the proposed amendment would essentially place the Secretary of Health and Human Services in a position to determine what programs qualify for, and whether States are in compliance with, these Federal mandates for 25 years. Basically, what this amendment says is approximately 50 percent, 50 percent of the settlement moneys have to be spent the way Washington dictates, and that the Secretary of Health and Human Services will decide not only what that dictation means but whether the States have done it. The States will be required to engage in extensive recordkeeping and an annual process of appealing for approval, the same kind of bureaucratic redtape that costs money and complicates, in my judgment, far too many things we do already.

If the Secretary of Health and Human Services, and it's not just this Secretary but any Secretary over the next quarter of a century, doesn't agree with the States, they can then veto, in effect, the States' expenditures costing the States as much as approximately $123 billion during that time.

The bottom line is, I think, a fairly simple one. Who knows best what the needs of the States are, the States themselves or bureaucrats in the Department of Health and Human Services? I believe the States do. I think we can trust the States to make the right decisions as to how to spend the moneys derived from the tobacco settlements. That is assuming, of course, that we have any right to tell them in the first place. I do not even acknowledge that. But assuming there even was a right of the Federal Government in some respect, I just cannot imagine why anybody here in Washington is going to do a better job than people at the State level in making these judgments.

The priorities that have been set which relate to such things as counteradvertising or youth awareness or public health priorities, are priorities virtually every State has already set for themselves. Many of the States, including I believe my own, have done great things along the way to try to discourage smoking by young people and to address public health needs. If they have done that well, the notion that they now have to spend new moneys recouped through this settlement on these programs at least in my judgment would be a grievous error.

So it comes back to something we talk about a lot around here: Who

should set priorities and who knows best? In my view, the people at the local and State level, on issues and problems like this, do know best. They ought to make the decisions as to how the money, which was rightfully won by them in these lawsuits, ought to be spent. And we in Washington ought to be happy that there is going to be an abundance of resources going to the States to address the top priorities of those States.

The notion that we have to dictate how 50 percent or even 30 percent or 10 percent of these dollars have to be spent, I think both, A, incorrectly presumes that somehow we had a stake in the lawsuit and, B, that, somehow we know better. I believe it has been proven time after time that we do not know better, particularly in these types of matters which obviously have peculiarities that differ from State to State.

So, for those reasons I rise in opposition to the amendment. I look forward to working with the Senator from Texas and with a variety of other Senators who have been working together as cosponsors of the legislation that is included in the supplemental appropriation bill, to make sure that first and foremost the States get access to all the money won in the settlements and that, second, the States have the right to make the decisions as to how to spend those dollars.

So, Mr. President, I hope we will be successful in preventing agreement to this amendment. I look forward to working on this until it is completed.

I yield the floor.

REPORT OF THE CONGRESSIONAL COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES

Mr. BROWNBACK. Mr. President, I want to make note of a report that came out today that is one, I think, we are going to be seeing and hearing quite a bit more about in the U.S. Senate. It was a report of the Congressional Commission on Military Training and Gender-Related Issues.

I rise today to briefly comment on the status of the report and the testimony that was submitted today by the members of the Congressional Commission on Military Training and Gender-Related Issues, a hearing that took place in the House Armed Services Committee. While not the final report of this commission, the initial report does give indications as to their findings and, I think, warrants some discussion in the U.S. Senate.

A number of Members will recall, last year we had a spirited discussion about gender-integrated barracks during basic training. The discussion was centered around issues of, is this the most effective way to train our young men and women in the services, to have gender-integrated barracks? These are young men and women just entering into the military. They are going through basic training. There are a lot of difficult issues that they are facing, as they are being trained into a fighting force. Then on top of that, we put them in the same barracks together at night, after they have been side by side during the day. Ask yourself, are you going to be asking for problems if you have got young men and women who are put into the same barracks, right after a long day, next to each other with not a lot of other diversions at night?

We have had, unfortunately, a report of many instances of sexual harassment that have taken place, and worse, in these gender-integrated barracks. I am not speaking about basic training. I am talking about the barracks.

The report that came out today notes some progress in improving that sexual harassment and other problems that we have experienced with gender-integrated barracks during basic training, but it still invites the question of, why do we even ask for any problems at all? They are saying, the problem level is down, but why are we asking for problems at all by having these integrated barracks during basic training? Why don't we separate the genders during basic training? That was the point that a number of us made last year. A lot of people thought, let's put it off until this report. The report notes we have some progress, but we still have problems.

I think this hearing that was held today and the preliminary report that was issued merit a full hearing taking place in the U.S. Senate Armed Services Committee to review this very issue. Is this the best way? Is this the right way, and is this the way that is leading to more problems than we need to confront of the current policy of integrating the sexes in their barracks during basic training?

I think not. We will continue to have problems we just do not need to invite. I hope that the Senate will take this on as a serious problem as we start to deal with the report that comes out today.

AMTRAK ''CITY OF NEW ORLEANS'' DERAILMENT

Mr. LOTT. Mr. President, millions of Americans awoke yesterday to the tragic news of the derailment of the Amtrak ''City of New Orleans'' passenger train in Bourbonnais, Illinois. Late Monday night, the train, bound for New Orleans from Chicago, struck a tractor trailer at a highway/railroad crossing, throwing the two locomotives and 11 of the 14 cars off the tracks. More than 100 of the 196 passengers, 18 crew members, and two off-duty Amtrak employees were injured. At least eleven passengers were killed, including three Mississippians.

Both Tricia and I are keeping the families of the victims of this terrible tragedy in our prayers, especially the Bonnin and Lipscomb families of DeSoto County, Mississippi. June Bonnin of Nesbit, Mississippi was diagnosed with what doctors described as incurable cancer five years ago. However, her strong faith in God kept her going and inspired others around her. She and her granddaughter, Jessica Tickle of Memphis, Tennessee, are in God's hands now, and her daughter Ashley was severely injured. Rainey and Lacey Lipscomb, two young sisters from Lake Cormorant, Mississippi, also perished in this crash. We grieve with these families for their loss.

Mr. President, a group of students and adults from Clinton High School and Covenant Christian School in Clinton, Mississippi riding that train were returning to Mississippi after a spring-break ski trip. These young teenagers were jolted into a nightmare situation as some of the train's locomotives and cars overturned, split open, and caught fire.

I want to recognize the reactions of two of those students during this catastrophe. Clinton High School students Michael Freeman and Caleb McNair quickly recovered from the initial shock of this crash and went to the aid of their fellow students and passengers. The Jackson, Mississippi newspaper reported today that Michael located an escape route through a side window, which was now at the top of their overturned passenger coach, built a ladder from broken seats, climbed out, and pulled his fellow students out to safety. Meanwhile, Caleb searched the coach for his fellow students. They had rescued more than a dozen students by the time emergency personnel arrived on scene. Michael then assisted one of the injured students to a telephone so she could notify her parents.

Mr. President, the actions of these two young men may have prevented the other students from suffering additional injury or even death. Their reaction during this unexpected and disorienting event was truly commendable, as was the response by local, state, and Federal emergency personnel, Amtrak, and the Red Cross.

It is unfortunate that the Nation's awareness of the dangers of road/railway crossings tends to be raised by tragedies such as this, only to fade as time passes. Drivers who fail to heed rail intersection warnings place not only themselves at risk, but others as well. More needs to be done to prevent such accidents. I intend to work with my colleagues this year to do just that.

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 774. An act to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

H.R. 807. An act to amend title 5, United States Code, to provide portability of service credit to persons who leave employment

with the Federal Reserve Board to take positions with other Government agencies, and for other purposes.

H.R. 819. An act to authorize appropriations for the Federal Maritime Commission for fiscal year 2000 and 2001.

H.R. 858. An act to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The message further announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe: Mr. WOLF of Virginia, Mr. SALMON of Arizona, Mr. GREENWOOD of Pennsylvania, and Mr. FORBES of New York.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges to residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medical Program.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 807. An act to amend title 5, United States Code, to provide portability of service credit to persons who leave employment with the Federal Reserve Board to take positions with other Government agencies, and for other purposes; to the Committee on Governmental Affairs.

H.R. 819. An act to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001; to the Committee on Governmental Affairs.

H.R. 858. An act to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2222. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Oregon'' (FRL6307–5) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2223. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Kentucky; Approval of Revisions to Basic Motor Vehicle Inspection and Maintenance Program'' (FRL6307–8) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2224. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; State of California'' (FRL6236–9) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2225. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Illinois'' (FRL6308–2) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2226. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Ohio: Designation of Areas for Air Quality Planning Purposes; Ohio'' (FRL6234–3) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2227. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding emissions standards for furniture coating operations and ship building and repair operations in Texas (FRL6239–5) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2228. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniformed Financial Reporting Standards for HUD Housing Programs; Technical Amendment'' received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2229. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Disposition of HUD-Acquired Single Family Property; Final Rule'' received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2230. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Electronic Submission of Required Data by Multifamily Mortgagees to Report Mortgage Delinquencies, Defaults, Reinstatements, Assignment Elections, and Withdrawals of Assignment Elections'' (FR–4303) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2231. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of the Housing and Community Development Act of 1974'' (FR–4092) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2232. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Due Date of First Annual Performance Report Under the Native American Housing Assistance and Self-Determination Act of 1996'' (RIN2577–AB93) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2233. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Home Equity Conversion Mortgages; Consumer Protection Measures Against Excessive Fees'' (FR–4306) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2234. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of two Boeing 737–700 aircraft to Royal Air Maoc; to the Committee on Banking, Housing, and Urban Affairs.

EC–2235. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's report on base salary structures for Executive and Graded employees for 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2236. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Docket FEMA–7707) received on March 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2237. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weapons of Mass Destruction Trade Control Regulations: Implementation of Executive Order 13094'' received on February 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2238. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report on the impact of the requirements for double-hull tankers; to the Committee on Environment and Public Works.

EC–2239. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report on Department of Defense reimbursement of contractor environmental response action costs; to the Committee on Environment and Public Works.

EC–2240. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants;

Determination of Endangered Status for Catesbaea melanocarpa'' (RIN1018–AE48) received on March 12, 1999; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 243: A bill to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes (Rept. No. 106–18).

S. 291: A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District (Rept. No. 106–19).

S. 292: A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (Rept. No. 106–20).

S. 356: A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes (Rept. No. 106–21).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 366: A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail (Rept. No. 106–22).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 382: A bill to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 106–23).

H.R. 171: A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes (Rept. No. 106–24).

H.R. 193: A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (Rept. No. 106–25).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 92: A bill to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse.''

H.R. 158: A bill to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse.''

H.R. 233: A bill to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building.''

H.R. 396: A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building.''

S. 67: A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the ''Robert C. Weaver Federal Building.''

S. 272: A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building.''

S. 392: A bill to designate the Federal building and United States courthouse located at West 920 Riverside Avenue, in Spokane, Washington, as the ''Thomas S. Foley Federal Building and United States Courthouse,'' and the plaza at the south entrance of that building and courthouse as the ''Walter F. Horan Plaza.''

S. 437: A bill to designate the United States courthouse under construction at 338 Las Vegas Boulevard South in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse.''

S. 453: A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building.''

S. 460: A bill to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 638. A bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 639. A bill to prevent truancy and reduce juvenile crime; to the Committee on Health, Education, Labor, and Pensions.

S. 640. A bill to establish a pilot program to promote the replication of recent successful juvenile crime reduction strategies; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. DURBIN, Mr. DODD, and Mr. FEINGOLD):

S. 641. A bill to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ROBERTS, Mrs. HUTCHISON, Mr. BURNS, Mr. BREAUX, Mr. HATCH, Mr. KERREY, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. CRAIG, Mr. SESSIONS, Mr. ALLARD, Mr. LUGAR, Mr. GRAMM, Mr. CAMPBELL, Mr. HAGEL, Mrs. MURRAY, and Mr. GRAMS):

S. 642. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 643. A bill to authorize the Airport Improvement Program for 2 months, and for other purposes; read twice.

By Mr. INOUYE:

S. 644. A bill for the relief of Sergeant Phillip Anthony Gibbs; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 645. A bill to amend the Clean Air Act to waive the oxygen content requirement for reformulated gasoline that results in no greater emissions of air pollutants than reformulated gasoline meeting the oxygen content requirement; to the Committee on Environment and Public Works.

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

S. 646. A bill to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 647. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

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

S. 648. A bill to provide for the protection of employees providing air safety information; to the Committee on Health, Education, Labor, and Pensions.

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

S. 649. A bill to amend the Internal Revenue Code of 1986 to provide increased retiremnet savings opportunities, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE (for himself and Mr. KENNEDY):

S. 650. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of the Federal Government; to the Committee on Health, Education, Labor, and Pensions.

S. 651. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

S. 652. A bill to amend the Occupational Safety and Health Act of 1970 to protect employees against reprisals from employers based on certain employee conduct concerning safe and healthy working conditions; to the Committee on Health, Education, Labor, and Pensions.

S. 653. A bill to amend the Occupational Safety and Health Act of 1970 to further protect the safety and health of employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE:

S. 654. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mrs. HUTCHISON, Mr. FRIST, Mr. MACK, Mr. MURKOWSKI, Mr. WARNER, Mr. SHELBY, Mr. BENNETT, Mr. INHOFE, Mr. SESSIONS, and Mr. GRAMS):

S. 655. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. CLELAND, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. WARNER):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the

United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon) as indicated:

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. MOYNIHAN, Mr. DODD, Mr. FITZGERALD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. REID, Mr. STEVENS, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEAHY, Mr. LEVIN, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. CLELAND, Mr. TORRICELLI, Mr. GRAMS, Mr. SANTORUM, Mr. DASCHLE, Ms. MIKULSKI, Mr. KERREY, Mr. COCHRAN, Mr. DORGAN, Mr. THURMOND, Ms. LANDRIEU, Ms. COLLINS, Mr. BURNS, Mr. MCCAIN, Mr. LOTT, Mr. BAYH, Mr. VOINOVICH, Mrs. LINCOLN, Mr. BINGAMAN, and Mr. WYDEN):

S. Res. 64. A resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 65. A resolution to authorize testimony, document production, and legal representation in Dirk S. Dixon, et al. v. Bruce Pearson, et al; considered and agreed to.

S. Res. 66. A resolution to authorize testimony, documentary production, and representation of employees of the Senate in United States v. Yah Lin ''Charlie'' Trie; considered and agreed to.

S. Res. 67. A resolution to authorize representation of Secretary of the Senate in the case of Bob Schafer, et al. v. William Jefferson Clinton, et al; considered and agreed to.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. Res. 68. A resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan; to the Committee on Foreign Relations.

By Mr. ASHCROFT:

S. Con. Res. 18. A concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. ABRAHAM, Mr. BROWNBACK, Mr. REID, Mr. BURNS, Mr. TORRICELLI, Mr. CLELAND, and Mr. FEINGOLD):

S. Con. Res. 19. A concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 638. A bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SAFE SCHOOL SECURITY ACT

By Mr. BINGAMAN:

S. 639. A bill to prevent truancy and reduce juvenile crime; to the Committee on Health, Education, Labor, and Pensions.

TRUANCY PREVENTION AND JUVENILE CRIME REDUCTION ACT

By Mr. BINGAMAN:

S. 640. A bill to establish a pilot program to promote the replication of recent successful juvenile crime reduction strategies; to the Committee on the Judiciary.

SAFER COMMUNITIES PARTNERSHIP ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce three measures that are linked together by a common theme—the desire to create a safer environment for young people to grow up in.

Two of these bills are designed to help communities better combat juvenile crime and the related problem of truancy. The third proposal will help better protect students from violence in the school building through the use of technology.

It's clear that in order to create a safer environment for young people, we must not only reduce the number of children who commit crimes, but also the number of children who are victims of crime.

Before I outline these specific bills, I'd like to put them in a larger context. Mr. President, I'd like to spend just a minute discussing the broader question of what children need—in addition to safe surroundings—in order to grow into healthy, productive adults.

Let me start by describing my own childhood. I grew up in a small mining town in southwestern New Mexico called Silver City. Both my parents were teachers, so naturally a top concern was that I got a solid education. Fortunately, the local schools were good, and when I graduated with my classmates from what is now Silver High, we felt we could compete with just about any other student in the country.

Silver City was also relatively safe. People tended to know their neighbors and while no town is completely crime-free, we felt secure in our homes, around town, and in school.

Finally, Silver City was by no means a wealthy town. But I'm sure I'm not the only one who grew up optimistic that a person could work hard, achieve a decent standard of living, and support their family without fear that one turn of bad luck would put them out on the streets.

In short, Mr. President, Silver City was a pretty good place to grow up. In fact, we used to feel sorry for people in neighboring states where the quality of life was not so good.

Even today, New Mexico is blessed with rich cultural diversity, tremendous natural beauty, strong families and a sense of tradition. All of these things make New Mexico a wonderful place to live. Each time I go home I'm astonished at the number of new people who are moving there, no doubt for some of these very reasons.

And yet, Mr. President, some things seem to have changed since I was a kid in New Mexico. I seem to hear more and more frequently from parents who tell me how hard it is to raise a child in a state where crime and unemployment rates are high, yet family income and school graduation rates are low. Where alcohol and drug abuse are widespread, but health insurance and treatment options are scarce.

Those of us from New Mexico know that a Washington-based study ranking our state as the worst place to raise children can not be taken at face-value. And yet, there is a troubling reality we must face. In many ways, our state is failing to provide what is needed to ensure all of our young people have the necessary foundation to grow into healthy, productive adults. In several key respects, New Mexico has fallen behind the other states we used to feel sorry for.

So, Mr. President, as we stand on the brink of a new century, I rise today to urge that we recommit ourselves—as elected officials, as community leaders, as parents, and as citizens— to better meeting the needs of people growing up in our state and to setting higher goals for New Mexico's future.

I began by saying that a child needs to grow up safe from harm. That means safe from family violence, safe from gang warfare, and safe in school. But a child has other needs that must be met as well. I'd like to mention three other areas that I believe are cornerstones to strong foundation for any child.

The first of these is economic security. If a child is living in poverty, or on the edge of poverty, it is very difficult for anything else to fall into place.

A child should grow up in a family whose economic circumstances are stable. This stability comes first and foremost from parents with decent job opportunities. It also comes from a family's ability to successfully juggle numerous economic demands—and to adapt to change, the only certainty in today's global economy. Our efforts in this area should center on creating more high-wage jobs and on giving families the tools to manage the unpredictable forces that can throw them into financial turmoil.

The second cornerstone is education. In America, a quality public education has long been the great leveler between the haves and the have-nots. Children need access to a quality education that will give them the skills to achieve a good standard of living.

A quality education system is one characterized by accountability and flexibility. Accountability means that clear goals are set for things like student achievement and teacher quality, information is readily available on student progress toward these goals, and schools are held accountable for this progress. Flexibility means that schools have the resources and the ability to adapt to meet the needs of students—particularly students at risk of dropping out.

Third, children must have access to affordable, quality health care. A child who is sick cannot go to school—cannot be expected to learn. And yet according to the Children's Defense Fund, no state has a greater percentage of uninsured children than New Mexico.

We have to ensure that this health care is not only promised, but delivered—and that it is just as available to rural areas as it is to urban ones.

In the coming weeks, I intend to introduce legislation and pursue strategies in each of these remaining three areas—that I hope will begin to help parents provide a strong foundation for their children. All of us who grew up in New Mexico have fond memories of those days, and we want to assure that feeling for future generations of New Mexicans so that they can grow up, raise their families, and build a future in our state.

Mr. President, I'd now like to describe the three bills I am introducing today.

While adult crime rates are declining in many areas, the juvenile crime rate continues to rise—especially drug-related crime. But there is some hope, and there are good solutions out there. Not too long ago, I heard about the success the City of Boston had in getting control of their serious juvenile crime problem. In 1992, Boston had 152 homicides—a horrendous statistic. Realizing the community had to come together to work on a common solution, the City of Boston developed and implemented a collaborative strategy to address their crime problem. Boston's strategy was very successful, and between 1995 and 1997, their homicide rate dropped significantly. Most notably, they went two years without a single juvenile homicide.

Boston got law enforcement, community organizations, health providers, prosecutors, and even religious leaders working together to tackle different aspects of juvenile crime.

The Boston strategy worked because it got people from different organizations working together on a specific set of goals—like taking guns away from felons, using probation officers to help identify and apprehend probation violators, and providing alternatives to children to keep them from getting into trouble in the first place.

Boston recognized that juvenile crime affects the entire community, and a community that pulls together to address it will have a better chance of success.

The legislation I am introducing today, called the Safer Communities Partnership Act, is patterned after a bill authored by Senator KENNEDY. It provides funding for communities that want to implement this ''Boston'' strategy. And because there is no one-size-fits-all approach that works for every community, this bill provides the flexibility to integrate this strategy into the crime-fighting efforts already occurring at the local level.

The next two proposals have two goals: (1) to keep kids in school, and (2) to keep kids in school safe.

Although truancy is often the first sign of trouble in the life of a young person, this problem has long been overlooked. Truancy not only indicates a young person's disinterest in school, it often indicates that a young person is headed for a life of crime, drugs and other serious problems.

It is clear that truancy and crime go hand-in-hand—44 percent of violent juvenile crime takes place during school hours and 57 percent of violent crimes committed by juveniles occur on school days. Most of these crimes take place at a time when we expect young people to be in school.

In most cases, parents are not aware that their children are truant. We all have to do a better job of notifying parents when kids skip school. In fact, most studies indicate that when parents, educators, law enforcement and community leaders all work together to prevent truancy at an early stage, school attendance increases and daytime crime decreases.

The Truancy Prevention and Juvenile Crime Reduction Act I am introducing today authorizes $25 million per year for local partnerships to address truancy. The funds can be used for a variety of purposes. They can be used to create penalties for truants and parents when truancy becomes a chronic problem. They can be used by schools to acquire the technology needed to automatically notify parents when their children are absent without an excuse.

Not only do we need to keep our young people in school, we need to keep our students in school safe! Most of us understand the importance of protecting our assets, yet we have neglected to protect our biggest investment of all: our school children. The third and final bill I am introducing today is intended to do just that.

We all remember the horrible tragedies that struck Jonesboro, Arkansas, Paducah, Kentucky, and other communities within the last year. At a time when violent crime in the nation is decreasing, one in ten public schools reported at least one serious violent crime during the 1996–97 school year. The school yard fist fight is no longer a child's worst fear: 71 percent of children ages 7 to 10 say they worry about being shot or stabbed. A violent environment is not a good learning environment.

Educators and law enforcement know that one way to prevent crime in our schools is through the use of technology. The Safe School Security Act would establish the School Security Technology Center at Sandia National Laboratories and provide grant money for local school districts to access the technology. Because Sandia is one of our nation's premier labs when it comes to providing physical security for our nation's most important assets, it is fitting that they would be chosen to provide security to school districts throughout our nation.

The latest technology was recently tested in a pilot project involving Sandia Labs and Belen High School in Belen, New Mexico and the results were astounding. After two years, Belen High School reported a 75 percent reduction in school violence, a 30 percent reduction in truancy, an 80 percent reduction in vehicle break-ins and a 75 percent reduction in vandalism. Moreover, insurance claims due to theft or vandalism at Belen High School dropped from $50,000 to $5,000 after the pilot project went into effect. Clearly, the cost of making our schools safer and more secure is a good investment for our nation.

Mr. President, these three bills represent only a small fraction of what should be done to ensure that children grow up safe. There is much more I hope we can do this year. For instance, no discussion of the safety of children would be complete without acknowledging the problem of drug and alcohol abuse, which is not only a problem for many young people, but is often a source of family violence committed by addicted parents.

In recent weeks, we have seen the community of Española in northern New Mexico begin to come to terms with a very serious heroin problem. In other parts of the state, federal, state and local officials are combating an increase in production and trafficking of methamphetamines, or meth. And of course, the problem of alcohol abuse continues to plague communities big and small, urban and rural.

All of these problems must be approached on two fronts—from the law enforcement side, and from the treatment side. Last year we obtained an increase of over one million dollars for New Mexico-based efforts to stop the drug trade along the Mexican border, and I recently joined in introducing a measure that will help local law enforcement crack down on the production and distribution of methamphetamines.

On the treatment side, Congress this year will update the budget for all federally-funded drug and alcohol treatment programs through the reauthorization of SAMHSA. I have already secured a commitment from the head of this agency to travel to northern New Mexico, and I plan to play a leading role in ensuring adequate funding for treatment facilities in underserved areas like our state.

Mr. President, in closing I'd like to say that I am not the only person interested in working to make New Mexico a better place to grow up. There are valiant efforts underway all across the state, and I commend those who are striving to make a difference. But this is not something that can occur overnight. This is a long term effort that requires cooperation between all levels of government, community leaders, average citizens, and of course, parents.

As we prepare to close the book on the 20th century, I'd like to suggest a

new horizon for our state that will give us the time to make the progress we all want to make. We are a little more than 12 years away from New Mexico's 100th anniversary as a state of these United States. This anniversary will occur on January 6, 2012. I say we set our sights beyond the turn of the century and focus on that year—2012. Then we can set high goals for New Mexico and the future of our children, knowing we have 12 more years to do all we can to meet them. New Mexico can still be a great place to grow up, if we all work together toward that goal.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 638

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe School Security Act of 1999''.

SEC. 2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $2,850,000 for fiscal year 2000;

(2) $2,950,000 for fiscal year 2001; and

(3) $3,050,000 for fiscal year 2002.

SEC. 3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. 4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

S. 639

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truancy Prevention and Juvenile Crime Reduction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Truancy is often the first sign of trouble—the first indicator that a young person is giving up and losing his or her way.

(2) Many students who become truant eventually drop out of school, and high school drop outs are two and a half times more likely to be on welfare than high school graduates, twice as likely to be unemployed, or if employed, earn lower salaries.

(3) Truancy is the top-ranking characteristic of criminals—more common than such factors as coming from single-parent families and being abused as children.

(4) High rates of truancy are linked to high daytime burglary rates and high vandalism.

(5) As much as 44 percent of violent juvenile crime takes place during school hours.

(6) As many as 75 percent of children ages 13 to 16 who are arrested and prosecuted for crimes are truants.

(7) Some cities report as many as 70 percent of daily student absences are unexcused, and the total number of absences in a single city can reach 4,000 per day.

(8) Society pays a significant social and economic cost due to truancy: only 34 percent of inmates have completed high school education; 17 percent of youth under age 18 entering adult prisons have not completed grade school (8th grade or less), 25 percent completed 10th grade, and 2 percent completed high school.

(9) Truants and later high school drop outs cost the Nation $240,000,000,000 in lost earnings and foregone taxes over their lifetimes, and the cost of crime control is staggering.

(10) In many instances, parents are unaware a child is truant.

(11) Effective truancy prevention, early intervention, and accountability programs can improve school attendance and reduce daytime crime rates.

(12) There is a lack of targeted funding for effective truancy prevention programs in current law.

SEC. 3. GRANTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership between 1 or more qualified units of local government and 1 or more local educational agencies.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) QUALIFIED UNIT OF LOCAL GOVERNMENT.—The term ''qualified unit of local government'' means a unit of local government that has in effect, as of the date on which the eligible partnership submits an application for a grant under this section, a statute or regulation that meets the requirements of section 223(a)(14) of the Juvenile Justice and Delinquency and Prevention Act of 1974 (42 U.S.C. 5633(a)(14)).

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or any Indian tribe.

(b) GRANT AUTHORITY.—The Attorney General, in consultation with the Secretary of Education, shall make grants in accordance with this section on a competitive basis to eligible partnerships to reduce truancy and the incidence of daytime juvenile crime.

(c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

(1) MAXIMUM AMOUNT.—The total amount awarded to an eligible partnership under this section in any fiscal year shall not exceed $100,000.

(2) ALLOCATION.—Not less than 25 percent of each grant awarded to an eligible partnership under this section shall be allocated for use by the local educational agency or agencies participating in the partnership.

(3) RENEWAL.—A grant awarded under this section for a fiscal year may be renewed for an additional period of not more than 2 fiscal years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Grant amounts made available under this section may be used by an eligible partnership to comprehensively address truancy through the use of—

(A) parental involvement in prevention activities, including meaningful incentives for parental responsibility;

(B) sanctions, including community service, or drivers' license suspension for students who are habitually truant;

(C) parental accountability, including fines, teacher-aid duty, or community service;

(D) in-school truancy prevention programs, including alternative education and in-school suspension;

(E) involvement of the local law enforcement, social services, judicial, business, and religious communities, and nonprofit organizations;

(F) technology, including automated telephone notice to parents and computerized attendance system;

(G) elimination of 40-day count and other unintended incentives to allow students to be truant after a certain time of school year; or

(H) juvenile probation officer collaboration with 1 or more local educational agencies.

(2) MODEL PROGRAMS.—In carrying out this section, the Attorney General may give priority to funding the following programs and programs that attempt to replicate one or more of the following model programs:

(A) The Truancy Intervention Project of the Fulton County, Georgia, Juvenile Court.

(B) The TABS (Truancy Abatement and Burglary Suppression) program of Milwaukee, Wisconsin.

(C) The Roswell Daytime Curfew Program of Roswell, New Mexico.

(D) The Stop, Cite and Return Program of Rohnert Park, California.

(E) The Stay in School Program of New Haven, Connecticut.

(F) The Atlantic County Project Helping Hand of Atlantic County, New Jersey.

(G) The THRIVE (Truancy Habits Reduced Increasing Valuable Education) initiative of Oklahoma City, Oklahoma.

(H) The Norfolk, Virginia project using computer software and data collection.

(I) The Community Service Early Intervention Program of Marion, Ohio.

(J) The Truancy Reduction Program of Bakersfield, California.

(K) The Grade Court program of Farmington, New Mexico.

(L) Any other model program that the Attorney General determines to be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2000, 2001, and 2002.

S. 640

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safer Communities Partnership Act of 1999''.

SEC. 2. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (referred to in this section as the ''program'') to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime and reducing drug and alcohol abuse among juveniles, patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (referred to in this section as ''coalitions'');

(B) in conjunction with the Secretary of the Treasury and the Secretary of Health and Human Services, provide for technical assistance and training, in addition to data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint or designate an Administrator (referred to in this section as the ''Administrator'') to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local or tribal police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) State or local probation officers;

(iv) religious affiliated or fraternal organizations involved in crime prevention;

(v) schools;

(vi) parents or local grass roots organizations such as neighborhood watch groups;

(vii) social service agencies involved in crime prevention;

(viii) a juvenile or youth court judge; and

(ix) substance and alcohol abuse counselors and treatment providers.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include 1 or more representatives of—

(i) the United States Attorney's office;

(ii) the Federal Bureau of Investigation;

(iii) the Bureau of Alcohol, Tobacco and Firearms;

(iv) the Drug Enforcement Administration;

(v) the business community; and

(vi) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers;

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism; and

(vi) ensure that a program is in place to divert nonviolent juvenile offenders into substance or alcohol abuse treatment, the successful completion of which may result in a suspended sentence for the offense, and the unsuccessful completion of which may result in an enhanced sentence for the offense.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to coalitions representing communities with demonstrated juvenile crime and drug abuse problems.

(6) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may award a grant to an eligible coalition under this section, in an amount not to exceed the lesser of—

(i) the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year; and

(ii) $400,000.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(7) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(8) CONGRESSIONAL CONSULTATION.—

(A) IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include—

(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and

(ii) recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Attorney General—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2000 through 2003, of which—

(A) not less than $1,000,000 in each fiscal year shall be used for coalitions representing communities with a population of not more than 50,000; and

(B) not less than 2 percent in each fiscal year shall be used for technical assistance and training under subsection (a)(2)(B).

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

By Mr. SARBANES (for himself, Mr. DURBIN, Mr. DODD, and Mr. FEINGOLD):

S. 641. A bill to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENHANCED CREDIT CARD DISCLOSURES

● Mr. SARBANES. Mr. President, I rise today to introduce legislation on a subject that was the focus of considerable discussion last fall, during the Senate's consideration of bankruptcy reform legislation.

During that debate, the Senate examined whether the increased rate of consumer bankruptcies in the Nation resulted solely from consumers' access to an excessively permissive bankruptcy process, or whether other factors also contributed to this increase. Ultimately it concluded that the record increase in bankruptcy filings across the nation is due not only to the ease with which one can enter the bankruptcy system, but also to the unparalleled levels of consumer debt—especially credit card debt—being run up across the country. As Senator DURBIN noted in his opening statement on the bankruptcy reform bill last fall, and as the CBO, FDIC, and numerous economists have found, the rate of increase in bankruptcy filings is virtually identical to the rate of increase in consumer debt.

This is not a coincidence. Rather, increased bankruptcies proceed directly from the fact that Americans are bombarded daily by credit card solicitations that promise easy access to credit without informing their targets of the implications of signing up for such credit.

During last fall's debate, the Senate also concluded that irresponsible borrowing could be reduced, and many bankruptcies averted, if Americans were provided with some basic information in their credit card materials regarding the consequences of assuming greater debt. A consensus emerged that credit card companies have some affirmative obligation to provide such information to consumers in their solicitations, monthly statements, and purchasing materials, in light of their aggressive pursuit of less and less knowledgeable borrowers.

As a result of this emerging consensus, last year's Senate bankruptcy bill—S. 1301—contained several provisions in the Manager's Amendment addressing credit card debt, and requiring specific disclosures by credit card companies in their payment and solicitation materials. These provisions, which I sponsored along with Senators DODD and DURBIN, were vital to the Senate's success in adopting balanced bankruptcy reform legislation that placed responsibility for the surge in consumer bankruptcies on debtors and creditors alike, and enabled the Senate to pass its bankruptcy bill by the overwhelming margin of 97–1.

Unfortunately, the House-Senate conference committee struck these disclosure provisions from its final conference report, leaving the bankruptcy bill again a one-sided document that failed to account for the role credit card companies play in the accumulation of credit card debt and in increased consumer bankruptcy rates. As a result of the conference committee's actions, the conference report died in the waning days of the 105th Congress, amid pledges by the majority to resurrect it in the early days of the 106th Congress.

Mr. President, if we are indeed going to enter again into a debate on bankruptcy legislation in the 106th Congress, it remains my firm belief that Congress must address both sides of the consumer bankruptcy equation—both the flaws in the bankruptcy system that make it easy for people to declare bankruptcy even if they have the ability to pay their debts, and the lending practices that encourage people on the economic margins to accumulate debts that are beyond their ability to repay.

I therefore rise today to introduce legislation that is similar, though not identical, to the language included in last year's Senate bankruptcy bill. It is my hope that this bill will stimulate discussion about the responsibilities of lenders in the bankruptcy equation, and that, when the time comes to debate bankruptcy reform, the nature and extent of these responsibilities will be a large part of the discussion.

In short, this legislation amends the Truth in Lending Act to require credit card companies to disclose the following basic information in each monthly statement:

(1) The required minimum payment on a consumer's monthly balance;

(2) The number of months it will take to pay off that balance if the consumer makes minimum monthly payments;

(3) The total cost, with interest, of paying off that balance if the consumer continues to make only minimum monthly payments; and

(4) The monthly payment amount if the consumer seeks to pay off the balance in 36 months.

The legislation also requires that when a debtor purchases property under a credit card plan, the retailer must disclose to the debtor, if applicable:

(1) That the creditor now has a security interest in the property;

(2) The nature of the security interest;

(3) How the security interest may be enforced in the event of non-payment of the credit card balance; and

(4) That the debtor must not dispose of the secured property until the balance on that account is fully paid.

My bill calls for the Federal Reserve Board to promulgate model forms for these disclosures and, finally, requires credit card companies to provide to the Fed, and the Fed to Congress, data regarding credit card solicitations.

This bill is not about restricting access to credit. Rather, it is about providing consumers with the information they need to make intelligent choices about whether to assume more debt. It advances the goal of consumer responsibility that should be at the heart of any efforts at bankruptcy reform by Congress, and I therefore urge my colleagues to review this legislation carefully and to draw upon it when—if—the issue of consumer bankruptcy reemerges in the 106th Congress.●

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ROBERTS, Mrs. HUTCHISON, Mr. BURNS, Mr. BREAUX, Mr. HATCH, Mr. KERREY, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. CRAIG, Mr. SESSIONS, Mr. ALLARD, Mr. LUGAR, Mr. GRAMM, Mr. CAMPBELL, Mr. HAGEL, Mrs. MURRAY, and Mr. GRAMS):

S. 642. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Finance.

FARM AND RANCH RISK MANAGEMENT ACT

● Mr. GRASSLEY. Mr. President, today, along with Senator BAUCUS and others, I am introducing the Farm and Ranch Risk Management Act of 1999. This bill gives farmers a necessary tool to manage the risk of price and income fluctuations inherent in agriculture. It does this by encouraging farmers to save some of their income during good years and allowing the funds to supplement income during bad years. This new tool will more fully equip family farmers to deal with the vagaries of the marketplace.

Farming is a unique sector of the American economy. Agriculture represents one-sixth of our Gross Domestic Product. It consists of hundreds of thousands of farmers across the nation, many of whom operate small, family farms. These farms often support entire families, and even several generations of a family. They work hard every day to produce the food consumed by this country and by much of the world.

Yet, farming remains one of the most perilous ways to make a living. The income of a farm family depends, in large part, on factors outside its control. Weather is one of those factors. In 1997, for instance, the income of North Dakota farmers dropped 98% due to flooding. Weather can completely wipe out a farmer. At best, weather can cause a farmer's income to fluctuate wildly.

Another factor is the uncertainty of international markets. Iowa farmers now export 40% of all they produce. But what happens, for example, when European countries impose trade barriers on beef, pork and genetically-modified feed grain? And what happens when Asian governments devalue their currencies? Exports fall and farm income declines through no fault of the farmer, but because of decisions made in foreign countries.

Today, farm families face their most severe crisis since the 1980's. Forces beyond the control of the individual farmer have led to record low prices for grain and livestock. The outlook for these families is dismal. Above normal production in 1998 led to nearly unprecedented grain surpluses. In fact, the USDA predicts soybean carry-over stocks will be 95% higher for the 1998–

99 marketing season than for the same period last year—the largest since 1986. With this much grain in the bins, a quick recovery in grain prices is highly unlikely.

At present, the only help for these farmers is a reactionary policy of government intervention. The USDA recently committed $50 million in direct aid to hog producers to help them combat the current crisis. In his State of the Union Address, the President pledged additional support for farmers. While we must do all we can to help farmers pull through the current crisis, we must also realize that this aid is merely a short-term solution. Why must farm families wait for a crisis before getting the help they need?

Mr. President, the bill I am introducing today is a proactive measure that will help farmers prevent future crises on their own. It equips them with the ability to offset cyclical downturns that are inherent in their profession without government intervention. In that way, this bill is complementary with the philosophy of the new farm program. Many farmers I have talked to are pleased with the new program, which returned business decisions to the farmers, not bureaucrats at the Department of Agriculture, and not elected officials. Under the new program, farmers determine for themselves what to plant according to the demands of the market. Likewise, the Farm and Ranch Risk Management Act allows the farmer to decide whether to defer his income for later years and when to withdraw funds to supplement his operation.

The volatile nature of commodity markets can make it difficult for family farmers to survive even a normal business cycle. When prices are high, farmers often pay so much of their income in taxes that they are unable to save anything. When prices drop again, farmers can be faced with liquidity problems. This bill allows farmers to manage their income, to smooth out the highs and lows of the commodity markets.

Mr. President, I will take just a moment to explain how the bill works. Eligible farmers are allowed to make contributions to tax-deferred accounts, also known as FARRM accounts. The contributions are tax-deductible and limited to 20% of the farmer's taxable income for the year. The contributions are invested in cash or other interest-bearing obligations. The interest is taxed during the year it is earned.

The funds can stay in the account for up to five years. Upon withdrawal, the funds are taxed as regular income. If the funds are not withdrawn five years after they were invested, they are taxed as income and subject to an additional 10% penalty.

Essentially, the farmer is given a five-year window to manage his money in a way that is best for his own operation. The farmer can contribute to the account in good years and withdraw from the account when his income is low.

This bill helps the farmer help himself. It is not a new government subsidy for agriculture. It will not create a new bureaucracy purporting to help farmers. The bill simply provides farmers with a fighting chance to survive the down times and an opportunity to succeed when prices eventually increase.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 642

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farm and Ranch Risk Management Act''.

SEC. 2. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following new section:

''SEC. 468C. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

''(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm and Ranch Risk Management Account (hereinafter referred to as the 'FARRM Account').

''(b) LIMITATION.—The amount which a taxpayer may pay into the FARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business.

''(c) ELIGIBLE FARMING BUSINESS.—For purposes of this section, the term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

''(d) FARRM ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'FARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

''(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.

''(B) 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 administer the trust will be consistent with the requirements of this section.

''(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

''(D) All income of the trust is distributed currently to the grantor.

''(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

''(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

''(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

''(A) any amount distributed from a FARRM Account of the taxpayer during such taxable year, and

''(B) any deemed distribution under—

''(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

''(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

''(iii) subparagraph (A) or (B) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

''(2) EXCEPTIONS.—Paragraph (1)(A) shall not apply to—

''(A) any distribution to the extent attributable to income of the Account, and

''(B) the distribution of any contribution paid during a taxable year to a FARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

''(3) EXCLUSION FROM SELF-EMPLOYMENT TAX.—Amounts included in gross income under this subsection shall not be included in determining net earnings from self-employment under section 1402.

''(f) SPECIAL RULES.—

''(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

''(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any FARRM Account—

''(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

''(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

''(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

''(C) ORDERING RULE.—For purposes of this paragraph, distributions from a FARRM Account shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits. For purposes of the preceding sentence, income of such an Account shall be treated as a deposit made on the date such income is received by the Account.

''(2) CESSATION IN ELIGIBLE FARMING BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business, there shall be deemed distributed from the FARRM Account (if any) of the taxpayer an amount equal to the balance in such Account at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business.

''(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

''(A) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

''(B) Section 408(e)(4) (relating to effect of pledging account as security).

''(C) Section 408(g) (relating to community property laws).

''(D) Section 408(h) (relating to custodial accounts).

''(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made within 3½ months after the close of such taxable year.

''(5) INDIVIDUAL.—For purposes of this section, the term 'individual' shall not include an estate or trust.

''(g) REPORTS.—The trustee of a FARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by those regulations.''.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

''(18) CONTRIBUTIONS TO FARM AND RANCH RISK MANAGEMENT ACCOUNTS.—The deduction allowed by section 468C(a).''

(c) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4973 of such Code (relating to tax on certain excess contributions) is amended by striking ''or'' at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

''(4) a FARRM Account (within the meaning of section 468C(d)), or''.

(2) Section 4973 of such Code is amended by adding at the end the following new subsection:

''(g) EXCESS CONTRIBUTIONS TO FARRM ACCOUNTS.—For purposes of this section, in the case of a FARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.''.

(3) The section heading for section 4973 of such Code is amended to read as follows:

''SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.''.

(4) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4973 and inserting the following new item:

''Sec. 4973. Excess contributions to certain accounts, annuities, etc.''.

(d) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4975 of such Code (relating to prohibited transactions) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR FARRM ACCOUNTS.—A person for whose benefit a FARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such Account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FARRM Account by reason of the application of section 468C(f)(3)(A) to such Account.''.

(2) Paragraph (1) of section 4975(e) of such Code is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) a FARRM Account described in section 468C(d),''.

(e) FAILURE TO PROVIDE REPORTS ON FARRM ACCOUNTS.—Paragraph (2) of section 6693(a) of such Code (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 468C(g) (relating to FARRM Accounts).''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 of such Code is amended by inserting after the item relating to section 468B the following new item:

''Sec. 468C. Farm and Ranch Risk Management Accounts.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.●

● Mr. BAUCUS. Mr. President, I rise today to join my colleague Senator GRASSLEY in introducing the Farm and Ranch Risk Management Act of 1999.

The American farm is the cornerstone of our rich cultural heritage. Yet farming remains one of the most perilous ways to make a living. A family farmer's income depends on good weather and strong international markets. When either of these two factors turn negative, farmers have few tools at their disposal to cushion the blow.

Farm families are now suffering record low prices on grain and livestock in the most severe farming crisis since the 1980's. Who could have imagined back in 1996 when Congress passed the Freedom to Farm Act that wheat prices would drop from $4.50 a bushel to $2.81 a bushel by September 1998? As wheat and other agricultural commodity prices dipped to record lows, America's producers have been stranded without a safety net, causing a severe financial crisis.

I sincerely hope that 1999 will be the ''Year of Recovery'' for our battered farm economy. I believe we can make this happen by focusing on three goals:

We must pry open foreign markets to agricultural products.

We must help agricultural producers at home.

We must install a permanent safety net to help producers weather times of crisis.

In two other bills I have introduced, I have proposed changes to the crop insurance program in order to help rebuild this safety net for farmers. Today's introduction of the Farm and Ranch Risk Management Act is another step in this re-building process. The FARRM Act is a pro-active measure that would give farmers a five-year window to manage their money. It allows them to put aside up to 20% of their annual income for up to 5 years in a tax-deferred FARRM account. They only pay taxes on the amount set-aside when it is withdrawn from the account.

The FARRM bill allows the farmer to help himself. It allows farmers to manage their incomes, to smooth out the highs and lows of the commodity markets. It is not a new subsidy, nor is it a new government program. It is simply a new tool farmers can use to cope with an uncertain world. It provides American farmers with a fighting chance to survive the down times with an opportunity to enjoy their success during the good times.

I believe the FARRM Act is an essential strand in the safety net we must weave to protect our nation's farm families. I urge my colleagues to support the bill.●

By Mrs. FEINSTEIN:

S. 645. A bill to amend the Clean Air Act to waive the oxygen content requirement for reformulated gasoline that results in no greater emissions of air pollutants than reformulated gasoline meeting the oxygen content requirement; to the Committee on Environment and Public Works.

ELIMINATING MTBE

● Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to enable the U.S. Environmental Protection Agency to eliminate the additive, MTBE, from gasoline. The goal in this bill, as in my previous three bills (S. 266, S. 267 and S. 268) is to eliminate MTBE from drinking water.

Under this bill, the U.S. Environmental Protection Agency could waive the two percent reformulated gasoline oxygenate requirement of the Clean Air Act in any state if gasoline with less than two percent or with no oxygenates does not result in greater emissions than emissions from reformulated gasoline containing two percent oxygenates.

MTBE or methyl tertiary butyl ether is added to gasoline by some refiners in response to federal Clean Air Act requirements that areas with the most serious air pollution problems use reformulated or cleaner-burning gasoline. This federal law requires that this gasoline contain two percent by weight oxygenates. MTBE has been the oxygenate of choice by some refiners.

The Clean Air Act's reformulated gas requirements have no doubt helped reduce emissions throughout the United States, but the two percent oxygenate requirement has imposed limitations on the level of flexibility that U.S. EPA can grant to states and limited the flexibility of refiners in making clean gasoline.

I am very troubled to learn from a March 16 article in the Sacramento Bee that the gasoline refiners were aware

of MTBE's dangers long before it was approved for use in California. Researchers in Maine pointed out MTBE's harms in 1986. The Bee reporter, after studying industry research documents, quotes a 1992 industry scientific paper: ''MTBE plumes are expected to move faster and further than benzene plumes emanating from a gasoline spill. Moreover, the solubility of MTBE is nearly 25 times that of benzene and its concentration in gasoline will be approximately 10 times greater.''

A spokesman for the Oxygenated Fuels Association is also quoted as saying that the chemical properties that make MTBE problematic in water ''were widely known'' in the 1980s.

Bob Reeb, of the Association of California Water Agencies, is quoted as saying, had they known of MTBE's adverse effects, ''We would have fought like hell to keep it out of gasoline. It appears to be a classic case of placing corporate profits above public health.''

The Sacramento Bee article is appended to my statement.

A number of authorities have called attention to MTBE's harm and have called for prompt action.

The American Medical Association House of Delegates and the American Public Health Association approved resolutions calling for a moratorium on the use of MTBE in 1994—1994!

The University of California released a five-volume study in November 1998, and recommended phasing out MTBE. UC found that ''there are significant risks and costs associated with water contamination due to the use of MTBE.'' The University of California study says: ''If MTBE continues to be used at current levels and more sources become contaminated, the potential for regional degradation of water resources, especially groundwater basins, will increase. Severity of water shortages during drought years will be exacerbated.''

The UC study says that oil companies can make cleaner-burning gasoline that meets federal air standards without MTBE and that they should be given the flexibility to do that. The UC study found that ''there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to'' California's reformulated gasoline formula.

The California Environmental Protection Agency on February 19, 23, 24 held two public hearings on the University of California report. A total of 109 people spoke at the hearings and 987 written comments (including mine) were submitted as of today, and the comment period is still open. Of the 109 speakers, 12 supported continued use of MTBE. Cal EPA is still reading the written comments.

A June 12, 1998 Lawrence Livermore National Laboratory study concluded that MTBE is a ''frequent and widespread contaminant'' in groundwater throughout California and does not degrade significantly once it is there. This study found that groundwater has been contaminated at over 10,000 shallow monitoring sites. The Livermore study says that ''MTBE has the potential to impact regional groundwater resources and may present a cumulative contamination hazard.''

The Association of California Water Agencies has detected MTBE in shallow groundwater at over 10,000 sites in the state and in some deeper drinking wells. Their December 1998 study documented MTBE contamination in many of the state's surface water reservoirs, pointing to motorized recreation as a major source.

The environmental group, Communities for a Better Environment, issued a report this month calling for a ban on MTBE in our state because it has contamined groundwater, drinking water and land.

I have received letters and resolutions opposing MTBE from 56 California local governments, water districts, and air districts.

In higher concentrations, MTBE smells like turpentine and it tastes like paint thinner. Relatively low levels of MTBE can make drinking water simply undrinkable.

MTBE is a highly soluble organic compound which moves quickly through soil and gravel. It, therefore, poses a more rapid threat to water supplies than other constituents of gasoline when leaks occur. MTBE is easily traced, but it is very difficult and expensive to cleanup. California water agencies say it costs $1 million to cleanup per well and $5 million plus for reservoirs.

Contamination of drinking water MTBE continues to grow. A December 14, 1998 San Francisco Chronicle headline calls MTBE a ''Ticking Bomb.''

The Lawrence Livermore study says that ground water has been contaminated at over 10,000 sites in my state.

South Lake Tahoe has closed 14 wells and is implementing a ban on personal watercraft. Ten plumes of MTBE released by gas stations (some from a hose torn loose, some from spills, some from underground tanks) have caused the shutdown of 35% of the districts' drinking water wells, eliminating nearly one-fifth of its water supply since September 1997. The levels of groundwater contamination there are as high as 1,200,000 parts per billion. The South Tahoe Public Utility District has spent nearly $1 million in non-budget funds on MTBE.

The February 5 Sacramento Bee reported that MTBE has been detected 30 miles away from Lake Tahoe, that ''it apparently made its way to the reservoir through South Lake Tahoe's wastewater export system. . . Six service stations working to clear MTBE from contaminated areas have been discharging water into the sewer system after a treatment process.'' The article quotes Dawn Forsythe, a Tahoe authority: ''It's going all the way through the sewer system, through the treatment system, through the export pipeline, across a stream and now it's in the reservoir.''

MTBE has been detected in drinking water supplies in a number of cities including Santa Monica, Riverside, Anaheim, Los Angeles, San Francisco, Sebastopol, Manteca, and San Diego. MTBE has also been detected in numerous California reservoirs including Lake Shasta in Redding, San Pablo and Cherry reservoirs in the Bay Area, and Coyote and Anderson reservoirs in Santa Clara.

Drinking water wells in Santa Clara Valley (Great Oaks Water Company) and Sacramento (Fruitridge Vista Water Company) have been shut down because of MTBE contamination.

In addition, MTBE has been detected in the following surface water reservoirs: Lake Perris (Metropolitan Water District of Southern California), Anderson Reservoir (Santa Clara Valley Water District), Canyon Lake (Elsinore Valley Municipal Water District), Pardee Reservoir and San Pablo Reservoir (East Bay Municipal Utility District), Lake Berryessa (Solano County Water Agency).

The largest contamination occurred in the city of Santa Monica, which lost 75% of its ground water supply as a result of MTBE leaking out of shallow gas tanks beneath the surface. MTBE has been discovered in publicly owned wells approximately 100 feet from the City Council Chamber in South Lake Tahoe. In Glennvile, California, near Bakersfield, MTBE levels have been detected in groundwater as high as 190,000 parts per billion—dramatically exceeding the California Department of Health advisory of 35 parts per billion.

While many scientists say we need more definitive research on the human health effects of MTBE, the U.S. EPA has indicated that ''MTBE is an animal carcinogen and has a human carcinogenic hazard potential.''

Dr. John Froines, a distinguished UCLA scientist, testified at the California EPA hearing on February 23 as follows:

> We in our report have concluded the cancer evidence in animals is relevant to humans.
>
> There are ''acute effects in occupationally-exposed workers, including headaches, dizziness, nausea, eye and respiratory irritation, vomiting, sensation of spaciness or disorientation and burning of the nose and throat.''
>
> MTBE exposure was associated with excess cancers in rats and mice, therefore, multi-species,'' citing multiple, ''endpoints, lymphoma, leukemia, testicular cancer, liver and kidney.
>
> All four of the tumor sites observed in animals may be predictive of human cancer risk.

He further testified:

> The related question is whether there is evidence which demonstrates the animal cancers are not relevant to humans. The answer developed in detail in our report is no. There is no convincing evidence that the data is specific to animals. That is our conclusion. Nobody has come forward to tell us a basis to change that point of view.

These, to me, are troubling statements from a reputable authority.

While the data is incomplete, we do know that MTBE is showing up in other states. U.S. EPA funded a study by the University of Massachusetts last year, which was not able to collect data from every state, but which reported that 25 states have reports of private drinking water wells contaminated with MTBE. Nineteen states reported public drinking water wells contaminated with MTBE. EPA experts concluded, ''MTBE detections by most state programs is common'' and ''MTBE may contaminate groundwater in unexpected locations and in unexpected ways, such as at diesel fuel sites or from surface dumping of small amounts of gasoline.'' (Soil and Groundwater Cleanup, August/September 1998, ''Study Reports LUST Programs Are Felling Effects of MTBE Releases.'')

Here are some examples of problems in other states:

A Maine survey found that 15 percent of drinking wells had detectable amounts of MTBE and 5,200 private wells may contain MTBE above the state's drinking water standard.

MTBE has contaminated the well water for over 200 homes in New York.

In Blue Bell, Pennsylvania, MTBE was detected in tap water, suspected from a leak from a gas station tank.

Texas, with over 21,000 leaking underground fuel tanks, is finding MTBE in drinking water.

MTBE has been detected in drinking water in Kansas and Virginia.

Clearly, MTBE is a problem in many states.

The California Air Resources Board in 1994 adopted a clean gas formula that is called a ''predictive model,'' a performance-based program that allows refiners to use innovative fuel formulations to meet clean air requirements.

The predictive model provides twice the clean air benefits required by the federal government. With this model, refiners can make cleaner burning gasoline with one percent oxygen or even no oxygen at all. The federal two percent oxygenate requirement limits this kind of innovation. In fact, Chevron, Tosco and Shell are already making MTBE-free gasoline.

Since the introduction of the California Cleaner Burning Gasoline program, there has been a 300-ton-per-day decrease in ozone forming ingredients found in the air. This is the emission reduction equivalent of taking 3.5 million automobiles off the road. California reformulated gasoline reduces smog-forming emissions from vehicles by 15 percent.

I have now offered to the Congress 4 approaches to getting MTBE out of our drinking water.

I introduced S. 266 on January 20, a bill to allow California to apply its own clean or reformulated gasoline rules as long as emissions reductions are equivalent or greater. California's rules are stricter than the federal rules and thus meet the air quality requirements of the federal Clean Air Act. This bill is the companion to H.R. 11 introduced by Rep. BILBRAY on January 6, 1999.

S. 267, my second bill, requires the U.S. Environmental Protection Agency to make petroleum releases into drinking water the highest priority in the federal underground storage tank cleanup program. This bill is needed because underground storage tanks are the major source of MTBE into drinking water and federal law does not give EPA specific guidance on cleanup priorities.

The third bill, S. 268, will move from 2006 to 2001 full implementation of EPA's current watercraft engine exhaust emissions requirements. The California Air Resources Board on December 10, 1998, adopted watercraft engine regulations in effect making the federal EPA rules effective in 2001, so this bill will make the deadline in the federal requirements consistent with California's deadlines. In addition, the bill will require an emissions label on these engines consistent with California's requirements so the consumer can make an informed purchasing choice. This bill is needed because watercraft engines have remained essentially unchanged since the 1930s and up to 30 percent of the gas that goes into the motor goes into water unburned.

Dr. John Froines, testified that in California, ''. . . essentially every citizen of California is breathing MTBE daily.''

MTBE is not needed to produce clean air. By allowing the companies that supply our state's gasoline to use good science and sound environmental policy, we can achieve the goals set forth by the Clear Air Act, without sacrificing California's clean water. I believe U.S. EPA should give all states this flexibility.

MTBE is not needed. Refiners can make gasoline that is clean—Chevron, Tosco and Shell are already doing that in my state.

MTBE is an animal carcinogen and a potential human carcinogen.

Let's end it.

Mr. President, I ask unanimous consent that the text of the bill and article from the Sacramento Bee be printed in the RECORD.

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

S. 645

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

SECTION 1. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR CERTAIN REFORMULATED GASOLINE.

Section 211(k)(2)(B) of the Clean Air Act (42 U.S.C. 7545(k)(2)(B)) is amended—

(1) in the first sentence, by striking ''The oxygen'' and inserting the following:

''(i) REQUIREMENT.—The oxygen''; and

(2) in the second sentence—

(A) by striking ''The Administrator'' and inserting the following:

''(ii) WAIVERS.—The Administrator'';

(B) by striking ''area upon a'' and inserting the following: ''area—

''(I) upon a'';

(C) by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(II) if the Administrator determines, by regulation, that reformulated gasoline that contains less than 2.0 percent by weight oxygen and meets all other requirements of this subsection will result in total emissions of ozone forming volatile organic compounds and toxic air pollutants, respectively, that are not greater than the total emissions of those compounds and pollutants resulting from reformulated gasoline that contains at least 2.0 percent by weight oxygen and meets all other requirements of this subsection.''.

[From the Sacramento Bee, Mar. 16, 1999]

MTBE RISK TO DRINKING WATER WAS KNOWN FOR YEARS

(By Chris Bowman and Patrick Hoge)

America's fuel industry knew about the risk to drinking water from MTBE years before domestic refineries more than doubled the chemical's volume in gasoline, but manufacturers marketed the product as an environmental improvement anyway.

In technical papers and conference presentations, environmental engineers for refineries and government regulators alike predicted that MTBE could become a lingering groundwater menace as its usage increased.

Sixteen years before MTBE-rich gasoline was approved for statewide use in California to combat air pollution, oil companies knew from their first experience with the fuel additive in New England how quickly methyl tertiary butyl ether can migrate from leaking storage tanks to drinking water wells, company records and technical journals show.

At the time, the pollution specialists stressed that MTBE was in many ways more worrisome than gasoline's cancer-causing benzene.

''MTBE plumes are expected to move faster and further than benzene plumes emanating from a gasoline spill,'' three Shell researchers said in an internal 1992 paper. ''Moreover, the solubility of MTBE is nearly 25 times that of benzene, and its concentration in gasoline will be approximately 10 times greater.''

These papers, recently obtained by The Bee, have renewed importance today in California where the spotlight on the fuel controversy is about to turn on industry.

Later this month, Gov. Gray Davis is expected to announce that MTBE presents a public health threat and should be phased out of California, sources in his administration say. Such an action would not end the public debate, but rather shift it to the question of who will pay to clean up MTBE and how much cleanup should occur.

Even if the synthetic compound were banned overnight—a highly unlikely prospect—California would still have to defend its water supplies for many years against MTBE-laced groundwater from past fuel leaks.

MTBE is a key component of a ''cleaner-burning gasoline'' that has been used in most of California's 27 million vehicles for the past three years. While the gasoline has been credited for removing 300 hundred tons of tailpipe poisons every day in the state, it also has created a Pandora's box underground.

Increasingly, the compound has found its way into underground reservoirs, in stormwater runoff, in recreational lakes and in wells across the country. In California, MTBE has contaminated 10,000 groundwater sites and tainted Tahoe, Donner, Shasta and several other lakes. It also has knocked out wells in several communities. In South Lake Tahoe, more than a dozen wells have been shut down due to MTBE contamination.

While scientists are still studying MTBE's health effects—the federal government classifies it as a ''possible'' cancer-causing agent

in humans—minute amounts of the pollutant can spoil wells by imparting a bitter taste and solvent-like ordor.

Already some marina-related businesses have taken an economical hit due to water utilities banning fuel-spitting power craft from reservoirs tapped for drinking water. Filtration plants can't remove MTBE without expensive treatment upgrades.

But the biggest MTBE bill is yet to come, and, one way or another, consumers will ultimately pay for it. That will be in the cleanup of MTBE-laden fuel that has spilled and leaked from pipelines and storage tanks. The restoration is expected to take many years, at a cost of tens of millions to hundreds of millions of dollars a year, a major University of California study recently concluded.

Makers of gasoline and MTBE put the onus on tank owners and the environmental officials who regulate the tanks and the fuels.

Officials at Shell Oil Co. headquartered in Houston told The Bee that its 1992 paper describing the environmental downside of MTBE was hardly news.

''(It) was in the public domain and already accessible to regulators,'' the company said in a prepared statement. A spokeswoman said it was based on information disseminated at a 1986 pollution control conference co-sponsored by the American Petroleum Institute.

In the 1980s, the chemical properties making MTBE problematic in water ''were widely known,'' said Charlie Drevna, chief spokesman for Oxygenated Fuels Association, which represents makers of MTBE and other oxygen-bearing fuel components. ''What wasn't known was that the (underground storage tank) program in this country was in total shambles.''

But the leaking tanks problem has been widely reported for at least the past decade when the U.S. Environmental Protection Agency ordered the tanks replaced or upgraded. Most major brand gasoline stations in California complied by the federal deadline last December.

California motorists have been paying for a good part of the cleanups from leaking tanks since 1992. They pay about 1.2 cents per gallon at the pump toward a $180 million-a-year state cleanup fund that reimburses mostly small businesses.

The argument that industry should bear more responsibility for the MTBE pollution is beginning to grow. In the past few months, attorneys suing oil companies on behalf of individuals and utilities over MTBE pollution in California, South Carolina and Maine have joined forces. The common allegation is that the oil companies knew or should have known that adding more MTBE to gasoline posed a major threat to drinking water sources.

''It would have been astonishing for corporations of this size and complexity not to have known the risk that an additive to a product that would become so widespread would pose to the environment and to the public,'' said Victor Sher, a Sacramento attorney representing the South Tahoe Public Utility District.

Sher said his lawsuit, filed in 1999, is the first in the nation by a public water supplier that goes after fuel makers on grounds of product liability.

While the environmentally troublesome properties of MTBE were noted in technical papers from the oil industry and federal regulators, Sher said he has yet to find evidence that the oil industry ever raised those problems before policy-makers as they deliberated the rules for the cleaner-burning gasoline.

''They should have been telling the regulators, and they should have been looking for alternatives,'' Shea said.

Shell Oil officials say EPA regulators had plenty of notice in the 1980s, well before 1992 when refiners began to substantially increase the chemical's use to meet the new federal cleaner-burning fuel rules.

''The literature then available indicated to government regulators, manufacturers of MTBE and to gasoline manufacturers, including Shell, that the then perceived benefits outweighed the then perceived risks,'' the company statement said.

Liability aside, the knowledge of MTBE's downside could have changed what ended up in the gas tanks of millions of motorists. The gasoline additive is now the fourth top selling chemical in the United States, with more than 9 million tons of it sold annually.

Water suppliers say they certainly would have raised a fuss.

''We would have fought like hell to keep it out of gasoline,'' said Bob Reeb, of the Association of California Water Agencies. ''It appears to be a classic case of placing corporate profits above public health.''

If that's the case, Assembly Speaker Antonio Villaraigosa, D-Los Angeles, said, ''We can make the argument that this industry has a very high level of responsibility to provide the cleanup of this contamination.''

MTBE's critics point out that the trail of responsibility can be traced back at least to 1986 when three researchers from Maine laid out the basic characteristics of MTBE in discussion today: that it moves farther and faster in groundwater, last longer, and is much more difficult to filter out than other gasoline compounds.

The presentation was at a Houston conference attended by dozens of regulators and industry scientists on ground-water pollutants. It was sponsored by the American Petroleum Institute and the National Well Water Association.

Two of the Maine paper's authors said their presentation didn't seem to make much of an impact on regulators and industry.

''There just seemed to be a feeling that there wasn't anything that was necessary to do now, which puzzles me in retrospect,'' said Peter Garrett, one of the authors. ''I think it was because MTBE was hailed as being the chemical of the future because of its potential to cut down on air pollution.''

Co-author Marcel Moreau, now an expert on underground tanks, said all of the technical information about the chemical's characteristics was freely supplied by ARCO.

But as momentum was building on Capitol Hill toward requiring oxygenated compounds like MTBE in gasoline to combat smog, no such environmental concerns surfaced in the public debate either from industry, environmentalists or regulators, according to interviews with key participants.

MTBE's many critics express amazement that a chemical could have been introduced into the environment on such a massive scale with so little data on its toxicology or behavior in the environment.

When first added to premium gasoline in 1979, scientists had produced no studies on MTBE's long-term health effects.

''It is astonishing that such a technological process could have been started without sufficient technological information that would have enabled us to expose possible adverse health effects of the compound,'' wrote Fiorella Belpoggi, lead researcher in a 1995 investigation of MTBE's cancer-causing potential.

The recent study of MTBE done by the University of California similarly found that regulators did not do enough to assess MTBE's potential environmental impacts before allowing its huge rise.

In California, health officials testified recently before the state Legislature that they did not realize that MTBE posed a major groundwater threat until 1995, when Santa Monica reported contamination of one of its wells.

Ironically, companies like ARCO continued to spend lavishly in 1996 to promote MTBE as an environmentally friendly product that made gasoline burn cleaner.

The lack of toxicology data remains even today, more than three years after MTBE's introduction in California on a massive scale.

Industry representatives insist that expensive upgrades of underground tanks already mandated under law will curtail the MTBE problem.

But others say evidence shows too many other ways that MTBE can get into water wells.

James Giannopoulos, principal engineer with the state Water Resources Control Board, made a similar point during a recent MTBE hearing in Sacramento.

''Even a small failure rate of the more than 50,000 upgraded tanks, we believe constitutes a good water quality reason to eliminate MTBE from gasoline,'' he said.●

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

S. 646. A bill to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities, and for other purposes; to the Committee on Finance.

RETIREMENT SAVINGS OPPORTUNITY ACT OF 1999

● Mr. ROTH. Mr. President, one question many Americans ask themselves is this: Will I have enough to live on when I retire. According to a study published by the Employee Benefit Research Institute, about one third of Americans are not confident that they will have enough to live on in their retirement years. Social Security is an important component of an individual's retirement income, but savings—whether through personal accounts or through employer-provided retirement plans—will help provide for a better life at retirement. Another troubling factor is that if you are employed by a small business you are far less likely to be eligible for a retirement plan. There must be ways to get more Americans interested in providing for their retirement years and to get small businesses interested in providing retirement benefits for their employees. This is a concern that spreads across party lines; everyone knows that there must be incentives for promoting retirement savings.

Despite these concerns, we have a strong system of tax favored savings plans in place. For savings through the workplace, there are 401(k) plans, 403(b) plans and 457 plans, each of which can be sponsored by different types of employers. For individual savings, there is either the traditional IRA or the Roth IRA. And all these different savings vehicles have different limits on how much individuals can save. However, our current system can do more and the limitations that we placed on retirement savings in times of budgetary restraints should be re-examined now. In addition, we should capitalize on some of the successful savings incentives and use them to broaden our savings base.

Both Senator BAUCUS and I are pleased to introduce a new bill, the Retirement Savings Opportunity Act of 1999, which will build upon the strengths of our current system, yet provide new opportunities for people to save for retirement. In addition, this bill would also increase the incentives that would help small businesses start and maintain retirement plans for its employees. These are issues that Senator BAUCUS is very concerned about and I join him in providing these important incentives for small businesses. The provisions of this bill are as follows:

Increase IRA dollar limit. The maximum contribution limit for IRAs (both traditional IRAs and Roth IRAs) is $2,000. This limit, which has been in place since 1982, has never been indexed for inflation. If the IRA limit were indexed for inflation it would be close to $5,000. In this bill, the limit for all IRAs (both traditional IRAs and Roth IRAs) will be increased to $5,000 per year. In addition, this limit will be adjusted annually for cost of living increases, in $100 increments, so that the amount that taxpayers can save with an IRA will never again be reduced due to the impact of cost of living increases.

It is important to remember who makes IRA contributions. An estimated 26 percent of American households how own a traditional IRA, according to a 1998 survey by the Investment Company Institute. In 1993 (the most recent year for which comprehensive aggregate data is available) 52 percent of all IRA owners earned less than $50,000. This same group made about 65 percent of all IRA contributions in 1985.

We know that people at all income levels are limited by the $2,000 cap on contributions. For example, IRS statistics show that the average contribution level in 1993 for people with less than $20,000 in income was $1,500. Clearly this means that there were lower income people who wanted to make contributions of more than the $2,000 limit.

In addition, IRAs are the only tax-favored savings vehicle for many taxpayers. According to the Bureau of Labor Statistics, only 48 percent of individuals who work in small business establishments were eligible for any retirement plan in 1994. This is a problem that both Senator BAUCUS and I try to address elsewhere in this bill by providing greater incentives to business for establishing employer-sponsored retirement savings plans. However, regardless of the incentives that we may provide, not all employers will establish retirement plans for their employees. Furthermore, not all employees will stay with one employer long enough to receive a benefit. Under current law, the maximum amount that an individual can save is too low to provide adequate savings for retirement. In order to spur an increase in savings, we believe that an increase in the IRA limit is warranted.

Increase IRA income caps. There are different and confusing caps on contributions to traditional and Roth IRAs. They are as follows:

Tax deductible contributions to traditional IRAs. If an individual is an active participant in an employer provided pension plan, the amount of a deductible contribution that an individual can make is confusing. First of all the $2,000 contribution amount is reduced if the adjusted gross income of the taxpayer is over $51,000, if the taxpayer is filing a joint return. If the taxpayer is a single or head of household filer, the $2,000 contribution amount is reduced if adjusted gross income exceeds $31,000. These income limits are scheduled to increase annually until the year 2007 when the joint filer limit will be $80,000 and the single and head of household filer limit will be $50,000. Married taxpayers who file separately are precluded from making deductible contributions if their adjusted gross income is above $10,000, unless the couple has not lived together for the entire year. Finally, if an individual is not an active participant in an employer's plan and the individual's spouse is, an individual is not able to make a deductible contribution to an IRA if the couple's income is $150,000 or above. These are too many restrictions.

The bill will eliminate these conflicting and confusing income limits for deductible IRAs. What this will mean is that all individuals who have earned income can make full deductible contributions to a traditional IRA. In addition, a homemaker without earnings will be able to make IRA contributions.

Contributions to Roth IRAs. A full $2,000 contribution can only be made to a Roth IRA if a single taxpayer's adjusted gross income is less than $95,000 and married taxpayer's adjusted gross income is less than $150,000. If a taxpayer is married and files separately from his or her spouse, the taxpayer cannot make a Roth IRA contribution if his or her adjusted gross income exceeds $10,000, unless they live apart for the entire year. The bill will eliminate these income limits for Roth IRA contributions, so that all taxpayers can make a contribution to a Roth IRA. Remember, however, that a taxpayer cannot make a full contribution to a Roth IRA and also make a full contribution to a traditional IRA; amounts contributed to one type of IRA reduce the amounts that can be contributed to the other type of IRA.

Conversion to Roth IRAs. In order to convert to a Roth IRA, an individual's adjusted gross income must not exceed $100,000 regardless of whether the individual is married filing jointly or single. Married individuals who are filing separately cannot convert to a Roth IRA, unless they live apart for the entire year. The bill will raise the income cap for conversions to $1 million.

The current income limitations relating to IRAs are needlessly complex and are confusing to taxpayers. As we heard at the recent Senate Finance Committee hearing on retirement savings, these limits are confusing to taxpayers with the result that taxpayers do not fully utilize these products. By eliminating these income limitations, which affect only a small percentage of taxpayers, we can increase the use of IRAs. When Congress restricted the deductibility of IRA contributions in 1986, the IRS reported that the level of IRA contributions fell from $38 billion to $14 billion in 1987.

Will taxpayers increase the amount of their savings to IRAs if the savings opportunities were increased? According to a 1997 survey conducted on behalf of the Savings Coalition, increasing the IRA limits would result in more savings for retirement. Sixty-four percent said that they would increase the rate of their personal savings with IRAs.

Economic studies also have shown that increasing the tax incentives for savings should result in substantial increases in savings due to increases in the net return. See, for example, Lawrence H. Summers, ''Capital Taxation and Accumulation in a Life Cycle Growth Model,'' American Economic Review, 71, September 1981. The staff of the Joint Committee on Taxation noted in its description of Present Law and Background Relating to Tax Incentives for Savings prepared for the Finance Committee hearing (JCX–7–99), there are many reasons for this increase in savings due to increased limits, including the psychological incentives to save and the increased advertising by banks and other financial institutions of tax-benefitted savings vehicles may influence people's savings decisions.

Increase other dollar-based benefit limitations. Currently, the maximum pre-tax contribution to a 401(k) plan or a 403(b) annuity is $10,000. In addition, the maximum contribution to a 457(b) plan (a salary deferral plan for employees of government and tax exempt organizations) is $8,000. Finally, the maximum contribution to a SIMPLE plan (a simplified defined contribution plan available only to small employers) is $6,000. These limits are indexed for cost of living increases. There has traditionally been a differential in contribution limits among the various types of plans: IRAs (which are individual plans) having the lowest limits; SIMPLE plans having a greater limit—but not as much as a 401(k) plan; and 401(k) and 403(b) plans having the highest limits, but the greatest number of regulations. Since the IRA limit will be raised to $5,000, the bill will increase limits for 401(k) and 403(b) plans to $15,000 and for SIMPLE plans to $10,000; thereby continuing the differential. The limit for 457(b) plans for government employees will increase to $12,000.

As stated before, there is a clear need to increase the IRA limit above the current $2,000 contribution level. But increasing that level without increasing the savings opportunity levels for

employer provided plans will result in some business owners eliminating their employer provided plans and saving only for themselves in an IRA. By increasing the employer provided plan limits, business owners will still have the incentive to maintain a plan for employees if only to avail themselves of the higher plan limits for employer provided plans.

This does not mean that business executives can automatically take advantage of these higher contribution limits. First, it is important to remember that contributions can only be made on the first $160,000 of compensation. In addition, in order for a business owner or other highly compensated employee to take advantage of these limits, a number of non-highly compensated employees must also benefit under the plan. An example should show how these non-discrimination rules work. In a company, there is one person—let's say the owner of the business—who makes over $160,000 and that person wants to contribute the full $15,000 to the company 401(k) plan. He could only contribute the full $15,000 if (i) low paid employees as a group contribute 8% of their compensation to the 401(k) plan, (ii) all low paid employees receive a fully vested contribution from the employer equal to 3% of their compensation or (iii) all low paid employees would be eligible to receive matching contributions of 100% of their contribution to the 401(k) plan of their first 3% contribution and 50% of their next 2% of compensation contribution. Clearly, business owners and high paid employees cannot benefit with this new higher contribution limits unless the amount of savings that low paid people make—either on their own or with the help of the employer—increases.

Roth 401(k) or 403(b) plan. We have heard testimony before the Finance Committee that the results of the first year of the Roth IRA has been successful. And we have all seen the television and print ads touting the benefits of the Roth IRA. The opportunity for tax-free investment returns has clearly caught the fancy of the American people. In less than five months after the Roth IRA became available, the Investment Company Institute estimated that approximately 3 percent of American households owned a Roth IRA. In addition, the survey found that the typical Roth IRA owner was 37 years old, significantly younger than the traditional IRA owner who is about 50 years old, and that 30 percent of Roth IRA owners indicated that the Roth IRA was the first IRA they had ever owned. This bill will harness the power of the Roth IRA and give it to participants in 401(k) plans and 403(b) plans.

Companies will have the opportunity to give participants in 401(k) plans and 403(b) plans the ability to contribute to these plans on an after-tax basis, with the earnings on such contributions being tax-free when distributed, like the Roth IRA. More than the maximum Roth IRA contribution amount can be contributed under this option; employees would be limited to the maximum 401(k) or 403(b) contribution amount. The regular non-discrimination rules that apply to 401(k) and 403(b) plans will also apply to these after-tax contributions. Consequently, in order for business owners and highly compensated employees to take full advantage of these new savings opportunities, low paid employees must also benefit.

The regular distribution rules (rather than the Roth IRA distribution rules) would apply to these types of plans. However, these after-tax accounts could be rolled into a Roth IRA when the individual retires. And unlike Roth IRAs, there would not be an opportunity for 401(k) or 403(b) plan participant to convert their current 401(k) and 403(b) account balances into the new non-taxable balances.

Catch-up contributions. This provision will provide an additional savings opportunity to those individuals who are close to retirement. According to a study by the Employee Benefit Research Institute, older workers tend to have their contributions constrained by maximum limits which are either plan limits on how much can be contributed or legal limits on how much can be contributed. EBRI believes that this is probably due to the fact that they are more focused on retirement and are thus more likely to contribute at a higher level. We all know that there can be other pressing financial needs earlier in life—school loans, home loans, taking time off to raise the kids—which limit the amount that we may have available to save for retirement. The closer that we get to retirement, the more we want to put away for those years when we are not working. However, the current law limitations on how much may be contributed to tax qualified savings vehicles may restrict people's ability to save at this time in their lives.

The bill will give those who are near retirement—age 50—the opportunity to contribute an additional amount in excess of the annual limits equal to an additional 50% of the annual limit. Catch-up contributions will be allowed in 401(k) plans, 403(b) plans, 457(b) plans and IRAs. For IRAs, this will mean that someone age 50 could contribute $7,500 each year rather than $5,000.

For employer provided plans, the catch contribution will be available to anyone who is age 50 or above and who is limited in the amount that he or she can contribute to the plan by a plan limit, the maximum contribution limit or the nondiscrimination rules that apply to highly paid employees. This additional catch-up contributions to employer provided plan will not be subject to the normal non-discrimination rules for other contributions. Consequently, if a highly paid employee is limited by the nondiscrimination rules to only contributing $9,000 to a 401(k) plan, the employee will be able to contribute an additional $7,500 annually in the years after he attains age 50. This way, an employee is able to make contributions to provide for his or her retirement security when he or she is best able to afford to make these contributions and not be limited because other younger employees do not make contributions.

Small business incentives. According to the most recent Bureau of Labor Statistics figures, only 48 percent of employees in a small business are likely to be covered by any retirement plan, while 78 percent of employees of large or medium size businesses are likely to be covered. Since employees of small businesses are less likely to be covered by a retirement plan, we needed to find incentives for small businesses to want to establish plans. This is an issue that Senator BAUCUS is particularly interested in and these small business incentives represent some of his ideas on how to expand the small business market for retirement plans. The bill will assist small businesses in establishing retirement plans in the following ways:

Tax credit for start-up costs. A non-refundable tax credit of up to $500 would be available to small businesses with up to 100 employees to defray the administrative costs of establishing a new retirement plan. This credit would only be available for the first three years of operation of the plan. This credit could be carried back for one year or forward for 20 years (the general business credit carryover rules).

Tax credit for contributions. A non-refundable tax credit equal to 50% of employer contributions made on behalf of non-highly compensated employees would be available to small businesses with 50 or less employees during the first 5 years of a plan's operation. Only contributions of not more than 3% of compensation are eligible for the credit. This credit could be carried back for one year or forward for 20 years.

Small business defined benefit plan. This plan will provide employees of small businesses with a secure, fully portable, defined retirement benefit without imposing the complex rules and regulations of normal defined benefit plans. This plan, called the Savings Are For Everyone (SAFE) plan, will provide a fully vested benefit that is fully funded, using conservative actuarial assumptions. The benefit will be based on an employee's salary and years of service and could be structured so that years of service prior to the establishment of the plan can be used in determining the benefit—which helps older, long service employees. The SAFE plan is meant to complement the successful SIMPLE defined contribution plan that is available for small businesses.

Elimination of 25 percent of compensation limitation. Currently, the maximum amount that can be contributed to a defined contribution plan on behalf of an individual participant is the lesser of $30,000 or 25 percent of

compensation. This includes both employee contribution and any matching contributions or profit sharing contributions made by the plan sponsor. This bill will eliminate the 25 percent of compensation limit, so that the maximum contribution that is made on behalf of any individual is $30,000. With the additional savings opportunities provided for all employees under this bill, it would be much more likely for employees—especially low paid employees—to exceed this 25 percent of compensation limitation. This change will make sure that those employees will not be limited in fully providing for their retirement security, especially, if the employer also contributes toward the employee's retirement plan.

Tax deduction for employee deferrals. Under current law, an employee pre-tax deferral is treated as employer contribution and is subject to the limits on how much an employer can take as a tax deduction on qualified plan contributions. With the increased amount of pre-tax savings that we anticipate employees will make after enactment of this bill, there is a concern that the maximum limit on deductible contributions will be reached. This bill will permit employer to fully deduct any employee pre-tax deferrals, without regard to the maximum limit on deductions. Other employer contributions to a plan, however, will continue to be subject to this deduction limitation.

IRA contributions to an employer plan. The bill gives employers the opportunity to accept traditional IRA contributions as part of their regular employer plan. In addition, it gives employees the ability to have IRA contributions made directly to the employer-sponsored IRA as a payroll deduction. One advantage of using an employer plan as an IRA account is that the administrative costs in an employer plan are usually much less than the costs in a privately maintained plan. Another advantage is that contributions to the IRA will be made on a payroll deduction basis, which makes it more likely that the contributions will be made.

Full funding limit increase. Defined benefit pension plans are also an important source of retirement income. Currently, amounts that can be deducted as contributions to a pension plan is limited to the lesser of the actuarial funding requirement amount or 150 percent of the current liability amount of the plan. The current liability amount does not take into account projected pension benefits. This 150 percent of current liability limitation is eliminated in this bill. This will result in better funded pension plans, since the articial limitation of 150 percent of current liability no longer applies.

Both Senator BAUCUS and I hope that other Senators will join us in this effort to increase savings opportunities for all working Americans.●

● Mr. BAUCUS. Mr. President, I rise to join my colleague, Senator ROTH, Chairman of the Senate Finance Committee and fellow Montanan, in introducing this important bill. Mr. President, I have agreed to join Chairman ROTH in introducing this bill for one reason—I believe we must increase the level of personal savings in our country.

Personal savings have been on a precipitous decline during the last 2 decades. Net personal savings have dropped from 9.3% of Gross Domestic Product in the 1970's to one-half of one percent in 1999. This is the lowest rate of personal savings since 1933. If we are to reverse this decline, and help Americans plan for their retirement years, we must create a culture of savings in our country.

The Retirement Savings Opportunity Act is one piece of a much broader effort to reverse this trend. Another important part of this puzzle is represented by the package of regulatory reforms I have been working on with Senators GRAHAM and GRASSLEY, in a bill that will be introduced shortly. Yet another approach is represented by the President's proposal to create Universal Savings Accounts for all working Americans. I support the President's commitment to dedicate a portion of our projected budget surpluses to helping Americans save for their retirement, though I am modifying his proposal to take advantage of our existing pension system and enhance it. All of these proposals, when taken together in a comprehensive package, will help Americans of all income levels save for the future.

My particular concern is in pension coverage for small businesses and their employees. Less than one in every five Americans working for small businesses have access to pension plans through their workplace. This represents 40 million working Americans who do not have pension coverage. And since virtually all of the net new jobs being created in this country are being created by small businesses, their retirement security must not be neglected. We simply must make it easier for small businesses to start pension plans, and to provide pension coverage to their employees.

I am particularly pleased with the small business incentives included in the Retirement Savings Opportunity Act. This bill contains a tax credit to help defray the administrative costs small businesses incur when they start up new pension plans. It also includes an additional tax credit as an incentive for small business owners who contribute money on behalf of their employees into new plans. Finally, the bill includes a new, simplified defined benefit plan for small businesses. These are not by any means the only ways we can help small businesses provide pensions for their workers, but they are a good start down that road. The increased limits that are included in the bill will also help this process by making it easier for employers to save, thus making it more likely they will also provide benefits to their lower paid workers.

I am very excited that we are finally engaging in a public policy debate about retirement security. Only by elevating this debate to the highest levels will we be able to make the changes necessary to truly make the American dream a reality for everyone. We must help Americans make their Golden Years truly golden, so they can look forward to a secure financial future. This bill, as part of a comprehensive solution that includes other proposals directed toward lower-income workers, will help make retirement security a reality for all Americans.●

By Mr. MACK (for himself and Mr. GRAHAM)

S. 647. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

THE FLORIDA FEDERAL JUDGESHIP ACT OF 1999

● Mr. MACK. Mr. President, I come before the Senate today with my esteemed colleague and friend, Senator GRAHAM, to introduce the Florida Federal Judgeship Act of 1999. I would not be here today if I did not wholeheartedly believe that the problem facing the court system in the Middle and Southern Districts of Florida is one of the most acute judgeship problems in the nation. If judicial resources are not increased in these two districts, the problem will become irreversible. Mr. President, the situation that presently exists in Florida rises to the level of an emergency and thus, the problem needs attention today.

The legislation that Senator GRAHAM and I are introducing would create seven new judgeships for the state of Florida. The Middle District would receive five new permanent judgeships, and the Southern District would receive two new permanent judgeships. These numbers were officially recommended by the United States Judicial Conference earlier this week.

The Middle District of Florida is nearly 400 miles, spanning from the Georgia border on the northeast side to the south of Naples on the southwest coast of Florida. This district includes, among others, the cities of Jacksonville, Orlando, and Tampa. The Southern District encompasses Ft. Lauderdale and Miami, along with other cities in the southern portion of the state.

Additional judgeship positions have not been created for these districts since 1990. Since this time, the Middle District alone has had a 62 percent increase in the total number of cases filed. Moreover, Florida's population has increased nearly twice as fast as the nation during the 1990s. By 2025, the United States Census Bureau projects Florida will surpass New York as the third largest state with 20.7 million residents.

Each year, Florida becomes a winter home to people from all over the United States and the world. In addition, the Middle and Southern Districts

are home to major tourist attractions such as Disney World, Universal Studios, Sea World, Busch Gardens, and South Beach. The heavy flow of both winter residents and tourism, along with Florida's growing number of permanent residents, causes the needs of these two judicial districts to be unique in this nation.

In addition, the Middle District contains the federal correctional center at Coleman. When the penitentiary is completed in Spring 2001, this will be one of the largest prison complexes in the country and the largest in the state of Florida. The capacity at Coleman will be approximately 4,700 inmates and all complaints filed by these prisoners regarding the facilities and their individual care will be sent to the Middle District for resolution.

To add to the problem, a portion of the Middle District has been designated a High Intensity Drug Trafficking Area. While I am pleased that Florida will be receiving additional assistance in the war against drugs, we also must recognize that this law enforcement initiative is expected to dramatically impact narcotic related arrests and therefore, prosecutions in the Middle District.

Thus, it is apparent that without the addition of new judges, access to justice will no longer be swift in the Middle and Southern Districts. To provide Floridians with a safe environment and access to justice, a court system must be put in place which can handle the demands of this dynamic and growing part of our country. Accordingly, I urge the Judiciary Committee and the full Senate to consider and pass this legislation expeditiously.●

● Mr. GRAHAM. Mr. President, I am extremely pleased to join with my distinguished colleague from Florida, Senator MACK, in introducing the Florida Federal Judgeship Act of 1999. This legislation will create seven additional U.S. District Court judgeships in Florida—two in the Southern District and five—in the fast-growing Middle District of Florida.

I want to thank Senator ORRIN HATCH, chairman of the Senate Judiciary Committee, for his recognition of the overcrowding problem facing Florida's federal district courts and for his good-faith pledge to work with Senator GRASSLEY to consider this issue early this year. I look forward to working with all my Senate colleagues in considering this important issue.

Because our number of judgeships is too small to meet the increasing demand of Florida's rapidly growing population, judges face overwhelming caseloads. Prosecutors and law-enforcement personnel are stymied in their efforts to mete out swift justice. Civil litigants are forced to endure unreasonable waits to bring their cases to resolution.

Mr. President, make no mistake: Florida's federal courts are in the midst of a full-blown crisis. Prominent legal and judicial officials all over Florida have told us that this is not a tenable situation. But Floridians are not alone in their concern about overcrowded court dockets in the Southern and Middle Districts of Florida. Yesterday, March 16th, the Judicial Conference of the United States—the principal policy-making body of the federal judiciary, which is chaired by the Chief Justice of the Supreme Court and composed of federal judges from throughout the United States—asked Congress to create 33 permanent and 25 temporary additional district judgeships. Senator MACK and I are introducing our bill so that Congress can meet the needs of Florida by providing the additional judicial resources needed for these two U.S. District Courts to meet their increasing caseload.

On three previous occasions since 1976, Congress has authorized new Federal judgeships in numbers that each time exceeded the request of the Judicial Conference thus recognizing the dire needs of our court systems. The last recommendation, made in March of 1997, followed recommendations that were unheeded in September of 1992 and September of 1994. There have simply been no new judgeships since December 1, 1990. We cannot allow this new request to go unheeded again.

Mr. President, many states have justifiable concerns about overcrowded federal district court dockets. However the urgent nature of Florida's judicial crisis makes our state a special case. Its Southern and Middle Districts deserve immediate attention for three main reasons.

First, Florida has one of the highest caseloads per judge in the nation, a condition that has continued to worsen over the last year. Currently, the Judicial Conference has proposed all recommendations for increased judgeship based on weighted filings—a number that takes into account both the total number of cases filed per judge and the average level of case complexity. Currently the standard for each Federal district judge is 430 weighted cases per year. When the caseload exceeds 430, that district is entitled to be reviewed for purposes of an additional judge.

As of September 30, 1998, the Southern District's weighted filings stood at 608 per judge. This is 41 percent above the standard and 18 percent above the national average of 516 weighted filing per judge. In the Middle District, the story was even worse—805 weighted filings per judge, a figure that ranks sixth highest in the entire nation. Middle District's weighted filings per judge from September 1996 to September 1998, a two year period, jumped from 45 percent above the standard to 87 percent above the standard and 56 percent above the national average.

As of January 30, 1999, over 1,100 criminal defendants have cases pending in the Middle District. The story is even worse on the civil side of the docket, where more than 5,900 cases have yet to receive final disposition. Florida's caseload isn't going to experience a slowdown in growth anytime soon, and the judicial backlog will get worse unless Congress takes preventative action for the long-term.

Second, this legislation recognizes that Florida's largest federal judicial districts are responsible for a massive area that includes nearly 80 percent of Florida residents. Last year the state's population reached 15 million, growing 15.9 percent since the 1990 census of 12.9 million. The Southern and Middle Districts combined jurisdiction stretches from key West—the southernmost city in the continental United States—north to include Miami, Ft. Lauderdale, West Palm Beach, Melbourne, Fort Myers, Sarasota, Tampa, St. Petersburg, Orlando, and Jacksonville.

Between 1980 and 1995, the Middle District grew by a whopping 52%. It is expected to increase by an addition 21% in the next decade. However, since 1990, the last time the Judicial Conference recommended and Congress approved more judges for Florida, our U.S. District Courts have not received any additional resources from the federal government to cope with that growth.

Third, this proposal will assist the work of law enforcement officials and personnel. If we are committed to ensuring that criminals face punishment in a swift manner, we must be willing to provide resources to all aspects of the judicial system.

In both of these districts, drug prosecutions and other serious criminal cases make up a large percentage of the overall caseload. For example, both the Southern and Middle Districts contain High intensity Drug Trafficking Areas (HITDAs). These anti-drug zones generate a substantial number of lengthy, multi-defendant prosecutions, and the additional of judges will help law enforcement officials and prosecutors in their fight against drug crimes.

In addition, federal prosecutors and law enforcement officials throughout Florida, but especially in the Southern District, are being forced to spend more time combatting the cheats, fly-by-night operators, and other criminals who are engaged in a systematic campaign to defraud Medicare and other health care programs. It has been estimated that nearly twenty percent of all Medicare dollars spent in South Florida are lost to fraud. In fact, nearly 30 percent of all Medicare fraud nationwide takes place in Florida.

Mr. President, it is vital that we act quickly to resolve this crisis. From 1990, in Middle District, and 1993, in Southern District, the total number of filings have gone up 62 percent. With a state population growth rate predicted to exceed 300,000 residents per year, these trends are unlikely to reverse. The addition of these judgeships will still leave both districts well above the weighted filings per judgeship standard.

U.S. Federal District Courts are the first stop for all citizens involved in the federal judicial system. Most federal cases are disposed at this level and

it is essential that these citizens have their claims heard in a timely manner. Congress and the White House must be vigilant in their shared responsibility for recommending, nominating, and confirming federal judicial nominees. Senator HATCH's leadership, and his determination to address Florida's special needs, are very much appreciated by the residents of our state.

Our legislation is simple, sound, and will serve the interests of all Floridians. I look forward to working with Senator MACK and members of the Judiciary Committee on this matter. I urge all my colleagues to support the passage of this much needed legislation. Further delay in this matter will only serve to deny timely justice for thousands of crime victims and civil litigants in Florida's Southern and Middle Judicial Districts.

I ask unanimous consent that a letter I have received from Chief Judge Edward B. Davis of the Southern District of Florida be printed in the RECORD.

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

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF FLORIDA,
Miami, FL, February 23, 1999.

Hon. D. ROBERT GRAHAM,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to reaffirm our need for the two additional judgeships this court has been seeking since 1995. The Judicial Conference approved that request in 1996 and reaffirmed it in 1998. It did so based on the weighted filings per judgeship. During the last three years, the weighted filings per judgeship have averaged 601 which is 171 filings above the standard of 430 per judgeship.

The Conference Committee on Judicial Statistics again analyzed the Judiciary's judgeship needs last year and again recommended to the Judicial Conference the two additional judgeships. The following are the highlights of that analysis:

Since 1993, filings have increased by more than 50%. Most of the increase has been in civil cases which have risen 62 percent;

Prisoner petitions have nearly doubled since 1993;

Criminal filings have fluctuated over the last five years, growing to a high of 102 per judgeship in 1996 (this figure will be even higher in the present statistical year based on current trends);

The heavy criminal caseload is reflected in both the weighted filings and the number of lengthy trials;

Over the last three years, the Court has averaged 34 trials per year in excess of 10 days, with an average of 9 in excess of 20 days (almost 10% of the Federal Judiciary's total);

With the addition of two judgeships, the Court's weighted filings per judgeship would only fall to approximately 520, still well above the standard of 430.

I also note that in the Southern District we: had 57% more criminal trials than the next highest district (Central California) in the federal system; and had more criminal cases pending in 1998 in the Southern District than in 92 other federal district courts and in the entire 1st and 7th Circuits.

Despite your incredible assistance in filing our judicial vacancies, we have not had a full complement of Judges since October of 1988. I think the ongoing impact of the vacancies and the above data continues to support this Court's need for the two additional judgeships that were requested in 1995 as part of the 1996 Biennial Judgeship Survey.

If you have any questions or need additional information, please telephone me at (305) 523–5150.

Sincerely,

EDWARD B. DAVIS,
Chief Judge.●

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

S. 648. A bill to provide for the protection of employees providing air safety information; to the Committee on Health, Education, Labor, and Pensions.

AVIATION SAFETY PROTECTION ACT

● Mr. KERRY. Mr. President, today I am introducing the Aviation Safety Protection Act of 1999 with Senator GRASSLEY to increase overall safety of the airline industry by establishing whistleblower protection for aviation workers. I am honored to work on this important issue with Senator GRASSLEY, who has long been a leader on whistleblower legislation.

The Occupational Safety and Health Act (OSHA) properly protects both private and federal government employees who report health and safety violations from reprisal by their employers. However, because of a loophole, aviation employees are not covered by these protections. Flight attendants and other airline employees are in the best position to recognize breaches in safety regulations and can be the critical link in ensuring safer air travel. Currently, those employees who work for unscrupulous airlines face the possibility of harassment, negative disciplinary action, and even termination if they report violations.

Aviation employees perform an important public service when they choose to report safety concerns. No employee should be put in the position of having to choose between his or her job and reporting violations that threaten the safety of passengers and crew. For that reason, we need a strong whistleblower law to protect aviation employees from retaliation by their employers when reporting incidents to federal authorities. Americans who travel on commercial airlines deserve the safeguards that exist when flight attendants and other airline employees can step forward to help federal authorities enforce safety laws.

This bill would provide the necessary protections for aviation employees who provide safety violation information to federal authorities or testify about or assist in disclosure of safety violations. This legislation provides a Department of Labor complaint procedure for employees who experience employer reprisal for reporting such violations, and assures that there are strong enforcement and judicial review provisions for fair implementation of the protections.

I want to acknowledge the leadership of Representative SHERWOOD BOEHLERT, Republican from New York, and Representative JAMES CLYBURN, Democrat from South Carolina, who have introduced the companion bill in the House. I also want to thank the Administration for their support of this legislation.

This bill will provide important protections to aviation workers and the general public. I urge my colleagues on both sides of the aisle to join Senator GRASSLEY and me in supporting it.

Mr. President, I ask unanimous consent that the test 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. 648

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Safety Protection Act''.

SEC. 2. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file or cause to be filed, a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or will testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—

''(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

''(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

''(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A),

the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

''(i) filing of the complaint;

''(ii) allegations contained in the complaint;

''(iii) substance of evidence supporting the complaint; and

''(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—

''(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

''(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

''(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

''(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

''(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

''(I) provides relief in accordance with this paragraph; or

''(II) denies the complaint.

''(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

''(i) take action to abate the violation;

''(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

''(iii) provide compensatory damages to the complainant.

''(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

''(4) FRIVOLOUS COMPLAINTS.—A complaint brought under this section that is found to be frivolous or to have been brought in bad faith shall be governed by Rule 11 of the Federal Rules of Civil Procedure.

''(5) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—

''(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

''(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

''(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

''(7) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

''(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking ''subchapter II of chapter 421,'' and inserting ''subchapter II or III of chapter 421,''.●

By Mr. WELLSTONE (for himself and Mr. KENNEDY):

S. 653. A bill to amend the Occupational Safety and Health Act of 1970 to further protect the safety and health of employees; to the Committee on Health, Education, Labor, and Pensions.

SAFER WORKPLACES ACT OF 1999

By Mr. WELLSTONE:

S. 654. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RIGHT-TO-ORGANIZE ACT OF 1999

● Mr. WELLSTONE. Mr. President, I rise today to introduce two pieces of legislation that I believe would represent a giant step forward for working Americans. The first bill, which I am calling the ''Safer Workplaces Act of 1999,'' contains four provisions that would extend health and safety protections for workers in the workplace. The second bill, the ''Right to Organize Act of 1999,'' would go a long way toward correcting some of the flagrant abuses

of the law that have resulted in workers being denied their right to organize and bargain collectively.

THE SAFER WORKPLACES ACT OF 1999

In recent years some of my colleagues have argued that the Occupational Safety and Health (OSH) Act already goes too far in protecting the right of employees to work in a safe and healthy environment. I have a different view. I believe that, in several fundamental ways, the OSH Act does not go far enough.

There are still too many workers injured on the job in America today. There are still too many tragic cases of workers losing their lives because their employers deliberately chose to break the law. When workers go to work in the morning, they have every right to expect that they'll come home at night in one piece—not maimed or killed on the job because of their employer's wrongdoing. I don't think that's a lot to ask.

Of course it's not. In fact, I know many of my Republican friends couldn't agree more. This is not, and should not be, a partisan issue. The four provisions of my ''Safer Workplaces Act,'' which I am also introducing individually as separate legislation, have all enjoyed bipartisan support in the past. I don't see any reason why they shouldn't enjoy bipartisan support in this Congress, as well. I hope we can sidestep some of the more bitter controversies surrounding the OSH Act and focus instead on meaningful changes that will make a real difference in the lives of American workers.

The first provision in my Safer Workplaces Act, which I am introducing separately as the ''Safety and Health Whistleblowers Protection Act,'' would encourage employees to step forward and identify hazards in the workplace without fear of retaliation from their employers. In theory, workers are already protected from retaliation under Section 11(c) of the OSH Act, but we know that this protection is all too often meaningless. As Assistant Secretary of Labor Charles Jeffress recently testified before the Employment, Safety, and Training Subcommittee, ''The provisions in place today in Section 11(c) of the Act are too weak and too cumbersome to discourage employer retaliation or to provide an effective remedy for the victims of retaliation.''

Many, if not most, employees are simply afraid that they'll be punished or fired if they complain. And they have every reason to be afraid. In 1997 the Labor Department's Inspector General, Charles C. Masten, concluded that

Workers, particularly with small companies, are vulnerable

to reprisals by their employers for complaining about

unsafe, unhealthy work conditions. The severity of the

discrimination is highlighted by the fact that for 653 cases

included in our sample, nearly 67 percent of the workers who

filed complaints were terminated from their jobs.

The IG further found that workers who complain to their employer first—rather than to OSHA—are particularly vulnerable; that workers in small firms are the most vulnerable; that employer retaliation is often severe, most frequently in the form of firing; that OSHA procedures to investigate complaints are inadequate; that there are significant delays in OSHA's decision-making in 11(c) cases; and that the Department is failing to seek effective remedies for employees.

GAO reached similar conclusions. Of the Compliance Safety and Health Officers (CSHOs) surveyed by GAO, 26 percent thought workers have little or no protection when they report violations to OSHA. According to almost 50 percent of these officers, workers themselves believe they have little or no protection. But only 10 percent thought workers faced no real danger of retaliation.

When employees are too intimidated to identify workplace dangers, we end up with workplaces that are more dangerous than they should be. The Labor Department Inspector General concluded that, ''Based on the worker termination rates in the 11(c) cases, many employers are not receptive to requests for abatement of workplace hazards and feel free to discipline workers who seek abatement.'' So hazards go unreported and more workers get injured or killed.

The problems with Section 11(c) are widely acknowledged. In the 103rd Congress, the House Education and Labor Committee issued a stinging critique of current law, and many of its criticisms were echoed by OSHA itself in 1998. These are some of the shortcomings they identified. There's too little time for workers to file a complaint, since many don't even learn of their legal rights within 30 days of retaliation. There's no protection for employees who refuse to work when they have good reason to think they're in danger. Workers have to rely on the Department to take their cases to court, and there are no real time limits for doing that. While their cases are pending, workers have no job and no paycheck. And there are no penalties for employers who retaliate against workers.

My legislation is designed to correct these flaws. It gives workers 6 months, rather than 30 days, to file a grievance for retaliation. It protects not only workers who report unsafe conditions, but also employees who refuse to work when they have good reason to think they might be harmed or injured. To expedite the process, my bill provides for prompt hearings before an administrative law judge. It would allow dissatisfied workers to then take their case to a federal appeals court themselves, not having to rely on the Department. And it would provide for reinstatement during these proceedings, as well as compensatory damages and exemplary damages when the employer's behavior has been particularly outrageous.

These common-sense improvements should not be contentious or controversial. In fact, a bipartisan consensus has already emerged in support of similar whistleblower reforms. In July 1988, Reagan Administration Secretary of Labor Ann McLaughlin recommended legislation allowing airline employees to refuse work when they have a reasonable belief that they might be injured or killed, as well as providing a six month grievance filing period, hearings before an administrative law judge, and a temporary reinstatement remedy. Labor Secretary Elizabeth Dole agreed that ''limitation periods shorter than 180 days have proved too short for effective protection of whistleblower rights.''

In 1989 President Bush said that reinstatement must be available for whistleblowers in cases involving waste, fraud, and abuse because ''Standard make-whole remedies * * * will be meaningless, in practice, if whistleblowers are crushed personally and financially while legitimate complaints are caught in procedural limbo.'' In 1991, Gerard Scannell, Assistant Secretary for OSHA under President Bush, testified that ''we know there is a need to improve whistleblower protection and we have been working closely with the Congress on this issue.''

In the 104th Congress, Republican Congressman CASS BALLENGER introduced an OSHA reform bill that would have strengthened whistleblower protections by lengthening the grievance filing period from 30 to 60 days, and by giving employees the right to take their cases to court if the Labor Department refuses to act.

Republicans and Democrats agree that Section 11(c) is woefully inadequate and cries out for immediate reform. To ensure a safe and healthy work environment for all workers, we must count on employees to actively participate in identifying and correcting workplace hazards. But they're not going to do that if it means putting their jobs on the line. It's that simple. These courageous individuals need more protection, not less, and that's what my legislation is all about.

The second provision of my Safer Workplaces Act, which I am introducing separately as the ''Wrongful Death Accountability Act,'' would make it a felony to commit willful violations of the OSH Act that result in death of an employee. Unbelievably, these criminal violations are only a misdemeanor under current law. Under virtually every other federal safety and health or environmental statute, by contrast, criminal violations are a felony.

Because the penalty is so insignificant, the Justice Department rarely prosecutes. There are not a lot of cases where willful violations lead to the death of an employee, but some of them involve egregious behavior that needs to be prosecuted. We need to send

a message. Employers who cause the death of their employees by deliberately violating the law should be held accountable with something more than a slap on the wrist.

Before a recent hearing of the Employment, Safety, and Training Subcommittee, Assistant Secretary of Labor Charles Jeffress testified, ''We would urge that these violations not be classified as misdemeanors, but felonies, which carry with them the possibility of incarceration for periods in excess of one year. Classifying willful workplace safety and health violations that lead to an employee's death as misdemeanors is woefully inadequate to address the harm caused. Classifying such crimes as felonies would more justly reflect the severity of the offense.''

This is another reform that has enjoyed bipartisan support in the past, and deserves bipartisan support in this Congress. In 1990 the Bush Administration testified in support of making these criminal violations felonies. Several Republicans on the Labor Committee—Brock Adams, Jim Jeffords, and David Durenberger—all supported such legislation.

The third provision of the Safer Workplaces Act, which I am introducing separately as the ''Federal Employees Safety Enhancement Act,'' would extend full OSHA protections to employees of the federal government. Federal employees have been excluded from OSHA coverage for almost 30 years. While a 1980 executive order required federal agencies to comply with OSHA standards, it provides no real enforcement authority.

As Assistant Secretary of Labor Charles Jeffress recently testified before the Employment, Safety, and Training Subcommittee, ''the OSH Act currently does not adequately protect Federal employees. * * * OSHA has little ability to require positive change on the part of public employees. As a consequence, this limited authority hinders OSHA's success in reducing illness, injuries, and fatalities on the job.''

Again, this is a common-sense reform that should be bipartisan and uncontroversial. In 1994, Republican Congressman CASS BALLENGER proposed to cover federal employees in his OSHA reform legislation. Last year, under the leadership of Senator ENZI, the Senate voted unanimously to extend OSHA coverage to the U.S. Postal Service. On introducing his Postal Employees Safety Enhancement Act of 1998, Republican Senator ENZI indicated that all federal employees should ultimately be covered: ''This important legislation is an incremental step in the effort to ensure that the 'law of the land' applies equally to all branches of government as well as the private sector—and everything in-between.''

Finally, my Safer Workplace Act would also extend OSHA protections to employees of state and local government. State and local public employees are now covered only if their state happens to have a state plan. But in 27 states that do not have a state plan, 8.1 million state and local public employees are not protected by OSHA.

There's no reason why these employees should be treated as second-class citizens. They face workplace hazards just like workers in the private sector, sometimes more. Their health and their lives are just as much at risk as those of private sector workers. In fact, in 1997, 624 public sector workers were killed on the job. In several states, the injury rate is higher for public employees than for private sector employees.

At a recent hearing of the Employment, Safety, and Training Subcommittee, Assistant Secretary of Labor Charles Jeffress testified. ''There are numerous examples of on-the-job tragedies that occurred primarily because safety and health protections do not apply to public employees. These tragedies could have been prevented by compliance with OSHA rules.''

Once again, this is a common-sense, bipartisan proposal. The Bush Administration supported OSHA coverage for state and local public employees in 1991. I understand there is interest on the other side of the aisle in this particular provision, and I welcome it.

Taken together, the four provisions in this legislation would make a real difference for American workers. Fewer of them would be exposed to workplace hazards, fewer would be injured or harmed on the job, and fewer would be forced to pay with their lives. The Safer Workplaces Act would encourage employees to be involved in identifying workplace hazards and correcting them before tragedy occurs. It would deter employers from putting their employees lives' in danger through deliberate violations of the law. And it would give federal employees and state and local public employees the same health and safety protections that workers in the private sector have long enjoyed. This is a sensible package of bipartisan reforms, and I would encourage my colleagues on both sides of the aisle to join me in passing this legislation in the 106th Congress.

THE RIGHT-TO-ORGANIZE ACT OF 1999

As Ranking Democrat on the Health, Education, Labor and Pensions (HELP) subcommittee with jurisdiction over the National Labor Relations Act (NLRA), I am also introducing legislation that would more fully recognize the right of American working men and women to organize and bargain collectively.

Workers across America who want to organize a union and bargain collectively with their employer are finding that the rules are stacked against them in crucial ways. This is clear to any labor organizer, and to many workers who have made the effort. To give workers a fair chance to organize and bargain collectively, we need fundamental labor law reform.

My ''Right-to-Organize Act of 1999'' will target some of the worst abuses of labor law that have become increasingly common in recent years. First, employees are being subject to flagrant coercion, intimidation, and interference during certification election campaigns. Second, employers are simply firing employees who attempt to organize a union, and they're doing so with virtual impunity. In fact, despite the fact that the NLRA prohibits firing of employees for trying to organize a union, as many as 10,000 Americans lose their jobs each year for doing just that. The 1994 Dunlop Commission found that one in four employers illegally fired union activists during organizing campaigns. And third, there is a growing problem of employers refusing to bargain with their employees even after a union has been certified.

The Right-to-Organize Act of 1999 tackles these problems with the following provisions:

First, it would help employees make fully informed, free decisions about union representation by providing labor representatives and management equal opportunity to disseminate information to employees.

Second, it would expand the remedies available for employees who are wrongfully discharged—for union organizing, for example. Specifically, it would expand the remedies available to the National Labor Relations Board to include three times back pay, and it would allow employees to recover punitive damages in district court when the Board has determined that they were wrongfully discharged.

Third, if protecting the right to join a union and bargain collectively is to have any meaning, there must be safeguards to ensure that newly certified unions have a reasonable opportunity to reach an agreement with their employer. My legislation would provide for mediation and arbitration when employers and employees fail to reach a collective bargaining agreement on their own within 60 days of a union's certification.

While these provisions are all much-needed to level the playing field, I am the first to admit that much more still needs to be done. This legislation is very much a work in progress. I will be considering additional provisions to strengthen the authority of the National Labor Relations Board's (NLRB) to sanction willful violations of the law and to prevent abuses that too often string out election campaigns for months and months while worker representatives are thoroughly intimidated, organizers are fired, and the organizing campaign dies an early death.

I believe very strongly that the Right to Organize is terribly important—not only for the workers who want to join together and bargain collectively, but for all Americans. One of the most important things we can do to raise the standard of living and quality of life for working Americans, raise wages and benefits, improve health and safety in the workplace, and give average

Americans more control over their lives is to enforce their right to organize, join, and belong to a union. We know that union workers are able to earn up to one-third more than non-union workers and are more likely to have pensions and health benefits. That's why more than four in ten workers who are not currently in a union say they would join one if they had the chance.

When workers join together to fight for job security, for dignity, for economic justice and for a fair share of America's prosperity, it is not a struggle merely for their own benefit. The gains of unionized workers on basic bread-and-butter issues are key to the economic security of all working families. Upholding the Right to Organize is a way to advance important social objectives—higher wages, better benefits, more pension coverage, more worker training, more health insurance coverage, and safer workplaces—without drawing on any additional government resources.

I believe that the Right to Organize is one of the most important civil rights and human rights causes of the 1990s. Unfortunately, this cause has received too little attention in this Congress. I hope I can do something to remedy that situation, but this legislation is only a first step.

By Mr. LOTT (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mrs. HUTCHISON, Mr. FRIST, Mr. MACK, Mr. MURKOWSKI, Mr. WARNER, Mr. SHELBY, Mr. BENNETT, Mr. INHOFE, Mr. SESSIONS, and Mr. GRAMS):

S. 655. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, Science, and Transportation.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1999

Mr. LOTT. Mr. President, today I am introducing legislation to combat the growing and costly fraud of title washing. Title fraud is a deceptive practice that costs consumers more than $4 billion dollars annually and places millions of structurally defective vehicles back on America's roads and highways. These are millions of unsafe cars and trucks sharing the roads with your loved ones.

The National Salvage Motor Vehicle Consumer Protection Act encourages states to adopt uniform titling and registration standards to protect used car buyers from unknowingly purchasing totaled and subsequently rebuilt vehicles. It is a sound and reasonable measure that enhances consumer disclosure and aids state motor vehicle administrators throughout the nation by giving them identical points of reference to describe salvage vehicles.

Let us be very clear on this, there are no uniform definitions and standards in place today and this leads to a hodgepodge of disclosure approaches throughout the country. Unscrupulous automobile rebuilders take advantage of inconsistencies in state titling definitions and procedures to purchase damaged vehicles at a low cost, rebuild them, oftentimes by welding the front and back of two different cars together, and then retitling the vehicle in another state. The new ''clean'' title bears no indication of the vehicle's previous damage record. As a result, consumers in your states are being sold previously totaled cars and trucks without having any knowledge that the vehicle they purchased, sometimes at a very high price, was severely damaged. A vehicle where only minor damage could cause it to fall apart. The unwitting purchasers of these vehicles experience significant economic loss. They and other motorists may also suffer bodily harm from these wrecks on wheels.

Mr. President, the title branding bill offered today will promote greater disclosure to potential used car buyers than occurs today. It establishes uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles based upon the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated task force, overseen by the U.S. Department of Transportation, included the U.S. Attorney General's Criminal and Civil Justice Divisions, State motor vehicle officials, motor vehicle manufactures, auto dealers, recyclers, insurers, salvage yard operators, scrap processors, the U.S. Treasury Department, police chiefs and municipal auto theft investigators, and other interested and affected parties. The uniform definitions and standards contained in this bill are theirs, not mine. Their recommendations are based on a wealth of day-to-day experience dealing with consumer fraud, vehicle titling, and automobile theft. The Salvage Advisory Committee's recommendations struck an appropriate balance between consumers' economic interests and their personal safety.

The National Salvage Motor Vehicle Consumer Protection Act requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. To further promote disclosure to potential used car buyers, the legislation also requires rebuilt salvage vehicles to have a decal permanently fastened to the driver's doorjamb and a sticker would be affixed to the windshield disclosing the vehicle's status. Additionally, a written disclosure statement must be provided to buyers and the vehicle's title would be branded with the statement ''rebuilt salvage.''

The bill also requires that the brands included on state vehicle titles be carried forward to each state where the vehicle is retitled.

So if your state wants to add additional requirements—they can. And these items will be a permanent part of the title.

In an effort to take aim at automobile theft, the bill requires the tracking of Vehicle Identification Numbers (VIN) of irreparably damaged vehicles. This provision ensures that VINs are not simply swapped from damaged cars to stolen cars to mask their identity.

Mr. President, Congress came very close to enacting title branding legislation last year. The original Senate measure received the formal bipartisan support of 57 Senators, and a similar bill passed the House of Representatives by a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state attorneys general.

The title branding bill before you today retains all of the changes approved by the House of Representatives last October and it includes additional pro-consumer, pro-states rights modifications received from states and the Administration.

Under this revised bill, states are free to adopt disclosure standards beyond those provided for in the bill. Let me say again that nothing in this bill prohibits states from providing unlimited disclosure to their citizens. This important legislation merely creates a basic minimum national standard while giving participating states the flexibility to adopt more stringent provisions and additional disclosure requirements.

The bill also does not create a federal mandate on the states as some big government advocates would have it. My colleagues are well aware that the Supreme Court ruled in *New York* v. *United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government. In the New York decision, the Justices upheld ''access incentives'' which allow states to decide whether they want to use federal standards.

This legislation follows the Supreme Court's ruling by offering incentive grants, as proposed by the U.S. Department of Transportation, to states that voluntarily choose to participate in the uniform titling regime for salvage vehicles. Thus, states that enact the bill's uniform titling definitions and procedures will be eligible for conformance funding. They can use the authorized funds to issue new titles, to establish and administer vehicle theft or safety inspections, for enforcement activities, and for other related purposes. While I believe most states will decide to participate in this completely voluntary program, rest assured no state will be penalized for choosing not to participate, or for adopting only some of the bill's provisions.

I would also like to point out that the revised bill no longer links state adoption of uniform titling standards to the National Motor Vehicle Title Information System (NMVTIS) funding or participation. Again, there is no penalty for nonparticipation.

The bill merely identifies and defines the minimum number of terms that should be used by states to characterize damaged vehicles. The use of nationally and consistently recognized terms will help consumers make informed decisions wherever they purchase a used vehicle. Whether in Mississippi, Utah, Florida, Montana, Texas, Virginia or any other participating state.

Mr. President, let me tell our colleagues this bill is about a commission's recommendations. Quite frankly, I took the recommendations from a commission created by Congress and codified their ideas. The ideas of the experts. The ideas of all the stakeholders. As we all know, many commission reports gather dust. I do not want this one to gather dust because motorists could be driving used cars which are literally wrecks. This is the commission's bill and I am proud to be associated with its sponsorship.

The bill fully adopts the federal task force's ''salvage'' vehicle definition as a vehicle that sustains damage in excess of 75% of its pre-accident value. This figure is lower than the House's proposal during the 105th Congress which would have set the uniform salvage threshold at 80%. The revised bill also gives states the flexibility to establish an even lower threshold if they choose. A state may set its salvage threshold at 70%, for example. The bill does not, however, set the uniform standard at an arbitrarily low minimum salvage threshold, such as 65%, when no state in the union currently has such a standard. No state. Not one.

The bill defines a flood vehicle as one that suffers water damage that inhibits the electrical, computerized, or mechanical functions of the vehicle. This definition expands upon the recommendation of the Advisory Committee by taking into account real world experience. State's found that merely being exposed to water alone does not in and of itself threaten the structural integrity, safety, or value of a vehicle. A car or truck should not be branded a flood vehicle just because its carpeting and floor mats are wet. If it were the case, none of us would drive our cars through the rain or snow. It is only when water damage impairs a vehicle's operating functions and the electrical, mechanical or computerized components have not been repaired or replaced, that the vehicle should be classified as a flood vehicle. The revised bill also goes beyond the task force's recommendations by including any vehicle acquired by an insurer as part of a water damage settlement.

A nonrepairable vehicle is one that is incapable of being driven safely and has no resale value except as a source for parts or scrap. This is similar to the nonrepairable definition used by California, our nation's largest state. This is also the common sense definition the Advisory Committee wisely chose in lieu of an arbitrary percentage based definition that would force otherwise repairable vehicles into the scrap heap. It should be noted that only five states have a percentage based nonrepairable definition. I find it troubling that these same five states have been far less successful in reducing automobile thefts than the nation as a whole and accident related deaths higher than the forty five states that do not have a percentage based nonrepairable definition. Coupled with the negative economic effects on consumers, these are additional reasons not to adopt a percentage based definition for nonrepairable vehicles.

Mr. President, my colleagues should also be aware that this legislation allows states to use additional terms in their titling regimes such as ''reconstructed'', ''unrebuildable'', and ''junk vehicles'' in addition to the terms defined in this measure. If a state that chooses to conform to the federal standard also wants to use a percentage based definition to describe a ''parts only'' vehicle, it can use a term synonymous to nonrepairable.

The National Salvage Motor Vehicle Consumer Protection Act also allows states to cover any vehicle, regardless of age. It allows older vehicles to be designated as a ''older model salvage vehicle.'' This is a change recommended by a state attorneys general representative to provide states with even more flexibility. Again, the age of a vehicle is no longer an issue under this revised title branding bill.

This legislation even grants state attorneys general the ability to sue on behalf of consumers victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

Two new prohibited acts are included in the bill—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

Mr. President, I have just gone over a number of changes that I incorporated into the bill. I have reached out to accommodate a number of issues, but there is a point where making changes defeats the purpose of the bill which is to promote consumer disclosure through uniformity.

Mr. President, this bill does nothing to inhibit a consumers ability to pursue private rights of actions available under state law. Moreover, states are free to continue or adopt new civil and criminal penalties against individuals or companies that defraud consumers. The bill does not, however, negatively impact the already overburdened Federal courts. This bill is about disclosure. If your son or daughter is buying a used car, you want them to know right up front whether the vehicle they are about to purchase has been severely damaged. Getting relief after several years of litigating in a U.S. Court does not protect consumers. It does not turn the clock back for someone who has been killed or seriously injured in a structurally unsafe vehicle.

Mr. President, I would also like to reiterate some key points concerning The National Salvage Motor Vehicle Consumer Protection Act:

State participation is completely voluntary. V-O-L-U-N-T-A-R-Y.

There is no preemption of state law. None whatsoever. None. None. None. State legislatures can fully enact the bill's provisions, enact only some of the uniform definitions and standards, or take no action whatsoever.

States that choose to participate in the minimal uniform definitions and standards identified in this bill will be entitled to conformance funding.

There is no penalty for non-participation by a state. None whatsoever. None. None. None. And, no linkage to state National Motor Vehicle Title Information System (NMVTIS) funding or participation.

It mirrors recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

The bill's definitions and standards are the minimum necessary for a voluntary uniform salvage titling framework. M-I-N-I-M-U-M.

This legislation does not force states to adopt standards or definitions that not even one state currently has in place.

The bill does not unnecessarily devalue vehicles or cause otherwise repairable automobiles to be junked. This is key because some will talk about greater protection, but these proposals threaten the car's value for no good reason and this makes no sense

The revised bill includes many additional technical corrections provided to me by the U.S. Department of Transportation, the National Association of Attorney's General, and others. I want to personally thank them for their time and effort in going over the bill with me—line by line. Their thoughts were invaluable and helpful. Throughout the legislative process, I have made several good faith efforts to reach out to all groups interested in this legislation and where possible, I included reasonable changes in the bill.

It is widely supported by state motor vehicle administrators, law enforcement agencies, state legislators, consumers, and the automobile and insurance industries. Widely supported.

Experts on the front lines, those who deal with titling issues everyday, have described other proposals that have been floated recently as confusing, or overly complex, or unworkable, or unwise, or counter productive. In many instances, these proposals have been flatly rejected by state legislatures.

The National Salvage Motor Vehicle Consumer Protection Act represents a fair, balanced, and workable approach to dealing with the issue of title fraud. It provides a voluntary framework for states to provide much needed disclosure to potential used-car purchasers. It would help close the many loopholes that exist in state titling rules. This measure maintains a state's ability to provide more disclosure, to take direct

and timely action against dishonest parties, and to adopt more stringent rules and procedures should they decide to do so. It is both pro-consumer and pro-states rights. This bill protects the safety and well-being of consumers and motorists across America.

I urge the more than fifty of my colleagues from both sides of the aisle who formally supported this title branding legislation during the last Congress to cosponsor this important bill again. I ask the rest of my colleagues also to protect their constituents by lending their support to this much needed consumer protection measure.

The time has come for Congressional action. Repeated hearings have been held on this issue in both chambers over several years. The record is clear. Title fraud is a significant problem across the country. It continues unabated. The solution is more consumer disclosure based on the use of appropriate and rational national standards. This legislation is a win-win solution for consumers, states, and industry.

You know the time has come for Congressional action when the Department of Transportation's crash test cars are rebuilt, title washed, and back on America's roads and highways. Remember, these are deliberately wrecked vehicles. Yes, the time has come for action.

Let us work together to move this measure forward. To keep dishonest rebuilders from taking advantage of even one more used car purchaser in your state.

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. 655

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Salvage Motor Vehicle Consumer Protection Act of 1999''.

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

''CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

''Sec.
''33301. Definitions.
''33302. Passenger motor vehicle titling.
''33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.
''33304. Report on funding.
''33305. Effect on State law.
''33306. Civil penalties.
''33307. Actions by States.
''33308. Incentive Grants.

''§ 33301. Definitions

''(a) DEFINITIONS.—For the purposes of this chapter:

''(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it includes a multi-purpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), a truck, other than a truck referred to in section 32101(10)(B), and a pickup truck when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and it only includes a vehicle manufactured primarily for use on public streets, roads, and highways.

''(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

''(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 75 percent of the retail value of the passenger motor vehicle at the time it was wrecked, destroyed, or damaged;

''(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

''(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

Notwithstanding any other provision of this chapter, a State may use the term 'older model salvage vehicle' to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a late model vehicle in paragraph (9). If a State has established or establishes a salvage definition at a lesser percentage than provided under subparagraph (A), then that definition shall not be considered to be inconsistent with the provisions of this chapter.

''(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title shall be conspicuously labeled with the word 'salvage' across the front.

''(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

''(A) any passenger motor vehicle which was previously issued a salvage title, had passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

''(B) any passenger motor vehicle which was previously issued a salvage title, had passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

''(5) REBUILT SALVAGE TITLE.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

''(6) NONREPAIRABLE VEHICLE.—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

''(7) NONREPAIRABLE VEHICLE CERTIFICATE.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(9) LATE MODEL VEHICLE.—The term 'Late Model Vehicle' means any passenger motor vehicle which—

''(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

''(B) has a retail value of more than $7,500. The Secretary shall adjust such retail value by $500 increments every 5 years beginning with an increase to $8,000 on January 1, 2005.

''(10) RETAIL VALUE.—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

''(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

''(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

''(11) COST OF REPAIRS.—The term 'cost of repairs' means the estimated retail cost of parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

''(12) FLOOD VEHICLE.—

''(A) IN GENERAL.—The term 'flood vehicle' means any passenger motor vehicle that—

''(i) has been acquired by an insurance company as part of a damage settlement due to water damage; or

''(ii) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined—

''(I) to have no electrical, computerized, or mechanical components which were damaged by water; or

''(II) to have one or more electrical, computerized, or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

''(B) INSPECTION NOT REQUIRED FOR ALL FLOOD VEHICLES.—No inspection under subparagraph (A) shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to this chapter.

''(C) INSPECTION MUST BE BY INDEPENDENT PARTY.—A motor vehicle repairer or motor vehicle dealer may not carry out an inspection under subparagraph (A) on a passenger motor vehicle that has been repaired, or is to be sold or leased, by that repairer or dealer.

''(D) EFFECT OF DISCLOSURE.—Disclosing a passenger motor vehicle's status as a flood vehicle or conducting an inspection pursuant to subparagraph (A) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

''(b) CONSTRUCTION.—The definitions set forth in subsection (a) only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

''§ 33302. Passenger motor vehicle titling

''(a) CARRY-FORWARD OF STATE INFORMATION.—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1999, any State receiving funds under section 33308 of this chapter, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'older model salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or work of like kind, or that it has been damaged by flood, and the name of the State that issued that title.

''(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—Not later than 18 months after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1999, the Secretary shall by rule require any State receiving funds under section 33308 of this chapter, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

''(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

''(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

''(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

''(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

''(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

''(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

''(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

''(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

''(B) A requirement to inspect the passenger motor vehicle or any major part of any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

''(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

''(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

''(10) A State shall employ the following titling and control methods:

''(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

''(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

''(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify—

''(i) the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle; and

''(ii) the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle,

except to the extent such notification is prohibited by State insurance law. The notices shall be made in writing within 30 days after the insurance company determines that the damage will require a salvage title or a nonrepairable certificate and that the vehicle will be left with the owner.

''(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the lessee that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage. Nothing in this subparagraph requires that the requirements for notification be contained in the lease itself, as long as effective notice is provided by the lessor to the lessee of the requirements.

''(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but

in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

''(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

''(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the state within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

''(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

''(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

''(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

''(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word 'Flood' shall be conspicuously labeled across the front of the new title.

''(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

''(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

''(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may, if permitted by State law, be registered for use on the roads and highways.

''(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never by title or registered for use on roads or highways.

''(c) ELECTRONIC PROCEDURES.—A State may employ electronic procedures in lieu of paper documents whenever such electronic procedures provide the same information, function, and security otherwise required by this section.

''(d) NATIONAL RECORD OF COMPLIANT STATES.—The Secretary shall establish a record of the States which are in compliance with the requirements of subsections (a) and (b) of this section. The Secretary shall work with States to update this record upon the enactment of a State law which causes a State to come into compliance or become noncompliant with the requirements of subsections (a) and (b) of this section. Not later than 18 months after the enactment of the National Salvage Motor Vehicles Consumer Protection Act of 1999, the Secretary shall establish a mechanism or mechanisms to identify to interested parties whether a State is in compliance with the requirements of subsections (a) and (b) of this section.

''§ 33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

''(a) WRITTEN DISCLOSURE REQUIREMENTS.—

''(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

''(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

''(3) COMPLETENESS.—A person acquiring rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

''(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

''(b) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the applicable State antitheft inspection in a participating State.

''(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

''(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

''§ 33304. Report on funding

''The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

''§ 33305. Effect on State law

''(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws such a State that receives funds under section 33308 of this chapter, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

''(1) set forth the form of the passenger motor vehicle title;

''(2) define, in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms 'salvage', 'nonrepairable', or 'flood', or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

''(3) set forth titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

''(b) EXCEPTIONS.—

''(1) PASSENGER MOTOR VEHICLE; OLDER MODEL SALVAGE.—Subsection (a)(2) does not preempt State use of the term—

''(A) 'passenger motor vehicle' in statutes not related to titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle ; or

''(B) 'older model salvage' to designate a wrecked, destroyed, or damaged vehicle that is older than a late model vehicle.

''(2) PRIVATE LAW ACTIONS.—Nothing in this chapter may be construed to affect any private right of action under State law.

''(c) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt salvage title that a rebuilt salvage vehicle has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

"§ 33306. Civil penalties

''(a) PROHIBITED ACTS.—It is unlawful for any person knowingly to—

''(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

''(2) fail to apply for a salvage title when such an application is required;

''(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10(I), or any disclosure made pursuant to section 33303;

''(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

''(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

''(6) fail to make any disclosure required by section 33302(b)(11);

''(7) fail to make any disclosure required by section 33303;

''(8) violate a regulation prescribed under this chapter;

''(9) move a vehicle or a vehicle title in interstate commerce for the purpose of avoiding the titling requirements of this chapter; or

''(10) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (9).

''(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to $2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

"§ 33307. Actions by States

''(a) IN GENERAL.—When a person violates any provision of this chapter, the chief law enforcement officer of the State in which the violation occurred may bring an action—

''(1) to restrain the violation;

''(2) recover amounts for which a person is liable under section 33306; or

''(3) to recover the amount of damage suffered by any resident in that State who suffered damage as a result of the knowing commission of an unlawful act under section 33306(a) by another person.

''(b) STATUTE OF LIMITATIONS.—An action under subsection (a) shall be brought in any court of competent jurisdiction within 2 years after the date on which the violation occurs.

''(c) NOTICE.—The State shall serve prior written notice of any action under subsection (a) or (f)(2) upon the Attorney General of the United States and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting an action, the Attorney General shall have the right—

''(1) to intervene in such action;

''(2) upon so intervening, to be heard on all matters arising therein; and

''(3) to file petitions for appeal.

''(d) CONSTRUCTION.—For purposes of bringing any action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(e) VENUE; SERVICE OF PROCESS.—Any action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(f) ACTIONS BY STATE OFFICIALS.—

''(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in state court on the basis of an alleged violation of any civil or criminal statute of such State, including those related to consumer protection.

''(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

"§ 33308. Incentive Grants

''(a) GENERAL AUTHORITY.—The Secretary of Transportation shall make a grant to each State that demonstrates to the satisfaction of the Secretary that it is taking appropriate actions to implement the provisions of this chapter.

''(b) GRANTS.—Pursuant to subsection (a), a grant to carry out this chapter in a fiscal year shall be provided to each qualifying State in an amount determined by multiplying—

''(1) the amount authorized for the fiscal year to carry out this chapter, by

''(2) the ratio that the amount of funds apportioned to each qualifying State under section 402 of title 23, United States Code, for the fiscal year bears to the total amount of funds apportioned to all qualifying States under section 402 of title 23, United States Code, for such fiscal year, except that no State eligible for a grant under this paragraph shall receive less than $250,000.

''(c) USE OF GRANTS.—Any State that receives a grant under this section shall use the funds to carry out the provisions of this chapter, including such conformance related activities as issuing titles, establishing and administering vehicle theft or salvage vehicles safety inspections, enforcement, and other related purposes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this chapter $16,000,000 for fiscal year 2000.

''(2) AVAILABILITY OF FUNDS.—Funds authorized by this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

''333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS ..... 33301''.

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Section 30501(4) of title 49, United States Code, is amended to read as follows:

''(4) 'nonrepairable vehicle', 'salvage vehicle', 'flood vehicle', and 'rebuilt salvage vehicle' have the same meanings given those terms in section 33301 of this title.''.

(2) Section 30501(5) of such title is amended by striking ''junk automobiles'' and inserting ''nonrepairable vehicles''.

(3) Section 30501(8) of such title is amended by striking ''salvage automobiles'' and inserting ''salvage vehicles''.

(4) Section 30501 of such title is amended by striking paragraph (7) and redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Section 30502(d)(3) of title 49, United States Code, is amended to read as follows:

''(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, a flood vehicle, or a salvage vehicle;''.

(2) Section 30502(d)(5) of such title is amended to read as follows:

''(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, a flood vehicle, or a salvage vehicle under section 30504 of this title.''.

(c) STATE PARTICIPATION.—Section 30503 of title 49, United States Code, is amended to read as follows:

"§ 30503. State participation

''(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

''(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

''(1) communicating to the operator—

''(A) the vehicle identification number of the automobile for which the certificate of title is sought;

''(B) the name of the State that issued the most recent certificate of title for the automobile; and

''(C) the name of the individual or entity to whom the certificate of title was issued; and

''(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

''(c) GRANTS TO STATES.—

''(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

''(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

''(B) determine for each State the cost of making titling information maintain by that State available to the operator to meet the requirements of section 30502(d) of this title.

''(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

''(d) REPORT TO CONGRESS.—Not later than October 1, 1999, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.''.

''(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking ''junk automobiles or salvage automobiles'' every place it appears and inserting ''nonrepairable vehicles, rebuilt salvage vehicles, flood vehicles, or salvage vehicles''.

SEC. 4. DEALER NOTIFICATION PROGRAM FOR PROHIBITED SALE OF NONQUALIFYING VEHICLES FOR USE AS SCHOOLBUSES.

Section 30112 of title 49, United States Code, is amended by adding at the end thereof the following:

''(c) NOTIFICATION PROGRAM FOR DEALERS CONCERNING SALES OF VEHICLES AS

SCHOOLBUSES.—Not later than September 1, 1999, the Secretary shall develop and implement a program to notify dealers and distributors in the United States that subsection (a) prohibits the sale or delivery of any vehicle for use as a schoolbus (as that term is defined in section 30125(a)(1) of this title) that does not meet the standards prescribed under section 30125(b) of this title.''.

By Mr. HATCH (for himself, Mr. CLELAND, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND and Mr. WARNER):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG PROTECTION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, it is with great honor and reverence that I rise today with my friend and colleague, Senator CLELAND, to introduce a bipartisan constitutional amendment to permit Congress to enact legislation prohibiting the physical desecration of the American flag.

The American flag serves as a symbol of our great nation. The flag represents our country in a way nothing else can; it represents the common bond shared by an otherwise diverse people. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Throughout our history, the flag has captured the hearts and minds of school teachers, construction workers, police officers, grandmothers, and public servants. Who can forget the image of Neil Armstrong and Buzz Aldrin planting the American flag on the moon? At that moment, the flag stood not only for the triumph of American know-how and the courage of Americans to explore the unknown, but also for freedom. It was a statement that whatever Americans do, we do to promote liberty, equality, and justice.

And, what of those children who recite the ''Pledge of Allegiance'' every morning in classrooms all across America? They are pledging to be good citizens, honest and loyal and just. In pledging allegiance to the flag, they are affirming their belief in ''liberty and justice for all.''

And, throughout our history, men and women in uniform have drawn courage from our flag and gave their lives for the values it symbolizes. No matter the era, no matter the color of uniform—whether Army green, Air Force blue, or Navy white—no matter the theater of battle—whether at Gettysburg, San Juan Hill, Iwo Jima, Korea, Da Nang, or the Persian Gulf—our men and women had one common bond: the American flag.

Consider the example of Army Corporal Joseph Quintero, a prisoner of the Japanese during World War II. Quintero secretly led a group of POWs in obtaining red, white, and blue material to make an American flag. The flag lifted the hearts of the Americans who were suffering from malnutrition, overwork, and physical abuse. When American planes started to attack the prison camp, Quintero waived Old Glory and the planes stopped the attack and saved numerous American lives. Even in the worst of conditions, Joseph Quintero knew the value of the American flag.

From my home State of Utah, there is the courageous example of Lt. William E. Hall, whose fearless actions in the Battle of the Coral Sea earned him the Congressional Medal of Honor. Lieutenant Hall attacked a Japanese aircraft carrier and then Japanese planes in a series of highly dangerous engagements. Though seriously wounded, Lt. Hall guided his plane back to a landing strip marked by the American flag.

General Schwarzkopf in a speech before Congress thanked the American people for their support of our troops in Operation Desert Storm, stating: ''The profits of doom, the naysayers, the protesters and the flag-burners all said that you wouldn't stick by us, but we knew better. We knew you'd never let us down. By golly, you didn't.''

We respect the sacrifices of our men and women in uniform because we respect what they died for. They did not give their lives for ground, prestige, wealth, or a monarch. They sacrificed their lives for freedom, opportunity, and justice—all represented by our nation's flag of 50 stars and thirteen stripes. Through the American flags at Arlington National Cemetery, on the Iwo Jima Memorial, and at every school yard, we honor those sacrifices. But there are those who do not.

In 1984, Greg Johnson led a group of radicals in a protest march. He doused an American flag with kerosene and set it on fire as his fellow protestors chanted: ''America, the red, white, and blue, we spit on you.'' While traditional First Amendment jurisprudence would protect Johnson's ability to speak and write about the flag, it did not protect his ability to physically destroy the flag.

But, in 1989, the Supreme Court abandoned the history and intent of the First Amendment by creating a new standard that made no distinction between oral and written speech about the flag and disrespectful conduct toward the flag. In *Texas* v. *Johnson*, five members of the Court, for the first time ever, overturned a conviction based solely on physical conduct toward the American flag. The majority argued that the First Amendment had somehow changed and that it now prevented a state from protecting the American flag from acts of physical desecration. When Congress responded with a federal flag protection statute, the Supreme Court, in *United States* v. *Eichman*, used its new and changed interpretation of the First Amendment to strike it down by a 5–4 vote.

Under this new interpretation of the First Amendment, it is assumed that the people, their elected legislators, and the courts can no longer distinguish between speech and conduct. Because of this assumed inability to make such distinctions, there are those who argue that our freedom to express political ideas is wholly dependent on treating Greg Johnson's burning of the American flag exactly like oral and written speech.

This ill-advised argument fails because its basic premise—that legislatures and courts cannot distinguish between oral and written expression and disrespectful physical conduct—is so obviously false. It is precisely this distinction that legislatures and courts did make for almost 200 years. Just as judges have distinguished which laws and actions comply with the constitutional command to provide ''equal protection of the laws'' and ''due process of law,'' so too have judges distinguished between free speech and destructive conduct, and have limited the latter.

Destructive conduct, such as breaking down the doors of the State Department, may be a way of expressing one's

dissatisfaction with the nation's foreign policy objectives. Laws, however, can be enacted preventing such actions in large part because there are alternatives that can be equally powerful. I should also note that right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries.

Moreover, the people themselves did not elevate the act of flag desecration to a constitutionally protected status, which the Supreme Court did in Johnson and Eichman. Such an extreme view was never drafted by the Congress or ratified by the people. Indeed, such a protection is contradicted by the original and historic intent of the First Amendment. Thus, in this Senator's view, the Supreme Court erred in Johnson and in Eichman.

It has also been argued that another flag protection statute could pass constitutional muster under the ''fighting words'' doctrine. In R.A.V. v. City of St. Paul, however, the Supreme Court expanded the newly created, so-called ''right'' to burn the flag by stating that any statute that specifically targeted the American flag for protection was unconstitutional, regardless of the ''fighting words'' doctrine. Thus, a constitutional amendment is the only means left to protect the flag.

It has been argued that a constitutional amendment to protect the flag should be ''content neutral'' and prohibit not only disrespectful destructions of the flag, but all destructions of the flag. Such an amendment would sweep too broadly by prohibiting the ceremonial disposal of a flag and the traditional printing of regimental names on the flag. In short, a ''content neutral'' amendment misses the point. It is the traditional constitutional protection for the dignity of the flag that must be restored, not a new broad ban on any conduct with a flag that should be created. Only a narrowly tailored amendment can accomplish this honorable purpose.

The amendment that Senator CLELAND and I propose affects only the most radical and disrespectful forms of conduct towards the American flag. The amendment will leave untouched the current constitutional protections for Americans to speak their sentiments at a rally, to write their sentiments to their newspaper, and to vote their sentiments at the ballot box. The amendment simply restores the traditional and historic power of the people's elected representatives to prohibit the disrespectful physical destruction of the flag.

Further, it is clear that restoring legal protection to the American flag will not place us on a slippery slope to limit other freedoms. No other symbol of our bipartisan national ideals has flown over so many of our battlefields, cemeteries, school yards, and homes. No other symbol has been paid for with so much of our countrymen's blood. No other symbol has encouraged so many ordinary men and women to seek liberty and justice for all.

In recent months, my colleagues on both sides of the political aisle have called for a new bipartisan spirit in Congress. This amendment fits the bill. Restoring legal protection to the American flag is not, nor should it be, a partisan issue. Including Senator CLELAND and myself, 57 senators, both Republicans and Democrats, have joined as original cosponsors of this amendment.

Over 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African-American Women's Clergy Association all support the flag protection amendment. Forty-nine state legislatures have passed resolutions calling for constitutional protection for the flag. Last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 310–114, and will pass it again this year.

Mr. President, I am very honored to be a cosponsor with my dear friend from Georgia, Senator CLELAND. I appreciate the efforts he has put forth in this battle. Having served in the military as he has done with such distinction and with courage, he has earned the right to speak for the protection of the flag.

I am, therefore, proud to rise today and introduce a constitutional amendment that will restore to the people's elected representatives the right to protect one unique national symbol, the American flag, from acts of physical desecration.

Mr. President, I ask unanimous consent that the text of the proposed amendment be included in the RECORD.

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

S.J. RES. 14

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

''ARTICLE —

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

Mr. CLELAND. Mr. President, I want to first thank my dear friend and colleague, the distinguished chairman of the Judiciary Committee, Senator HATCH. His dedicated leadership on this important matter is unparalleled and, without it, we would not have been able to gain all of the support we have for this important legislation. I am proud to say that the resolution regarding the flag protection amendment Senator HATCH and I are introducing today has 57 original co-sponsors, and I am hopeful that we will be able to bring this important matter to a final vote in the Senate this year.

As I have stated many times before, I am a strong supporter of a Constitutional amendment to prohibit the physical desecration of the United States flag. The amendment we are proposing is simple. It simply vests Congress with the authority to protect the flag through statute. We need not fear that the states will create a hodgepodge of flag protection statutes. Instead, Congress can create one uniform statute for the entire nation.

I understand the concerns that others have about the impact on the First Amendment that this bill might have, and as a veteran who risked his life in Vietnam to protect the principles of freedoms that Americans hold sacred, I am a strong supporter of the First Amendment. However, I believe that an amendment to protect the flag is an acceptable limitation in order to protect the most sacred of American symbols. I strongly believe that the societal interest in preserving the symbolic value of the flag outweighs the interest in an individual choosing to physically desecrate the flag. The flag unites Americans as no symbol can. The flag is sacred. Those who would desecrate the flag would desecrate America and the freedoms that we hold inviolate.

I cannot presume to know the importance of the American flag for each individual American. But I can say without doubt, that it is the only unifying symbol that the vast diversity of this great nation has. No matter one's age, religion, culture, ethnicity, race, or gender—every American is represented by the United States flag and the flag undoubtedly bonds Americans together.

The tradition of the flag goes back to this country's birth. Indeed, it even inspired our national anthem. Until the Supreme Court struck down a state flag protection law in Texas versus Johnson in 1989, there have always been state and federal laws protecting the flag from acts of physical desecration. In fact, flag protection can be traced back to our founding fathers who strongly supported the government's protection of the flag. James Madison and Thomas Jefferson, who were instrumental in framing the Constitution, recognized that protecting the flag and preserving the First Amendment were consistent. They often spoke out against desecration of the flag and sought to protect the sovereignty interest in the flag. Both Madison and Jefferson considered that a defacement of the flag should be a violation of the law. In fact, Jefferson believed that such a violation should invoke a ''systematic and severe'' course of punishment for persons who violated the flag.

I do not profess to be a constitutional scholar. But I, like many Americans, do not agree with the Supreme Court's ruling in *Texas* v. *Johnson*, and *United States* v. *Eichman* which struck down

statutes protecting the United States flag as unconstitutional violations of the First Amendment right to free speech. I respect the wisdom of the Justices of the Supreme Court, yet I was saddened that we no longer were able to rely upon statutory authority to protect the flag.

I was especially saddened in light of the views expressed by some of the most learned scholars in American jurisprudence. Several Supreme Court Justices over the years have issued opinions recognizing the importance of protection of the flag, including Justices Harlan, Warren, Fortas, Black, White, Rehnquist, Blackmun, Stevens, and O'Connor. These Justices have each supported the view that nothing in the Constitution prohibits the states or the federal government from protecting the flag. Perhaps Chief Justice Rehnquist explained it best in his dissent in Texas versus Johnson which was joined by Justices O'Connor and White, when he said:

> [t]he American flag . . . throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have. I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States, which make criminal the public burning of the flag.

Nonetheless, the current Supreme Court view stands. That is what brings us here today. In an attempt to protect the flag, Congress has been forced to enact a constitutional amendment. The House has twice overwhelmingly passed resolutions that would begin the formal process of amending the Constitution to protect the flag. Unfortunately, it has been the Senate that has blocked these efforts. However, the vote has always been close in the Senate and I am hopeful that we will succeed this year.

The will of the people in this matter is clear. The polls continue to show that more than 80 percent of the American people believe that Congress should act to protect the flag and that it is worth amending the Constitution to do so. The Supreme Court decision in Texas versus Johnson in effect invalidated the laws in 48 states and the District of Columbia that prohibited flag desecration. Since the Supreme Court's decision, 49 of the 50 State legislatures have adopted resolutions asking Congress to send the flag protection amendment to the States for ratification. I believe we ought to let the American people decide. Therefore, I lend my full support to efforts to send this initiative back to the States and American people for ratification.

Although support for government action to protect the United States flag comes from all sectors of the American public, I have been particularly moved by the voices of our veterans who have fought and died to defend the freedoms guaranteed to all Americans in the Constitution. The U.S. flag is a manifestation of those freedoms and holds particular significance to those who have risked their lives to protect this country and the flag which embodies them. In fact, in many cases the U.S. has presented the Medal of Honor to veterans for their uncommon valor in protecting the flag in times of war. As Justice Stevens said in his dissenting opinion in Texas versus Johnson:

> The freedom and ideals of liberty and ideals of liberty, equality and tolerance that the flag symbolizes and embodies have motivated our nation's leaders, soldiers, and activists to pledge their lives, their liberty and their honor in defense of their country. Because our history has demonstrated that these values and ideals are worth fighting for, the flag which uniquely symbolizes their power is itself worthy of protection from physical desecration.

The military has always used the flag to honor those who fought and died to protect our freedoms. We honor the members of our armed forces by draping a flag over the coffin of a slain soldier, placing a flag near a soldier's grave, or displaying a flag on Memorial Day and Veterans' Day. To permit people to physically desecrate the flag diminishes the honor we bestow upon them and tarnishes its value and the brave service of those individuals who fought to defend it.

As Chief Justice Harlan once said, ''love both of the common country and of the State will diminish in proportion as respect for the flag is weakened.'' Perhaps my colleagues who do not agree with me upon this issue will believe that I have overly dramatized the meaning of the flag, but for me personally, who fought to defend the principles of freedom we hold sacred, the protection of the flag which represents them cannot be ignored. I believe we must use this opportunity to show the world that we reaffirm our commitment to the ideals the flag stands for and what so many Americans fought for.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to prevent desecration of our great national symbol. I want to thank Chairman HATCH for his continuing dedication to this issue, and I want to applaud him for reintroducing the flag amendment today. I believe that our nation's symbol is a unique and important part of our heritage and culture, and worthy of respect and protection. In 1995, I was an original co-sponsor of an amendment to the Constitution designed to protect the symbol of our nation and its ideals. When that resolution was defeated narrowly, we vowed that this issue would not go away and it has not. I stand here, again, today to declare the necessity of protecting the Flag of the United States of America and what it represents.

Throughout our history, the Flag has held a special place in the hearts and minds of Americans. As the appearance of the Flag has changed with the addition of stars as the nation has grown, its core meaning to the American people has remained constant. It symbolizes an ideal, not just for Americans, but for all those who honor the great American experiment. It represents a shared ideal of freedom, sacrifice, morality, history, unity, patriotism, loved ones lost, the American way of life and even America itself. The Flag stands in this chamber and in our court rooms; it is draped over our honored dead; it flies at half-mast to mourn those we wish to respect; and it is the subject of our National Anthem, our National March and our Pledge of Allegiance. America's inability to demand a modicum of respect for the flag leads not only to the desecration of our nation's symbol, but of the important values upon which this nation was founded. As the Chief Justice noted in his dissent in Texas versus Johnson (1989), ''[t]he American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our nation. . . . Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.''

There can be little doubt that the people of this country fully support preserving and protecting the American Flag. During a recent hearing that I chaired on ''The Tradition and Importance of Protecting the United States Flag'' held by the Subcommittee on the Constitution, Federalism, and Property Rights, the witnesses noted that an unprecedented 80% of the American people supported a constitutional amendment to protect the flag. The people's elected representatives reflected that vast public support by enacting Flag protection statues at both the State and Federal levels. In fact, 49 State Legislatures have passed resolutions asking Congress to send a constitutional amendment to the States for ratification. Regrettably, the Supreme Court thwarted the people's will—and discarded the judgment of state legislatures and the Congress that protecting the Flag is fully consistent with our Constitution—by holding that, as far as the Constitution is concerned, the American Flag is just another piece of cloth for which no minimum of respect may be demanded. As a consequence, that which represents the struggles of those who came before us, our current ideals, and our hopes for years to come, cannot be recognized for what it truly is—a national treasure in need of protection.

Further, the question must be asked, what is the legacy we are leaving our children? At a time when our nation's virtues are too rarely extolled by our national leaders, and national pride is dismissed by many as arrogance, America needs, more than ever, something to celebrate. At a time when our political leaders labor under the taint of scandal, we need a national symbol

that is beyond reproach. America needs its Flag unblemished, representing more than any person or any partisan interest, but this extraordinary nation. The Flag, and the freedom for which it stands, has a unique ability to unite us as Americans. Whatever our disagreements, we are united in our respect for the Flag. We are in need of healing. We should not allow the healing and unifying power of the Flag to become a source of divisiveness.

The protection that the people seek for the Flag does not threaten the sacred rights afforded by the First Amendment. I sincerely doubt that the Framers intended the First Amendment of the Constitution to prevent state legislatures and Congress from protecting the Flag of the nation for which they shed their blood. At the time of the Supreme Court's decision, the tradition of protecting the Flag was too firmly established to suggest that such laws are inconsistent with our constitutional traditions. Many of the state laws were based on the Uniform Flag Act of 1917. No one at that time, or for 70 years afterwards, felt that these laws ran afoul of the First Amendment. Indeed, the Supreme Court itself upheld a Nebraska statute preventing commercial use of the Flag in 1907 in Halter versus Nebraska. As the Chief Justice stated in his dissent, ''I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States which make criminal the public burning of the flag.''

Nor do I accept the notion that amending the Constitution to overrule the Supreme Court's decisions in the specific context of desecration of the Flag will somehow undermine the First Amendment as it is applied in other contexts. This amendment does not create a slippery slope which will lead to the erosion of Americans' right to free speech. The Flag is wholly unique. It has not rightful counterpart. An amendment protecting the Flag from desecration will provide no aid or comfort in any future campaigns to restrict speech. Moreover, an amendment banning the desecration of the Flag does not limit the content of any true speech. As Justice Stevens noted in his dissent in Johnson versus Texas, ''[t]he concept of 'desecration' does not turn on the substance of the message the actor intends to convey, but rather on whether those who view the act will take serious offense.'' Likewise, the act of desecrating the Flag does not have any content in and of itself. The act takes meaning and expresses conduct only in the context of the true speech which accompanies the act. And that speech remains unregulated. As the Chief Justice noted, ''flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others.''

In sum, there is no principal or fear that should stand as an obstacle to our protection of the Flag. Unfortunately, at no other time in history has our country so needed such a symbol of sacrifice, honor, unity and freedom. It is my earnest hope that by amending the Constitution to prohibit its desecration, this body will protect the heritage, sacrifice, ideals, freedom and honor that the Flag uniquely represents.

ADDITIONAL COSPONSORS

S. 168

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 168, a bill for the relief of Thomas J. Sansone, Jr.

S. 329

At the request of Mr. ROBB, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 355

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 355, a bill to amend title 13, United States Code, to eliminate the provision that prevents sampling from being used in determining the population for purposes of the apportionment of Representatives in Congress among the several States.

S. 376

At the request of Mr. BURNS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Oregon (Mr. WYDEN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 391

At the request of Mr. KERREY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 396

At the request of Mr. HUTCHINSON, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 396, a bill to provide dollars to the classroom.

S. 429

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 502

At the request of Mr. ASHCROFT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 502, a bill to protect social security.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 529

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 529, a bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to make structural changes to the Federal Crop Insurance Corporation and the Risk Management Agency, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator

from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 541

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 562

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 609

At the request of Mr. MURKOWSKI, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 609, a bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under the Act, and for other purposes.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 630

At the request of Mr. BURNS, the name of the Senator from Montana (Mr. BAUCUS) was withdrawn as a cosponsor of S. 630, a bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Irrigation Project, Montana.

S. 636

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's participation in the World Health Organization.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

SENATE RESOLUTION 50

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Resolution 50, a resolution designating March 25, 1999, as ''Greek Independence Day: A Day of Celebration of Greek and American Democracy.''

SENATE CONCURRENT RESOLUTION 18—EXPRESSING THE SENSE OF CONGRESS THAT THE CURRENT FEDERAL INCOME TAX DEDUCTION FOR INTEREST PAID ON DEBT SECURED BY A FIRST OR SECOND HOME SHOULD NOT BE FURTHER RESTRICTED

Mr. ASHCROFT submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 18

Whereas homeownership is a fundamental American ideal, which promotes social and economic benefits beyond the benefits that accrue to the occupant of the home;

Whereas homeownership is an important factor in promoting economic security and stability for American families;

Whereas it is proper that the policy of the Federal Government is and should continue to be to encourage homeownership;

Whereas the increase in the cost of housing over the last 10 years has been greater than the increase in family income;

Whereas, for the first time in 50 years, the percentage of people in the United States owning their own homes has declined;

Whereas the percentage of people in the United States between the ages of 25 and 29 who own their own home has declined from 43 percent in 1976 to 38 percent today;

Whereas the current Federal income tax deduction for interest paid on debt secured by a first home has been a valuable cornerstone of this Nation's housing policy for most of this century and may well be the most important component of housing-related tax policy in America today;

Whereas the current Federal income tax deduction for interest paid on debt secured by second homes is of crucial importance to the economies of many communities;

Whereas the continued deductibility of interest paid on debt secured by a first or second home has particular importance in promoting other desirable social goals, such as education of young people; and

Whereas the Federal income tax deduction for interest paid on debt secured by a first or second home has been limited twice in the last 6 years, and was further eroded as a result of the Omnibus Budget Reconciliation Act of 1990: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

SENATE CONCURRENT RESOLUTION 19—CONCERNING ANTI-SEMITIC STATEMENTS MADE BY MEMBERS OF THE DUMA OF THE RUSSIA FEDERATION

Mr. CAMPBELL (for himself, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. ABRAHAM, Mr. BROWNBACK, Mr. REID, Mr. BURNS, Mr. TORRICELLI, Mr. CLELAND, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas the world has seen in the 20th century the disastrous results of ethnic, religious, and racial intolerance;

Whereas the Government of the Russian Federation is on record, through obligations freely accepted as a participating state of the Organization on Security and Cooperation in Europe (OSCE), as pledging to ''clearly and equivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone . . .'';

Whereas at two public rallies in October 1998, Communist Party member of the Duma, Albert Makashov, blamed ''the Yids'' for Russia's current problems;

Whereas in November 1998, attempts by members of the Russian Duma to formally censure Albert Makashov were blocked by members of the Communist Party;

Whereas in December 1998, the chairman of the Duma Security Committee and Communist Party member, Viktor Ilyukhin, blamed President Yeltsin's ''Jewish entourage'' for alleged ''genocide against the Russian people'';

Whereas in response to the public outcry over the above-noted anti-Semitic statements, Communist Party chairman Gennadi Zyuganov claimed in December 1998 that such statements were a result of ''confusion'' between Zionism and ''the Jewish question''; and

Whereas during the Soviet era, the Communist Party leadership regularly used ''anti-Zionist campaigns'' as an excuse to persecute and discriminate against Jews in the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns anti-Semitic statements made by members of the Russian Duma;

(2) commends actions taken by members of the Russian Duma to condemn anti-Semitic statements made by Duma members;

(3) commends President Yeltsin and other members of the Russian Government for condemning anti-Semitic statements made by Duma members; and

(4) reiterates its firm belief that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

Mr. CAMPBELL. Mr. President, although Communism released its oppressive grip on the people of Russia nearly ten years ago, its fingerprints of racism and ethnic intolerance persist. Today, I call the attention of my colleagues to the troubling surge of anti-Semitic rhetoric by the Russian Duma's Communist Party leaders who have sought to place the blame of Russia's social and economic ills on its Jewish community. As the new co-chairman of the Helsinki Commission, I am submitting a resolution to help address this disturbing situation. This

resolution is a companion to H.Con.Res. 37 which was introduced by Congressman CHRIS SMITH, Chairman of the Helsinki Commission.

In October of last year, General Albert Makashov, Communist Party member of the Duma, insulted and threatened the Jewish community with physical retribution for what he asserted as being a cause of Russia's current instabilities. When other members of the Duma sought to censure General Makashov for his comments, Communist party members blocked the measure on two different occasions and the Duma failed to condemn his statements. Then in December, Viktor Ilyukhin, Communist Party member and Chairman of the Security Committee, asserted that the Jews were committing 'genocide against the Russian people'. He further referenced the influence of President Yeltsin's 'Jewish entourage' and called for ethnic quotas in these posts to counter Jewish influence.

It is imperative that the Russian Duma be sent a clear message that these expressions of racism and ethnic hatred will not go unnoticed by the U.S.

Today, I am joined by Senators LAUTENBERG, ABRAHAM, SMITH of Oregon, BROWNBACK, TORRICELLI, REID, CLELAND, BURNS, and FEINGOLD in submitting a resolution which condemns these anti-Semitic statements made by the Russian Duma. It likewise commends the actions taken by those in the Duma who sought to censure the Communist Party leaders and commends President Yeltsin for his forceful rejection of the statements. This resolution also reiterates the firm belief of the Congress that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

In light of Prime Minister Yevgeny Primakov's upcoming visit to the U.S., this resolution is especially timely. I urge my colleagues to support this important resolution which underscores the U.S. commitment to religious freedom and human rights.

Mr. LAUTENBERG. Mr. President, I rise today in support of the resolution condemning anti-Semitic statements by Russian political leaders and commending President Yeltsin and others for raising their voices against such hateful speech.

Anti-Semitism in Russia is not a new phenomenon. Throughout Russia's history, Jews have often been singled out for persecution during times of crisis. It happened in the seventeenth century, when a reign of terror was unleashed against Jews in Eastern and Central Europe, and it happened in the pogroms of World War I, when entire Jewish communities were annihilated. In short, when there's trouble in Russia, Jews are usually the first to be blamed. Anti-Semitic comments coming from high-ranking officials in Russia in recent months are particularly worrisome. They come at a time when Russia should be overcoming its troubled past and rejoining the world community by honoring freedom of religion, free speech and other human rights.

The anti-Semitic statements made by prominent Russian officials are well known by now: Last November, retired General Albert Makashov blamed the country's economic crisis on ''yids.'' In an open letter, Gennady Zyuganov, the Communist Party chief, voiced his belief of a Zionist conspiracy to seize power in Russia. Another top Communist lawmaker, Viktor Ilyukhin, accused Jews of waging ''genocide'' in the country.

Officials in the Russian government have criticized these statements. Yet not so long ago, Russian President Yeltsin went ahead with a summit with his counterpart, Belarus president Alexander Lukashenko, who himself blamed Jewish financiers and political reformers ''for the creation of the criminal economy.'' Alexander Lebed, a top contender for the presidential post in the 2000 elections, has also made negative remarks about several religious groups.

We in Congress have asked senior Administration officials to lodge our protests against the anti-Semitic comments made by Russian leaders. During her recent trip to Moscow, Secretary Albright did exactly that and received assurances that anti-Semitism has no place in Russia. The Administration will have another opportunity to voice our concern when Vice President GORE receives Russia's Prime Minister Primakov next week.

I will closely be watching events in Russia to ensure the government is in compliance with its international human rights commitments. There has been concern that the country's religion law, passed in 1997, cedes too much authority to local officials. The omnibus appropriations bill for 1999 directs a cutoff of Freedom Support Act aid to Russia unless the President determines and certifies that Moscow hasn't implemented statutes, regulations or executive orders that would discriminate against religious groups. That certification must be made by late April. I hope certification, as well as the International Religious Freedom Act, passed last year, will be strong incentives for Russian leaders to reverse a troubling anti-democratic trend.

As you know, in 1989 I authored legislation making it easier for Jews and members of other persecuted religious groups in the former Soviet Union to obtain refugee status in the United States. I introduced this law because I felt deeply that religious freedom was a basic human right, which was anathema under the Soviet system of government. Recent events in Russia convince me my legislation remains very necessary and I will be asking my colleagues to support an extension again this year.

During a trip to Poland last year, President Kwasniewski and Prime Minister Buzek reached out to the Jewish community to help bridge the gap between Poles and Jews. This is a difficult and long-term process, but at least leaders across the political spectrum are making a real effort to heal wounds and create a more welcome climate for Jews in Poland. I welcome President Yeltsin's rejections of anti-Semitism and I hope more members of the Duma will speak out in this manner.

I want also to pay tribute to Parliamentarian Galina Starovoitova, a steadfast supporter of human rights and democracy, who was shot dead last November in the entry way of her St. Petersburg apartment building. Ms. Starovoitova, a non-Jew, was a leading voice in condemning anti-Semitism in Russian society. Her courage will be sorely missed.

Congress understands Russia cannot be a great democracy until it makes progress in human rights, and doesn't revert to past practices. Russia's leaders must come to the same conclusion. We must all work together to reach a common goal—helping Russia integrate into the international community.

Mr. President, I urge all my colleagues to support this timely resolution.

SENATE RESOLUTION 64—RECOGNIZING THE HISTORIC SIGNIFICANCE OF THE FIRST ANNIVERSARY OF THE GOOD FRIDAY PEACE AGREEMENT

Mr. DURBIN (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. MOYNIHAN, Mr. DODD, Mr. FITZGERALD, Mr. SCHUMER, Mr. REID, Mr. STEVENS, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEVIN, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. CLELAND, Mr. TORRICELLI, Mr. GRAMS, Mr. SANTORUM, Mr. DASCHLE, Ms. MIKULSKI, Mr. KERREY, Mr. COCHRAN, Mr. DORGAN, Mr. THURMOND, Ms. LANDRIEU, Ms. COLLINS, Mr. BURNS, Mr. MCCAIN, Mr. LOTT, Mr. BAYH, Mr. VOINOVICH, Mrs. LINCOLN, Mr. BINGAMAN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 64

Whereas Ireland has a long and tragic history of civil conflict that has left a deep and profound legacy of suffering;

Whereas since 1969 more than 3,200 people have died and thousands more have been injured as a result of political violence in Northern Ireland;

Whereas a series of efforts by the Governments of the Republic of Ireland and the United Kingdom to facilitate peace and an announced cessation of hostilities created an historic opportunity for a negotiated peace;

Whereas in June 1996, for the first time since the partition of Ireland in 1922, representatives elected from political parties in Northern Ireland pledged to adhere to the principles of nonviolence and commenced talks regarding the future of Northern Ireland;

Whereas the talks greatly intensified in the spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was critical to the success of the talks;

Whereas on Good Friday, April 10, 1998, the parties to the negotiations each made honorable compromises to conclude a peace agreement for Northern Ireland, which has become known as the Good Friday Peace Agreement;

Whereas on Friday, May 22, 1998, an overwhelming majority of voters in both Northern Ireland and the Republic of Ireland approved by referendum the Good Friday Peace Agreement;

Whereas the United States must remain involved politically and economically to ensure the long-term success of the Good Friday Peace Agreement; and

Whereas April 10, 1999, marks the first anniversary of the Good Friday Peace Agreement: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement;

(2) salutes British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern and the elected representatives of the political parties in Northern Ireland for creating the opportunity for a negotiated peace;

(3) commends former Senator George Mitchell for his leadership on behalf of the United States in guiding the parties toward peace;

(4) congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together in peace;

(5) reaffirms the bonds of friendship and cooperation that exist between the United States and the Governments of the Republic of Ireland and the United Kingdom, which ensure that the United States and those Governments will continue as partners in peace; and

(6) encourages all parties to move forward to implement the Good Friday Peace Agreement.

SENATE RESOLUTION 65—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 65

Whereas, in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*, Civil No. 97–998 (Cass Cty., N.D.) pending in North Dakota state court, testimony has been requested from Kevin Carvell and Judy Steffes, employees of Senator Byron L. Dorgan;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kevin Carvell, Judy Steffes, and any other former or current Senate employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Byron L. Dorgan, Kevin Carvell, Judy Steffes, and any other Member or employee of the Senate from whom testimony or document production may be required in connection with the case of *Dirk S. Dixon, et al*, v. *Bruce Pearson, et al.*

SENATE RESOLUTION 66—TO AUTHORIZE TESTIMONY, DOCUMENTARY PRODUCTION, AND REPRESENTATION OF EMPLOYEES OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 66

Whereas, in the case of *United States* v. *Yah Lin ''Charlie'' Trie*, Criminal No. LR–CR–98–239, pending in the United States District Court for the Eastern District of Arkansas, documentary and testimonial evidence are being sought from the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Committee on Governmental Affairs, acting jointly, are authorized to produce records of the Committee, and present and former employees of the Committee from whom testimony is required are authorized to testify, in the case of *United States* v. *Yah Lin ''Charlie'' Trie*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one.

SENATE RESOLUTION 67—TO AUTHORIZE REPRESENTATION OF SECRETARY OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas, in the case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*, C.A. No. 99–K–201, pending in the United States District Court for the District of Colorado, the plaintiffs have named the Secretary of the Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Secretary of the Senate in the case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*

SENATE RESOLUTION 68—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TREATMENT OF WOMEN AND GIRLS BY THE TALIBAN IN AFGHANISTAN

Mrs. BOXER (for herself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 68

Whereas more than 11,000,000 women and girls living under Taliban rule in Afghanistan are denied their basic human rights;

Whereas according to the Department of State and international human rights organizations, the Taliban continues to commit widespread and well-documented human rights abuses, in gross violation of internationally accepted norms;

Whereas, according to the United States Department of State Country Report on Human Rights Practices (hereafter ''1998 State Department Human Rights Report''), violence against women in Afghanistan occurs frequently, including beatings, rapes, forced marriages, disappearances, kidnapings, and killings;

Whereas women and girls in Afghanistan are barred from working, going to school, leaving their homes without an immediate male family member as chaperone, visiting doctors, hospitals or clinics, and receiving humanitarian aid;

Whereas according to the 1998 State Department Human Rights Report, gender restrictions by the Taliban continue to interfere with the delivery of humanitarian assistance to women and girls in Afghanistan;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are forced to don a head-to-toe garment known as a burqa, which has only a mesh screen for vision, and women in Afghanistan found in public not wearing a burqa, or wearing a burqa that does not properly cover the ankles, are beaten by Taliban militiamen;

Whereas according to the 1998 State Department Human Rights Report, some poor women in Afghanistan cannot afford the cost of a burqa and thus are forced to remain at home or risk beatings if they go outside the home without one;

Whereas according to the 1998 State Department Human Rights Report, the lack of a burqa has resulted in the inability of some women in Afghanistan to get necessary medical care because they cannot leave home;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are reportedly beaten if their shoe heels click when they walk;

Whereas according to the 1998 State Department Human Rights Report, women in homes in Afghanistan must not be visible from the street, and houses with female occupants must have their windows painted over;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are forbidden to enter mosques or other places of worship; and

Whereas women and girls of all ages in Afghanistan have suffered needlessly and even died from curable illness because they have been turned away from health care facilities because of their gender: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should instruct the United States Representative to the United Nations to use all appropriate means to prevent the Taliban-led government in Afghanistan from obtaining the seat in the United Nations General Assembly reserved for Afghanistan so long as gross violations of internationally recognized human rights against women and girls persist; and

(2) the United States should refuse to recognize any government in Afghanistan which is not taking actions to achieve the following goals in Afghanistan:

(A) The effective participation of women in all civil, economic, and social life.

(B) The right of women to work.

(C) The right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education.

(D) The freedom of movement of women and girls.

(E) Equal access of women and girls to health facilities.

(F) Equal access of women and girls to humanitarian aid.

AMENDMENTS SUBMITTED

NATIONAL MISSILE DEFENSE ACT OF 1999

BINGAMAN AMENDMENT NO. 74

Mr. BINGAMAN proposed an amendment to the bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack; as follows:

On page 2, strike lines 7 through 11 and insert the following:

It is the policy of the United States that a decision to deploy a National Missile Defense system shall be made only after the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation of the Department of Defense, has determined that the system has demonstrated operational effectiveness.

HARKIN AMENDMENT NO. 75

Mr. HARKIN proposed an amendment to the bill, S. 257, supra; as follows:

At the end, add the following:

SEC. 4. COMPARATIVE STUDY OF RELEVANT NATIONAL SECURITY THREATS.

(a) REQUIREMENT FOR STUDY.—Not later than January 1, 2001, the President shall submit to Congress the comparative study described in subsection (b).

(b) CONTENT OF STUDY.—(1) The study required under subsection (a) is a study that provides a quantitative analysis of the relevant risks and likelihood of the full range of current and emerging national security threats to the territory of the United States. The study shall be carried out in consultation with the Secretary of Defense and the heads of all other departments and agencies of the Federal Government that have responsibilities, expertise, and interests that the President considers relevant to the comparison.

(2) The threats compared in the study shall include threats by the following means:

(A) Long-range ballistic missiles.

(B) Bombers and other aircraft.

(C) Cruise missiles.

(D) Submarines.

(E) Surface ships.

(F) Biological, chemical, and nuclear weapons.

(G) Any other weapons of mass destruction that are delivered by means other than missiles, including covert means and commercial methods such as cargo aircraft, cargo ships, and trucks.

(H) Deliberate contamination or poisoning of food and water supplies.

(I) Any other means.

(3) In addition to the comparison of the threats, the report shall include the following:

(A) The status of the developed and deployed responses and preparations to meet the threats.

(B) A comparison of the costs of developing and deploying responses and preparations to meet the threats.

INTERIM FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT

MCCAIN (AND ROBB) AMENDMENT NO. 76

Mr. MCCAIN (for himself and Mr. ROBB) proposed an amendment to the bill (S. 643) to authorize the Airport Improvement Program for 2 months, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in exceed of that amount are from other authority or sources.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

SPECTER (AND OTHERS) AMENDMENT NO. 77

Mr. SPECTER (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, and Mr. DURBIN) proposed an amendment to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and other purposes; as follows:

Beginning on page 35, strike line 13 and all that follows through line 24 on page 36 and insert the following:

SEC. 2011. WAIVER OF RECOUPMENT OF MEDICAID TOBACCO-RELATED RECOVERIES IF RECOVERIES USED TO REDUCE SMOKING AND ASSIST IN ECONOMIC DIVERSIFICATION OF TOBACCO FARMING COMMUNITIES. (a) FINDINGS.—Congress makes the following findings:

(1) Tobacco products are the foremost preventable health problem facing America today. More than 400,000 individuals die each year as a result of tobacco-induced illness and conditions.

(2) Each day 3,000 young individuals become regular smokers. Of these children, 1,000 will die prematurely from a tobacco-related disease.

(3) Medicaid is a joint Federal-State partnership designed to provide to provide health care to citizens with low-income.

(4) On average, the Federal Government pays 57 percent of the costs of the medicaid program and no State must pay more than 50 percent of the cost of the program in that State.

(5) The comprehensive settlement of November 1998 between manufacturers of tobacco products and States, and the individual State settlements reached with such manufacturers, include claims arising out of the medicaid program.

(6) As a matter of law, the Federal Government is not permitted to act as a plaintiff in medicaid recoupment cases.

(7) Section 1903(d) of the Social Security Act (42 U.S.C. 1396b(d)) specifically requires that the State reimburse the Federal Government for its pro rata share of medicaid-related expenses that are recovered from liability cases involving third parties.

(8) In the comprehensive tobacco settlement, the tobacco companies were released from all relevant claims that can be made against them subsequently by the States, thereby effectively precluding the Federal Government from recovering its share of medicaid claims in the future through the established statutory mechanism.

(9) The Federal Government has both the right and responsibility to ensure that the Federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health, and to assist in the economic diversification of tobacco farming communities.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting ''(A)'' before ''The''; and

(2) by adding at the end the following:

''(B) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products (as defined in section 5702(d) of the Internal Revenue Code of 1986) and States, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers, if (and to the extent that) the Secretary finds that following conditions are met:

''(i) The Governor or Chief Executive Officer of the State has filed with the Secretary a plan which specifically outlines how—

''(I) at least 20 percent of such amounts recovered or paid in any fiscal year will be spent on programs to reduce the use of tobacco products using methods that have been

shown to be effective, such as tobacco use cessation programs, enforcement of laws relating to tobacco products, community-based programs to discourage the use of tobacco products, school-based and child-oriented education programs to discourage the use of tobacco products, and State-wide awareness and counter-marketing advertising efforts to educate people about the dangers of using tobacco products, and for ongoing evaluations of these programs; and

''(II) at least 30 percent of such amounts recovered or paid in any fiscal year will be spent—

''(aa) on Federally or State funded health or public health programs; or

''(bb) to assist in economic development efforts designed to aid tobacco farmers and tobacco-producing communities as they transition to a more broadly diversified economy.

''(ii) All programs conducted under clause (i) take into account the needs of minority populations and other high risk groups who have a greater threat of exposure to tobacco products and advertising.

''(iii) All amounts spent under clause (i) are spent only in a manner that supplements (and does not supplant) funds previously being spent by the State (or local governments in the State) for such or similar programs or activities.

''(iv) Before the beginning of each fiscal year, the Governor or Chief Executive Officer of the State files with the Secretary a report which details how the amounts so recovered or paid have been spent consistent with the plan described in clause (i) and the requirements of clauses (ii) and (iii).''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to amounts recovered or paid to a State before, on, or after the date of enactment of this Act.

HUTCHINSON AMENDMENT NO. 78

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —REQUIREMENT FOR CONGRESSIONAL APPROVAL OF ADMISSION OF CHINA TO WTO.

SEC. ___01. PRIOR CONGRESSIONAL APPROVAL FOR SUPPORTING ADMISSION OF CHINA INTO THE WTO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States may not support the admission of the People's Republic of China as a member of the World Trade Organization unless a provision of law is passed by both Houses of Congress and enacted into law after the enactment of this Act that specifically allows the United States to support such admission.

(b) PROCEDURES FOR CONGRESSIONAL APPROVAL OF UNITED STATES SUPPORT FOR ADMISSION OF CHINA INTO THE WTO.—

(1) NOTIFICATION OF CONGRESS.—The President shall notify the Congress in writing if he determines that the United States should support the admission of the People's Republic of China into the World Trade Organization.

(2) SUPPORT OF CHINA'S ADMISSION INTO THE WTO.—The United States may support the admission of the People's Republic of China into the World Trade Organization if a joint resolution is enacted into law under subsection (c) and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the notification referred to in paragraph (1).

(c) JOINT RESOLUTION.—

(1) JOINT RESOLUTION.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress approves the support of the United States for the admission of the People's Republic of China into the World Trade Organization.''.

(2) PROCEDURES.—

(A) IN GENERAL.—A joint resolution may be introduced at any time on or after the date on which the Congress receives the notification referred to in subsection (b)(1), and before the end of the 90-day period referred to in subsection (b)(2). A joint resolution may be introduced in either House of the Congress by any member of such House.

(B) APPLICATION OF SECTION 152.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to a joint resolution under this section to the same extent as such provisions apply to resolutions under section 152.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) CONSIDERATION BY APPROPRIATE COMMITTEE.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

SEC. ___03. CONFORMING AMENDMENT.

Section 125(b)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3535(b)(1)) is amended by striking '', and only if,''.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider the results of the December 1998 plebiscite on Puerto Rico.

The hearing will take place on Thursday, May 6, 1999, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building.

For further information, please call James Beirne, Deputy Chief Counsel at (202) 224–2564 or Betty Nevitt, Staff Assistant at (202) 224–0765.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, April 6 at 10:30 a.m., at the Hood River Inn in Hood River, OR.

The purpose of the hearing is to conduct oversight on the process to determine the future of the four lower Snake River dams.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Ms. Julia McCaul or Colleen Deegan at 202–224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 17, 1999. The purpose of this meeting will be to review the current status of the Federal Crop Insurance Program and explore the various proposals to expand and/or restructure the program.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider Nuclear Waste Storage and Disposal Policy, including S. 608, the Nuclear Waste Policy Act of 1999.

The hearing will take place on Wednesday, March 24, 1999, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

For further information, please call Karen Hunsicker at (202) 224–3543 or Betty Nevitt, Staff Assistant at (202) 224–0765.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Wednesday, March 17, 9 a.m., Hearing Room (SD–406).

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on loss of open space

and environmental quality Wednesday, March 17, 10:30 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, the Fiance Committee requests unanimous consent to conduct a hearing on Wednesday, march 17, 1999, beginning at 10 a.m., in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Committee on Energy be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 10 a.m. to hold a joint hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 2 p.m., to hold two hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 17, 1999; at 9:30 a.m., for a hearing on the Independent Counsel Act.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 17, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 9:30 a.m., to conduct a Hearing on S. 400, the Native American Housing Assistance and Self-Determination Act Amendments of 1999. The Hearing will be held in room 485 of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. COCHRAN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Disabled American Veterans. The hearing will be held on Wednesday, March 17, 1999, at 10 a.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 2:30 p.m., to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 17, 1999, at 2 p.m., in open session, to receive testimony on tactical aircraft modernization programs.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m., on Wednesday, March 17, 1999, in open session to review the efforts to reform and streamline the Department of Defense's acquisition process.

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

ADDITIONAL STATEMENTS

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

● Mr. CLELAND. Mr. President, today I am addressing the Senate to express my view on the importance of maintaining a regulatory system that has resulted in a renaissance of the nation's rail freight railroads, which are so critical to the economic vitality of my state of Georgia.

In Georgia, we depend heavily on railroads to bring us raw materials and to carry our finished goods to market. Two major railroads, CSX and Norfolk Southern, operate more than 3,500 miles of rail line in Georgia, and service is provided over more than 1,000 miles of track by regional and local railroads. More than 3 million carloads of such commodities as coal, minerals, and pulp and paper are carried through Georgia every year, and more than 6,000 Georgians are directly employed in the rail industry.

The importance of railroads in my state reaches much deeper than the customers they serve and the citizens they employ, however. As a member of the Small Business Committee, I am particularly aware of the numerous small businesses throughout my state—including hundreds of logging and sawmill operations that produce crossties—which depend for their livelihood on railroads having the financial resources to undertake infrastructure maintenance and improvements. If the railroads do not have the resources for that investment, these small businesses—as well as rail shippers and employees—will suffer.

This financial strength has not always been there. Indeed, the rail industry has undergone a remarkable resurgence from the late 1970s, when much of the industry was in bankruptcy and facing nationalization. The foundation of this resurgence has been the statutory changes made under the Staggers Rail Act of 1980. This bipartisan legislation lifted much of the regulatory burden that was stifling the industry, and permitted the railroads to compete in the marketplace for business, make contracts with customers, and use differential pricing to support the enormous capital investment they require for safe, efficient operations. These are basic activities engaged in by businesses across the nation, activities which had been denied the railroads for nearly a century.

The results have been little short of amazing. A moribund industry has come back to life, investing $225 billion in its infrastructure, and providing good jobs to a quarter of a million employees. And, while the industry has had capacity constraints and other difficulties in some areas in providing the high level of service customers deserve, I believe the industry is committed to making needed investments and working with its customers to do better.

Despite the rail industry's gains, there are current efforts to turn back the clock and reimpose some of the destructive regulatory interventions which in the past hindered the railroads' ability to operate efficiently and price their services competitively. If we do so, we will be heading right back from where we have come: inefficient, poorly-performing railroads that were not dependable carriers of goods. We cannot afford that, if our nation's businesses are to grow and remain globally competitive.

Reauthorizing the Surface Transportation Board (STB), which administers the statute regulating the industry, is an important goal of the Senate Commerce Committee, and it is an objective that I endorse. Only by having a stable regulatory agency in place, can we ensure the continued application of the law in a balanced manner that takes into account the need to enable the railroads to earn enough to maintain their infrastructure, while ensuring fair rates for shippers. Indeed, the railroads are one of the most capital intensive industries in our nation, and despite their increased viability, they still fall short of the capital necessary to sustain and improve their plant and equipment. I support the current economic regulatory regime that has served the nation well by sparking this rail rebirth. At the same time, I intend to carefully evaluate issues brought to the Committee's attention by rail labor organizations as this review goes forward.

We must ensure that our railroads can operate in ways that allow them to maximize their growth and earn a sufficient rate of return. Our shippers and the businesses that supply the rail industry need dependable, economically sound carriers to transport their goods and to buy their products. Rail employees need a safe, fair and efficient system in which to work. These are mutually interdependent objectives, and I look forward to working with my colleagues to achieve sound policy determinations that satisfy these objectives.●

AMERICAN LUNG ASSOCIATION HEALTH ADVOCATES OF THE YEAR

● Mr. ABRAHAM. Mr. President, I rise today to congratulate Dr. Samuel R. Dismond Jr. and HealthPlus of Michigan for their strong commitment to health, education and the well-being of the Genesee Valley area.

Dr. Dismond is the current chief of staff at Hurley Medical Center. Throughout his distinguished medical career, he has served on a number of influential boards. Dr. Dismond has also been recognized numerous times for his contributions to the medical profession. By supporting his community and actively promoting research in health related fields, Dr. Dismond has made a difference in a number of patient's and associate's lives.

HealthPlus of Michigan has worked tirelessly to promote lung health within their organization and their community, including efforts to help any willing employee or patient quit smoking. This was accomplished by offering various smoking cessation and behavioral support programs. However, the biggest step HealthPlus has taken was instituting guidelines requiring every physician affiliated with HealthPlus to inquire about his or her patient's smoking status during each visit and to track it within their permanent medical records. Also, the physician must encourage every smoker to attempt to stop smoking. HealthPlus has also donated money to the American Lung Association so that they might help to teach area children about asthma.

It is with great pleasure that I announce to the U.S. Senate Dr. Samuel R. Dismond as the recipient of this year's American Lung Association ''1998 Individual Health Advocate of the Year'' and HealthPlus as the ''1998 Corporate Health Advocate of the Year.'' These awards will be presented at the 16th annual Health Advocate of the Year Awards Dinner on March 18, 1999 in Grand Blanc, Michigan. I extend my sincerest congratulations to Dr. Dismond and HealthPlus of Michigan.●

THE 10TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. ROCKEFELLER. This week marks the 10th anniversary of the Department of Veterans Affairs, which elevated the Veterans Administration (previously an independent federal agency) to cabinet-level status. This move capped the gradual evolution of a governmental response to the needs of veterans—beginning with the Plymouth colony's first pension law in 1636, and proceeding through a variety of federal bureaus with shared responsibility for ministering to veterans, before those agencies were unified into one.

The creation of the Department of Veterans Affairs has both a real and a symbolic meaning. By raising the agency to cabinet level, the Nation's chief veterans' advocate—the Secretary of Veterans Affairs—was literally given a seat at the table with all other major executive agencies, and direct access to the President. Symbolically, veterans were accorded ''a voice at the highest level of government,'' in the words of former VA Secretary Jesse Brown. This is as it should be for the second largest agency of the federal government, whose sole mission is to serve those whose sacrifices are the very backbone of the freedoms we all enjoy.

As current VA Secretary Togo D. West, Jr., has said, ''Cabinet status has brought many benefits; but is has also brought increased obligations.'' The VA plays a major role nationally in the fields of health care, education, insurance, and housing. As the Nation's budget is divided up, it is important that VA be on a level playing field with other federal departments to effectively safeguard our veterans' interests.

I want to take this opportunity to salute the many talented, caring, and dedicated employees of the Department who are at the heart of its operations. I know they labor under a heavy workload, particularly in this era of tightening budgets. We must ensure they have the resources they need to carry out their mission.

The Department's 10th anniversary marks a happy milestone, a decade of growth and accomplishments. My warmest congratulations to all who share in this achievement.●

GREAT LAKES CHAMBER MUSIC FESTIVAL TRIBUTE

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the Great Lakes Chamber Music Festival, a dynamic organization which has made an incredible contribution to Michigan's culture. The Chamber's concerts have really left their imprint on our State, with some twenty concerts in and near Detroit each year, many of which occur in the venues of the Festival's sponsors—St. Hugo of the Hills Catholic Church, Temple Beth El, and Kirk in the Hills. Additional concert locations range from the Detroit Zoo to the Detroit Institute of Arts. The Festival is administered by Detroit Chamber Winds & Strings, which performs a number of the concerts. But today, I would like to take a moment to officially welcome the Chamber to our nation's capital for what is expected to be a stellar performance in the Library of Congress on Friday evening.

The Great Lakes Chamber Music Festival was born in 1994. The Festival is sponsored by three religious institutions, representing Catholic, Jewish, and Protestant faiths, and Detroit Chamber Winds & Strings, a prominent chamber music ensemble.

Pianist James Tocco has been Artistic Director of the Festival since its inception. A native Detroiter, Mr. Tocco has brought a rotating contingent of world-class musicians to the Festival, creating an event of national significance. The list of performers reads like a long ''Who's who'' in chamber music, including Ruth Laredo, Peter Oundjian, Paul Katz, Miriam Fried, Gilbert, Kalish, Philip Setzer, the St. Lawrence Quartet, Peter Wiley, Ida and Ani Kavafian, and others. The Festival provides a major educational initiative to assist ensembles emerging to professional stature. Entitled the Shouse Institute, this program brings groups from throughout the world to Detroit for performances and coachings by Festival artists. These young artists attend the Festival tuition-free and receive complimentary lodging.

So in welcoming the Great Lakes Chamber Festival to Washington, D.C., and thanking all of those from the Chamber that made this possible, I also would like to single out Gwen and Evan Weiner, dear friends of our family who introduced the Chamber to me and who have played a critical role in enhancing cultural life in Michigan, as well as Harriet Rotter, another close friend who has contributed a great deal of time and energy to this effort. Gwen, Evan, Harriet, and the many others who are involved with the Chamber Festival are sterling examples of community leadership at its best, and I am pleased they are here today. Finally, I would be remiss if I did not acknowledge the hard and dedicated work of Maury Okun, the Chamber Festival's Executive Director, an invaluable member of the Chamber Festival team.

Again, I want to commend all those involved in making The Great Lakes Chamber Music Festival a tremendous success, and extend my warmest wishes and best of luck for the concert Friday night and in the future.●

DOUG SWINGLEY'S WINNING OF THE ALASKAN IDITAROD SLED DOG RACE

● Mr. BURNS. I rise today to bring attention to Doug Swingley's second victory in the Alaskan Iditarod. Doug hails from Simms, Montana, where he raises and trains his dogs.

As you all know, the Alaskan Iditarod is a grueling dog sled race from Anchorage to Nome, Alaska. The race covers 1,161 miles and is run in some of the harshest weather in the world.

Doug Swingley began mushing in 1989 with plans of running the Iditarod. He ran his first Iditarod in 1992 and was the top-placing rookie hat year. He has competed in every Iditarod race since 1992 and won the event for the first time in only his third attempt. I am sure that Doug's second victory will disappoint my good friends Senators STEVENS and MURKOWSKI, because Doug is the only non-Alaskan to win the Iditarod. He has proven that a kid from Montana can take on our friends from the North and beat them at their own game and win.

Like his first victory, Doug pulled his team away from the competition, and showed incredible speed through the final stages of this demanding race. I am impressed by his dedication and hard work, and I am proud to know that Montana is full of people like Doug.●

EDUCATION FLEXIBILITY PARTNERSHIP ACT

● Mr. FRIST. Mr. President, as the primary sponsor of S. 280, the Education Flexibility Partnership Act (Ed-Flex), I am pleased that the Senate passed this legislation by a 98 to 1 margin on March 11, 1999. In addition, the House of Representatives passed the companion bill on the same day by a vote of 330 to 90. This bicameral, bipartisan support for Ed-Flex is a positive first step for education reform in the 106th Congress.

This first step in education reform is desperately needed. Critics of our education system note that the federal government provides only seven percent of funds in education, but requires 50 percent of the paperwork. In addition, more often than not, well-intentioned federal programs come with stringent regulations and directives which tie the hands of school officials and teachers. As the Chairman of the Senate Budget Committee's Task Force on Education, I have heard the pleas from states and localities for greater flexibility in administering federal programs in exchange for increased accountability. This theme has been echoed as I travel around Tennessee visiting schools and holding education roundtable discussions for teachers, principals, superintendents, parents, school board officials, and other interested members of the community.

The First Ed-Flex bill passed by Congress will provide greater flexibility coupled with increased accountability for our nation's schools. Specifically, this bill will allow every state the option to participate in the enormously popular Ed-Flex demonstration program already in place in twelve states. The twelve state currently participating in the program are: Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Oregon, Texas, and Vermont.

Ed-Flex frees responsible states from the burden of unnecessary, time-consuming federal regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as states are making progress toward improving their students' performance. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results by setting academic standards and measuring student performance. Using this accountability system, states are required to monitor the performance of local education agencies and schools that have received waivers, including the performance of students affected by these waivers. At any time, either the state or the Secretary of Education can terminate a waiver.

The twelve states that currently participate in Ed-Flex have used this flexibility to allow school districts innovate and better use federal resources to improve students outcomes. For instance, the Phelps Luck Elementary School in Howard County, Maryland used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grade 1–5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading form 25/1 to 12/1.

A Texas statewide waiver to allow more flexible use of Federal teacher training funds has allowed districts to better direct professional development dollars to those areas where they are needed most. In Massachusetts, a school that had been eligible for Title I funding in the past was ineligible for the 1997–98 school year, but was expected to be eligible again for 1998–99. Massachusetts was able to use Ed-Flex waiver authority to give the school a one-year waiver and assure continuity of service rather than disrupt services for a year.

Support for Ed-Flex is broad. The President has called for Ed-Flex expansion, as well as others including the Secretary of Education, the National Governors' Association, the Democratic Governors' Association, the U.S. Chamber of Commerce, the National Education Association, and the National School Boards Association.

Ed-Flex is a move in the right direction. We must empower States and localities by giving them the flexibility they need to best combine Federal resources with State and local reform efforts. I am pleased that the 106th Congress has acted quickly on my bill to ensure that every State will have the opportunity to participate in this successful program. Ed-Flex is a commonsense, bipartisan plan that will give States and localities the flexibility that they need while holding them accountable for producing results.

Now, the challenge for this Congress is to build on Ed-Flex's themes: flexibility and accountability. As we consider the Reauthorization of the Elementary and Secondary Education Act later this year, we must continue the push to cut red tape and remove overly-prescriptive Federal mandates on Federal education funding. At the same time, we must hold States and local schools accountable for increasing student achievement. Flexibility, combined with accountability, must be our objective. The end result of our reform effort must spark innovation—innovation designed to provide all students a world-class education.●

TRADE FAIRNESS ACT OF 1999

● Mr. ABRAHAM. Mr. President, I rise to cosponsor S. 261, the Trade Fairness Act of 1999. I believe this legislation is crucial to our attempts to save American jobs from unfair competition and dumping.

Specifically, Mr. President, we must implement this legislation to protect our steelworkers from imports dumped into our domestic markets by our Russian, Asian and Brazilian competitors.

American steelworkers have proven that they are our nation's backbone. They provide the materials on which our shipping, manufacturing, indeed our entire industrial base rely. In my state's Upper Peninsula two mines, the Tilden and the Empire, employ almost 2,000 Michiganians. Last year the workers in these mines produced over 15 million tons of iron ore pellets. They paid $8 million in taxes. Time and again they have stood up for America, and it is time for America to stand up for them.

We must stand up for these hard working men and women, Mr. President, because they face a very real threat to their livelihoods. Let me cite a few numbers. By October of last year Japan had already doubled its imports to the United States from the year before. Just in that month of October, Japan sent 882,000 tons of steel to the United States, an all-time record. Finally, in that month alone 4.1 million net tons of steel were imported to the United States.

The reasons for this steep increase in imports are threefold. First, the Federal Reserve's longstanding tight money policy produced actual deflation in commodity prices, deflation from which our steel industry has yet to recover. Second, the Asian, Russian and Brazilian economic crises are forcing those countries to rely on exports to keep their economies afloat. The U.S. is the world's biggest market, and so they have targeted us. Third, the International Monetary Fund convinced these countries to raise interest rates and devalue currencies, which allowed their steel to undercut our prices.

Combined, these factors have encouraged the unfair trade practice of dumping, selling steel in the United States at prices below the cost of production. This practice threatens disastrous consequences for our steelworkers and for

our economy. Already, Mr. President, 10,000 workers have been laid off, with more than twice that many put on reduced hours.

We cannot stand by while American workers lose their jobs. We cannot abide the unfair trade practice of dumping. We have worked hard—these men and women have worked hard—to build a prosperous America. We cannot sacrifice them to pay for bureaucrats' mistakes, be they in Washington, Tokyo, or Moscow.

Mr. President, I have never made a secret of my strong, free-trade views. But free trade must also be fair trade. Our laws already recognize this principle. After all, we already have trade laws on the books intended to deal with these kinds of issues. It is time to enforce them. In addition, however, I believe the fact that these trade laws are not being enforced shows the need for reform.

That is why I am cosponsoring the Trade Fairness Act. This legislation will lower the threshold for establishing injury to our industries so that we may more effectively protect them from unfair trade practices.

Under this law imports that have a causal link to substantial injury in an industry will trigger action. Substantial injury will be determined by the International Trade Commission, considering ''the rate and amount of the increase in imports of the product concerned in absolute and relative terms; the share of the domestic market taken by increased imports; changes in the levels of sales, production, productivity, capacity utilization, profits and losses, and employment.''

In addition, this legislation establishes a comprehensive steel import permit and monitoring program modeled on similar systems in Canada and Mexico. The program would require importers to provide information regarding country of origin, quantity, value, and Harmonized Traffic Schedule number. The legislation also requires the Administration to release the data collected to the public in aggregate form on an expedited basis.

The information provided by the licensing program will allow the Commerce Department and the steel industry to monitor the influx of steel imports into the U.S. Presently, it is very difficult to obtain timely information regarding the volume of steel that enters the country. It usually take 2–3 months before specific figures can be obtained. This makes it very difficult to gauge the extent of the problem when the damage is occurring.

Mr. President, this legislation provides us with the tools we need to protect working Americans from unfair foreign competition. It will prevent undue hardship while upholding the standards of free, fair and open trade.

I urge my colleagues to support this important legislation.●

AUTHORIZING LEGAL REPRESENTATION IN DIRK S. DIXON, ET AL. VERSUS BRUCE PEARSON, ET AL.

AUTHORIZING LEGAL REPRESENTATION IN UNITED STATES VERSUS YAH LIN ''CHARLIE'' TRIE

AUTHORIZING REPRESENTATION OF SECRETARY OF THE SENATE IN BOB SCHAFFER, ET AL. VERSUS WILLIAM JEFFERSON CLINTON, ET AL.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the immediate consideration of 3 legal counsel resolutions which are at the desk and numbered as follows: S. Res. 65, S. Res. 66, and S. Res. 67.

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

The Senate proceeded to consider the resolutions.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and statements of explanation appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 65

Whereas, in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.,* Civil No. 97–998 (Cass Cty., N.D.) pending in North Dakota state court, testimony has been requested from Kevin Carvell and Judy Steffes, employees of Senator Byron L. Dorgan;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288(a) and 288(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kevin Carvell, Judy Steffes, and any other former or current Senate employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.,* except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Byron L. Dorgan, Kevin Carvell, Judy Steffes, and any other Member or employee of the Senate from whom testimony or document production may be required in connection with the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*

Mr. LOTT. Mr. President, S. Res. 65 concerns a request for testimony in a civil action pending in North Dakota state court. The plaintiffs in this case claim that defendant Pearson defrauded them into paying him money in return for promises to alleviate plaintiff' tax liability on an investment. In particular, plaintiffs claim that defendant Pearson misrepresented the frequency and nature of his contacts with two members of Senator DORGAN's staff. Counsel for the plaintiffs wish to depose the two staff members to test the accuracy of the defendant's representations about their meetings. Senator DORGAN has approved testimony and, if necessary, production of relevant documents by his staff in connection with this action.

This resolution would permit these two members of Senator DORGAN's staff, or any other current or former employees of the Senate, to testify and produce documents for use in this case.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas, in the case of *United States* v. *Yah Lin ''Charlie'' Trie,* Criminal No. LR–CR–98–239, pending in the United States District Court for the Eastern District of Arkansas, documentary and testimonial evidence are being sought from the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Committee on Governmental Affairs, acting jointly, are authorized to produce records of the Committee, and present and former employees of the Committee from whom testimony is required are authorized to testify, in the case of *United States* v. *Yah Lin ''Charlie'' Trie,* except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one.

Mr. LOTT. Mr. President, S. Res. 66 concerns a request for testimony in a criminal trial brought on behalf of the United States against Yah Lin ''Charlie'' Trie, in the United States District Court for the Eastern District of Arkansas. Mr. Trie, who was one of the

principal subjects of the campaign finance investigation conducted by the Committee on Governmental Affairs in 1997, is under indictment for obstructing the Committee's investigation, according to the indictment, by instructing another individual to destroy and withhold documents under subpoena by the Committee.

This resolution would authorize present and former staff of the Committee to testify in this matter, which is scheduled for trial in April 1999, with representation by the Senate Legal Counsel, and would authorize the chairman and ranking minority member of the Committee, acting jointly, to produce records of the Committee, except where a privilege should be asserted.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 67

Whereas, in the case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*, C.A. No. 99–K–201, pending in the United States District Court for the District of Colorado, the plaintiffs have named the Secretary of the Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Secretary of the Senate in the Case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*

Mr. LOTT. Mr. President, S. Res. 67 concerns a civil action commenced in the United States District Court for the District of Colorado by Representative BOB SCHAFFER and three other individuals against the President of the United States, the Secretary of the Treasury, the Secretary of the Senate, and the Clerk of the House, seeking judicial intervention in the payment of salaries to Members of both Houses.

The action seeks declaratory and injunctive relief against the operation of the Ethics Reform Act of 1989, which provides for the automatic adjustment of the compensation of Members of Congress on an annual basis to reflect changes in employment costs in the preceding year, as calculated by the Bureau of Labor Statistics. This is the same annual cost-of-living adjustment paid to Federal judges and senior executive branch officials and is timed to coincide with the annual January 1 adjustment of the general civil service schedule. The issue presented in this action was the subject of a lawsuit brought in 1992 by another Member of the House of Representatives, who sought unsuccessfully to enjoin the 1993 congressional COLA, based on the then newly-ratified 27th Amendment.

This resolution authorizes the Senate Legal Counsel to represent the Secretary of the Senate and to seek dismissal of this action in order to defend the Secretary's ability to continue to carry out his duty under the law to disburse congressional compensation payable pursuant to the Constitution and Federal statute.

CONTINUED CONSIDERATION OF THE NOMINATION OF DAVID WILLIAMS

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be allowed continued consideration of the nomination of David Williams for Treasury Inspector General for Tax Administration until April 6, 1999. I further ask that if the nomination is not reported on or by that date, the nomination be immediately discharged and placed back on the Calendar.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 8 and 14.

I finally ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORDThere being no objection, the I21 was ordered to be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

T.J. Glauthier, of California, to be Deputy Secretary of Energy.

SMALL BUSINESS ADMINISTRATION

Phyllis K. Fong, of Maryland, to be Inspector General, Small Business Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 18, 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 18. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of the Specter amendment to S. 544, the supplemental appropriations bill, under the provisions of the previous consent agreement.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will reconvene at 9:30 a.m. and immediately resume consideration of the Specter amendment, with 90 minutes remaining for debate equally divided. At the conclusion of debate time, approximately 11 a.m., the Senate will vote on, or in relation to, the amendment. Following that vote, Senator HUTCHISON of Texas will be recognized to offer her amendment relative to Kosovo. Further amendments may be offered during Thursday's session to the supplemental bill, with the hope of finishing the bill by early evening. Therefore, Members should expect rollcall votes throughout Thursday's session, with the first vote beginning at 11 a.m.

ST. PATRICK, PATRON SAINT OF IRELAND

Mr. BROWNBACK. Mr. President, today is St. Patrick's Day. It is interesting to me that when people think of St. Patrick's Day, they think of Irish, of Ireland and green and spring and those sorts of things, much more than we think of St. Patrick.

I was looking up today and asking for some information on St. Patrick himself.

St. Patrick of Ireland—this is on a web site. It is fascinating. I do not think most people realize about St. Patrick, but he is one of the world's most popular saints, as people know, along with St. Nicholas and St. Valentine. The day is one cherished by everyone, particularly the Irish.

There are many legends and stories of St. Patrick. This is his story. I will go through it briefly.

He was born around 385 in Scotland, probably Kilpatrick. His parents were Romans living in Britain in charge of the colonies. As a boy of 14 or so, he was captured during a raiding party and taken to Ireland as a slave to herd and tend sheep. Ireland at this time was a land of Druids and pagans. He learned the language and practices of the people who held him.

During his captivity, he turned to God in prayer, and he wrote:

> The love of God and his fear grew in me more and more, as did the faith, and my soul was rosed, so that, in a single day, I have said as many as a hundred prayers and in the night, nearly the same.
>
> I prayed in the woods and on the mountains, even before dawn. I felt no hurt from the snow or ice or rain.

Patrick's captivity lasted until he was 20, when he escaped after having a dream from God in which he was told

to leave Ireland by going to the coast. There he found some sailors who took him back to Britain, where he was reunited with his family.

He had another dream—and this is just fascinating and miraculous to me—in which the people of Ireland were calling out to him, ''We beg you, holy youth, to come and walk among us once more.'' This, again, was the land where he was enslaved and from which he escaped.

He began his studies for the priesthood. He was ordained by St. Germanus, the Bishop of Auxerre, whom he studied under for years.

Later, Patrick was ordained a bishop and was sent to take the Gospel to Ireland where he had been enslaved. He arrived in Ireland on March 25, 433. One legend says that he met a chieftain of one of the tribes who tried to kill Patrick. He converted the chieftain after he was unable to move his arm and so he became friendly to Patrick.

Patrick began preaching the Gospel throughout Ireland, converting many. He and his disciples preached and converted thousands and began building churches all over the country. Kings, their families, and entire kingdoms converted to Christianity when hearing Patrick's message.

Patrick by now had many disciples, several of whom were later canonized, as was St. Patrick.

Patrick preached and converted all of Ireland for many years. He worked many miracles and wrote of his love for God in confessions. After years of living in poverty, traveling, and enduring much suffering, he died March 17, 461. He died at Saul, where he had built the first church.

That is the story of St. Patrick, the patron saint of Ireland.

ORDER FOR ADJOURNMENT

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of Senator FRIST.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO ROBERT LAWRENCE INMAN

Mr. FRIST. Mr. President, on March 4, 1999, Robert Lawrence Inman, or ''Coach Inman,'' as he was known to his friends—and everyone who ever met him was his friend—''slipped the surly bonds of earth,'' and, I am sure, passed into the waiting arms of his Lord and Savior.

He left behind a loving family. He left behind a grateful community. He left behind two generations of Nashville youth, including my own, who learned much more from Coach Inman than how to succeed on the athletic field.

They learned that kindness is contagious, that a smile is a wonderful gift, that the path to success is paved not with lesson plans and study guides but with encouragement and with support. They learned that life is not about just winning or losing, but about being the best that you possibly can be.

At his funeral last Saturday, at the First Methodist Church in Franklin, TN, the pews were literally packed with people whose lives he had touched in so many personal ways: Fellow teachers from the Ensworth School in Nashville, where he taught for over 30 years, fellow coaches from the Harpeth Valley Athletic Conference—a local sports league he founded for seventh and eighth graders—and family and friends and, of course, students, young and old. For almost all of them, graduation was not the end of their friendship; it continued through college and through marriage and through children of their own.

They literally packed the pews; they lined the walls; they billowed over from the balcony; they crammed the choir loft; they spilled out into the vestibule and literally overflowed into the street—all in an outpouring of love and enthusiasm for a man whose love for children was boundless.

What made him so special? Students of all ages who remembered him last week answered that question far better than I ever could. Their words:

> He was always smiling. His smile alone would make you feel better.

Another said,

> He always had a story to tell to motivate you—and if he didn't, he'd make one up.

Said another,

> He liked to tell jokes and play tricks to make you laugh.

And yet another,

> He always showed he cared—whether it was just a word of welcome, or something much more serious—like tending to injuries in body and spirit.

Realizing that learning does not just end at the school door, Coach Inman started a tradition of outdoor education, initially in the glorious mountains over East Tennessee. There were camping trips with students, all where the students could practice problem-solving or study the stars or really just be together and have a good time.

When some of his students suggested that, ''Well, we should have one more outing after graduation,'' then began the famous Inman ''Out West'' trip, an excursion into the truly great outdoors of Mount Rushmore and the Grand Canyon and the Redwood Forest.

Each summer these trips would be the focal point for scores of children. In fact, several of the Frist family children, including my own son Harrison, shared Coach Inman's ''Out West'' adventure—a time that I know they will never forget.

What did they learn from him? Well, in the words of one little girl:

> I learned how special it is to stand at the top of the Grand Canyon and realize that—like the water—if we try hard enough, and stay at it long enough, we too can create our own wonders. . . .
>
> I learned that—every now and then—you should stop to look at an old tree because it has learned how to reach up to the clouds and still keep its roots in the earth. . . .
>
> I learned that beauty is everywhere . . . how nice it feels to fall asleep to the sound of a stream . . . how bright the moon can look from the top of a mountain.
>
> I learned that there is a way to teach people without lecturing, and that sharing with someone who you are and where you've been is one of the best gifts that you can give. . . .
>
> I learned that love isn't about conditions . . . that there are good people in the world.

And she continued:

> If it hadn't been for Coach Inman, his words wouldn't be the ones I still hear when I'm afraid or nervous telling me that I can do anything and that there are people who will support me—even if I fall.
>
> If I could build a mountain, or paint a sky to tell him how much a part of my life he is, then the mountain would stretch out past the clouds and the sky would be the color of smiles and laughter and it would tell him that I love him.

Mr. President, children weren't the only ones who appreciated Robert Inman. He was six times honored by the Peabody College of Vanderbilt University as an outstanding educator. Singer Amy Grant—herself a former Inman student—donated the funds necessary to refurbish the Ensworth Elementary gym on the condition it be named for Coach Inman.

Commenting on this gift at his funeral, his friend and fellow teacher, Nathan Sawyer, noted that the Egyptian pharaohs believed that if their names were written somewhere they would live forever. Thus, he said, every time a stranger sees that name over the gym and asks who it was that was so honored, the Robert Inman story will begin again.

True enough. But I think he needn't worry. For as the poet Albert Pike said:

> What we have done for ourselves alone dies with us; what we have done for others and the world remains and is immortal.

At a time when there is so much concern about the state of American education, so much concern about the quality of teachers, the lack of good and virtuous example, it is reassuring to know that there was a teacher of the caliber and the character of Robert Inman.

To his loving wife, Helen—who shared his life and his passion for children—and to their three wonderful sons, Michael, Matthew, and John—our love and support. Although Coach Inman is no longer with us, his memory will live on in the inscription over the gym, on the football fields, on the

basketball courts, at the wrestling matches, at the track meets, but most of all in the minds and in the spirits and the hearts of all the children he touched; children who, indeed, are better people because there was a teacher who cared, a teacher named Robert Lawrence Inman.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, March 18, 1999.

Thereupon, the Senate, at 6:52 p.m., adjourned until Thursday, March 18, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 1999:

DEPARTMENT OF ENERGY

T.J. GLAUTHIER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF ENERGY.

SMALL BUSINESS ADMINISTRATION

PHYLLIS K. FONG, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.