United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, MARCH 23, 1999 No. 46

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:

Almighty God, Lord of all nations, You have enabled the United States to become the most powerful Nation on Earth. By Your blessings, we are rich in natural resources and human potential. We have achieved military might. Help us to know where and when to use our influence or military intervention for the greatest good. Bless the Senators with great wisdom as they consider their votes today on the nature and extent of our Nation's involvement in the crisis in Kosovo. You have told us that if we ask for guidance, You will help us to know what is both wise and creative. Most of all, Lord, we ask You to heal the historic hatred and ethnic prejudices causing this crisis. In today's vote and in all that is said and done in this Senate, may we accomplish the goal of using power wisely. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. CRAPO. Mr. President, this morning the Senate will resume consideration of the supplemental appropriations bill. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders, or their designees, for debate on the Lott amendment regarding Kosovo.

The Senate will recess from 12:30 until 2:15 p.m. today to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Lott amendment. Notwithstanding the outcome of the cloture vote, it is still anticipated that the Senate will turn to the consideration of S. Con. Res. 20, the budget resolution.

Therefore, Members should expect rollcall votes throughout Tuesday's session, with the first vote occurring at 2:15 p.m.

I thank my colleagues and I yield the floor.

Mr. GRAMS addressed the Chair.

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

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 679 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill 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 resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of the United States Armed Forces in Kosovo.

Lott amendment No. 124 (to amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

AMENDMENT NO. 124

The PRESIDING OFFICER. The time until 12:30 p.m. shall be equally divided between the two leaders or their designees on the Lott amendment No. 124.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, it appears that we are on the verge of sending American warplanes to bomb Serbian installations in and around Kosovo in an effort to force Yugoslav President Milosevic to accept the terms of a peace agreement that he has, so far, rejected. I stand on the floor of the Senate to express my strong opposition to this policy and warn the Administration that the United States may be blindly heading into a war whose outcome is far from pre-determined.

Mr. President, I believe the President has failed to articulate a rationale to the American people that can justify an act of war by NATO against Serbia. Nor do I believe that the Administration has demonstrated what vital interest justifies armed intervention.

When the President originally announced his plan to send 4,000 American soldiers to Kosovo as part of a larger NATO force, it was premised on the idea that the troops would be deployed, as in Bosnia, as a peacekeeping force. I had serious concerns about this commitment because it was not clear to me whether American troops would be stationed in Kosovo for a month, for a year, or for a decade. Nor did I believe that it was in our national interest to participate in this operation because I do not believe there is any vital interest of the United States that is at stake in this civil war. And I emphasize ''civil war.''

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

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Mr. President, the peacekeeping commitment was made several weeks ago. In the intervening period, one thing has happened. There is no peace to keep.

Although the rebels in Kosovo have agreed to the terms of a peace agreement, the Yugoslavian government has rejected the terms of the agreement in part because it rejects the idea of having NATO troops police its sovereign territory in Kosovo.

Having failed to negotiate a peace agreement, the Administration has now changed its strategy. We are fueling up our warplanes, targeting our cruise missiles, and planning to launch air strikes against the Serbs in an effort to force Milosevic to accept the peace agreement. Never mind that the peace agreement he is being asked, or forced, to accept—could allow for the independent future of a province within his country.

Yes, Mr. President, this is an intervention by the United States in a civil war where rebels in one province seek independence. And by choosing to bomb the Serbians, we have directly taken the side of the Kosovo rebels.

Make no mistake, our air strikes against Serbian forces are strongly supported by the Kosovo rebels who have been fighting for independence. And by backing the rebels, the bombing will encourage the independence movement with the prospect that the borders of Kosovo and Albania ultimately will be redrawn along ethnic lines. Is that what our goal is? To break up a country?

Mr. President, American airstrikes are not going to be a cakewalk by any means. We have already been advised of this by our military.

The terrain in this area is heavily fortified with anti-aircraft emplacements. What will happen if American airmen are shot down by surface to air missiles? What happens if our bombing campaign does not force Milosevic to change his posture, just as our near-daily air strikes have done nothing to Saddam Hussein.

Are we willing to send in ground combat troops to convince Milosevic to accept the terms of the peace agreement? How many? 50,000? 100,000? 200,000? If we are unwilling to commit ground troops to force the terms of this so-called peace agreement, then I believe we should not commit a single American pilot.

Mr. President, I am sympathetic to the people in Kosovo who have been brutalized by Milosovic, just as my sympathy has run deep for the people throughout Yugoslavia who have known nothing but war for over a generation. But is our opposition to Milosevic reason enough to sacrifice American lives to an undefined cause? Milosovic is a terrorist; he is a killer. We should bring him to justice for crimes against humanity; but we should not engage in a war which will cost American lives and continue indefinitely.

Finally, Mr. President, I would simply remind my colleagues that from the outset I have been concerned that American involvement in Kosovo would become another Bosnia. I take it back. Knowing what I know now about the region, about the opposition, I am concerned that it will not be like Bosnia—and that many American lives will be lost in the process of enforcing an undefined objective.

Mr. President, I yield the floor, and I am pleased to yield to my friend from Idaho.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering S. 544, and the Lott amendment, No. 124, is under consideration at this point in time.

Mr. CRAIG. Is also the Smith-Craig amendment to the Lott amendment in order, or is the appropriate order at this time the Lott-Hutchison amendment?

The PRESIDING OFFICER. The Chair is under the impression that the Senator's language is incorporated into the Lott amendment, and, therefore, it would be prudent to debate that language at this time.

Mr. CRAIG. Thank you, Mr. President.

Mr. President, I am here to join my colleague from Alaska and others who have spoken with great concern about the situation in Kosovo, and as it transpires, some of our feelings and concerns about what this country might do, and most importantly, what this country should not do.

The Presiding Officer and I, on a weekly basis, engage ourselves in a telephone/radio conversation with a news program in Boise, ID. I was involved in that program yesterday morning, speaking about the atrocities in Kosovo, when I used the expression ''human hatred.'' This is not a difference in policy. This is not even a difference between Serbia and Kosovo in territory. This is a difference spelled out by 300 years of hatred, hatred that had boiled up out of differences of religious beliefs, and it is a hatred that has prevailed in the region so long and had cost so many lives that it is almost incalculable. Certainly in this American's mind it is. I have never known hatred of that kind.

After that radio conversation was over, the emcee of that program asked if I would stay on the line and we visited privately. He reflected to me about how he and his wife had in their home an exchange student from Serbia. He said, ''You know, Senator CRAIG, you were absolutely right to use the term 'hate.''' He said, ''When we broached this subject with this young exchange student,'' I believe a junior in high school, he said, ''we were astounded by the hatred that rolled up out of this young man. Because he believed that the only solution to the problem in Kosovo was to kill the Kosovars or to simply run them out of the country, and that if his forefathers had done that, they would have a peaceful nation today, and the only solution for peace in greater Serbia was just that.''

That is exactly what Milosevic is doing as we speak. The term, for diplomatic reasons, is ''ethnic cleansing.'' It is quite simple, what it is. It is: Either get out of my way or I'll kill you; or get out of my country or I'll kill you, even though the country you are being asked to leave has been your country for 4, 5, 6, 10—20 generations before you.

I think the current Presiding Officer and I would be hard put if somebody said: Idaho is not your home and you have to leave or we will kill you. That is what we are caught up in, those kinds of human dynamics. I must tell you, as an American I am drawn to the humanitarian arguments. It makes it very simple if you are drawn totally to those arguments to justify putting our men and women in uniform at risk.

But I am not totally drawn to those arguments because, if I am, then what the President is proposing to do at this moment might be justifiable if he would follow certain procedures. It is those procedures I think we must talk this morning. It is those procedures the Senate will vote on, or about, within a few hours. We are talking about U.S. military activity over and on the soil of Serbia, an independent, autonomous nation. That nation is at war at this moment. It is a civil strife over the province of Kosovo, which would be like the State of Idaho within the United States of America. We would not call that a world interest, if Idahoans were fighting the rest of the United States for Idaho's independence. I think the country would react violently if Great Britain or NATO or Russia, for that matter, sided with Idahoans against the United States if we were attempting to break loose from the United States of America.

Is that a reasonable parallel? Yes, I think it is, because that is the character of the political profile and the international structure in which we are about to engage ourselves. Kosovo is a place that most Americans could not find on a map, a place in which there is no direct American interest. I have defined its structure from a legal point of view, international point of view—a state sovereignty point of view. President Clinton has made it clear for some months that he will intervene there with an open-ended occupation force, perhaps preceded by airstrikes. That has been the context of the debate for the last good many months. Now we are associating ourselves with NATO as a partner of NATO. It appears that airstrikes may be imminent.

He has made it clear that he does not think he needs congressional authorization for such a mission. Why? The treaty relationship; our presence in NATO. That is the argument that he

makes. I will have to tell you, though, I think we should not make the mistake of simply arguing that is how you justify a certain approach of the kind that this President is taking. The U.S. airstrikes would be an attack on a sovereign nation. The administration has, in fact, admitted that. The State Department Under Secretary Thomas Pickering confirmed that Kosovo is sovereign territory of Serbia, and that attacking the Serbs because they will not consent to foreign occupation of a part of their territory would be an act of war. Again, hearkening back to the relationship: If Idaho were attempting to break away as an independent State from the United States, that would be called a civil war within the boundaries of the greater United States and this country would look with great concern if a foreign nation were attempting to involve themselves on the side of Idahoans.

I have to think this administration's policy is inconsistent with constitutional government and the rule of law. Let us not forget the Constitution of the United States gives the sole power to declare war to the Congress, article I, section 8—not to the President, but to the Congress. Nothing in the laws or the Constitution of the United States suggests that a determination by the United Nations Security Council or the North Atlantic Treaty Organization is a substitute.

The proposed mission in Kosovo is contrary to the principle of national sovereignty and is a major step toward global authority. Just last year we debated the expansion of NATO. I opposed that expansion. I opposed it for the simple reason it did not begin to disengage the United States from an ever-increasing, larger presence in the European Continent. Quite the opposite, it seemed to be expanding our presence. Russia, at that time, was quite concerned that they saw an international organization growing on their border. Now, they were appeased by us saying: Remember, by treaty NATO is a defensive organization. Only if the nations of NATO were attacked would NATO respond. Yet, today, NATO is proposing a major offensive effort against the nation of Serbia, a longstanding friend and once a part of the greater Soviet Union. It is not by accident that the armaments that we would go up against are largely Russian armaments.

Now what are we to say to the Russians, ''What we said about NATO last year is not true; NATO has become an offensive force, driven by a certain set of politics or international attitudes as to how the rest of the world ought to look''?

Can we justify an American national interest because this war might spread beyond the boundaries of Serbia? I am not sure we yet can do that. I am not sure this President has yet justified that or clearly explained to the American people, as he must, the role that the men and women of our armed services might play and the role that they would play in risking their lives. That is the issue at hand.

So, what kind of a precedent are we going to set with this action? All actions establish precedents, especially if they appear to be outside established law or proven law.

What country are we going to claim the right to attack next, if we determine that its behavior within its own boundaries, its own territory, is not up to some kind of international test or international standard? Should we attack Turkey to protect the Kurds, China to protect Tibet or Taiwan, India to protect the Muslims in Kashmir? It is reasonable for me to ask those questions on the floor, because today the President is contemplating participating in an attack on Serbia in behalf of the Kosovars.

Somalia, Haiti, Bosnia, and now Kosovo, these missions are profoundly damaging to our legitimate defense needs. This is not just a question of money or stretching defense dollars too far, although that factor will be considered as we debate defense budgets in the near future. Worse, it is an insult to the personnel in our Armed Forces who volunteer to defend America, not to go off on every globalist, nation-building adventure that our President appears to be willing to send them to. No wonder America's best are frustrated by the ever increasing changes in the role of our Armed Forces.

Putting American troops in a quagmire is something I know a little bit about. The Presiding Officer and I grew up in a period of American history where Americans were bogged in a quagmire in Southeast Asia, a quagmire that we finally simply had to drop our hands and walk away from, because we could no longer sustain it politically as a nation and we could no longer justify that another 1, 2, or 3 American lives should be lost, added to the list of over 60,000 young men and women of our age who lost their lives there.

I am not suggesting that Kosovo is that kind of fight, but I am suggesting that any long-term effort in the greater Yugoslavia that dramatically increases the role of the American soldier could put us at that risk.

Mr. President, I have asked some profound questions today and, I think, reasonable questions as to the role of this country in foreign policy and as to the role of the President as the Commander in Chief of our country.

Today we are debating and today we will vote on the right of the Congress to express its will to work with the President in shaping foreign policy. I understand how the Constitution works. I understand that our President is the chief foreign policy officer of our country. But when his foreign policy is questioned in the way that it is now being questioned, I think he has the responsibility not only to argue it clearly before the American people but to be willing to argue it here on the floor of the Senate.

Some of our leadership are at the White House as I speak, and they are listening to a President who is trying to convince them not to have the vote today here in the Senate. Quite the opposite should be happening. The President should be saying, let us debate this issue, let us vote this issue, and, more importantly, I will go to the American people and sell to them why America ought to be involved in Serbia or in Bosnia, that there are American interests there. He, the President, should lay them out, define them, clarify them and, therefore, justify the potential taking of American life that military adventure can always result in.

That is the responsibility of the Presidency, not to simply negotiate with NATO as a treaty organization and then come home to America and say: But we have already debated this, we are already involved in this, we can't back up now or it would implode NATO. Maybe NATO ought to be imploded, if it is becoming an offensive organization. Maybe it ought to step back and say: Wait a moment, we are by treaty only defensive. We should not become adventurists for the sake of a greater international philosophy on how greater Europe ought to be operated.

Having said all of that, let me close where I began. There are human atrocities. They are real, and they are horrible. We should engage ourselves in every way possible to help stop that kind of human atrocity, but then again, we didn't do that in Africa on many occasions, all just within the last 4 or 5 years. I am not sure why this is now so important when others were not. Is it because our allies have convinced us?

By the way, if we fly aircraft over Serbia, 58 percent, or a very large portion, the majority, of those aircraft will be ours. Is it because we are the ones who have the power and our European allies have convinced us to use that power in their behalf to stabilize their backyard? I am not sure.

I, like most Americans, am reasonably confused. I, like most Americans, have had to study to try to understand where Serbia is, where Kosovo is, what the politics of this region are. Those are the issues at hand.

This is not a vote that should be taken lightly. This could be the beginning of a very lengthy process, a very costly process, costly in human lives, American lives, and certainly in tax dollars.

Those are the issues at hand, Mr. President. Why should you shy from your responsibility as Commander in Chief of going to the American people to debate this and causing your people to come here to debate this, instead of in a close-door session at the White House, pleading with us not to take a vote on this issue?

Nobody should be embarrassed by an up-or-down vote. Nobody should be embarrassed by this kind of debate. It is

our responsibility as a country. We cannot walk away from it.

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. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that time under the quorum call be equally divided.

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

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I yield myself such time as I may consume on the pending resolution.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we have been discussing for several days in this Chamber a variety of legislative proposals concerning what we will and will not authorize the President of the United States to do with respect to the tragic situation that is unfolding, as we speak and gather in this Chamber, in Kosovo.

This is a very important debate. It is more important, in my view, however, to remind ourselves at the outset of any discussion of this issue of what has happened to the innocent people of Kosovo over the last year, in the absence of clear and convincing steps to signal the end of international inaction in the face of gross and continuing violations of human rights by the Milosevic regime.

For just a moment I want to focus, if I may, the hearts and minds of this country and those in this Chamber on the very desperate situation of the people who find themselves trapped in the province of Kosovo.

Today, ethnic Albanian villages across Kosovo are quite literally in flames. Heavy smoke from the homes of innocent civilians fills the skies of Srbica, Prekaz, Gornja Klina, and others.

As we debate these issues, a massive force of 40,000 Serb soldiers and paramilitary police are moving slowly, deliberately, and methodically from village to village to village, taking lives, burning homes, and forcing tens of thousands of innocent civilians to flee without food or shelter.

Can anyone doubt in the face of such continuing atrocities that the American people would oppose participation by the United States in NATO authorized air strikes. I hope not, and I don't believe so.

Each day we have delayed has meant the difference between life and death and between shelter and homelessness for tens of thousands of people. In just the last two days, since the ethnic-Albanians signed the peace agreement on Friday, Serb soldiers have forced another twenty to twenty-five thousand civilians from their homes, according to United Nations officials. Over the past week, the Serbs forced a total of 40,000 to run for their lives. The totals for the past year are almost incomprehensible: at the very least 2,000 are dead and 300,000 to 400,000 have been forced to leave their homes and seek refuge.

Mr. President, we were all shocked by the horrific discoveries last January, just two weeks apart, in the towns of Racak, where Serbs murdered 45 ethnic Albanians and Rogovo where they slaughtered 23 ethnic Albanians.

The first of these attacks came on Friday January 15th when, according to witnesses, Serbian soldiers and policemen, backed by armored personnel carriers, surrounded the village of Racak, rounded up the men and drove them up a hillside. On that hillside, the Serbs tortured and murdered 45 people, including a young woman and a 12-year-old boy. Many of the victims were older men, including one who was 70. All were dressed in civilian clothes. None were armed.

When international observers arrived in Racak the following day, the sight that awaited them was beyond comprehension—dozens of bodies lay where they fell at the bottom of a muddy gulch. Most had been shot at close range. Many bore the signs of unspeakable torture. Although the Serbs claimed that the victims were rebels, not one wore a uniform nor carried a weapon. Those who survived the attack on Racak fled into the hills where two infants soon died of the cold.

While it is sometimes difficult to assign blame for such horrors, this killing field, Mr. President, left no doubt as to the killers' identities. Western military forces intercepted radio transmissions in which Serbian officials acknowledge their culpability and international pathologists blamed the Serbs.

It was hard to believe at the time that Milosevic's genocide could become more heinous or more calculated. Yet the past week proved our nightmares true.

It is at times like these, Mr. President, that we are forced to reexamine the founding premises of this great Nation. When faced with massive and wholesale human rights abuses, we must bow to our conscience and to our founding fathers' recognition of the right of all people to life, liberty and the pursuit of happiness and act to preserve those rights wherever possible. Kosovo, Mr. President, is just such a case. We have the power, the responsibility, and the opportunity to act.

That is not always available to us. We have been told in recent days that we did not take similar actions on the Horn of Africa or in other places around the world where there were massive human rights abuses. That analysis is correct. The difference here is that we have the opportunity, we have the ability, and we have the structure with the NATO organization to respond to this situation. That opportunity was not available in every other place that we have seen similar, or even more severe human rights abuses. Here we have the opportunity and the chance to do something about it. The issue is whether we in this body will signal to the administration, to Mr. Milosevic, to ethnic Albanians, and to the rest of the world that we understand the difficult choices and we will step up and join with others to try to bring an end to the incredible abuse that is occurring at this very hour.

Thousands of refugees have already fled into Macedonia. As history has shown, instability in the Balkans can destabilize all of Europe, a region highly critical to American interests. I respectfully disagree with our colleague from New Hampshire, Mr. SMITH, who has offered this underlying resolution, when he states in his amendment that our national security interests in Kosovo do not rise to a level that warrants military operations by the United States and our NATO Allies.

The challenge to the United States in Kosovo is not merely humanitarian. It is also a question of regional peace and stability. Finally, it is a test of the relevancy of NATO in the post Cold War era. All of these bear directly on the national security of the United States.

We have yet to hear whether the last effort by Ambassador Holbrooke to convince the Serbs to relent will bear fruit. Although, in the next 5 or 6 minutes, we may have the final word on that. His success would, of course, be welcomed. If he doesn't, then the time has come to act in a manner consistent with that agreed to by NATO members—the United States being a full party to that action.

Following military action, I believe that Yugoslav President Milosevic may be prepared to reflect more soberly on the proposed peace agreement that remains on the table. That agreement, proposed by the United States and our allies and signed by Kosovo's ethnic-Albanians, is fair and even handed. It will rid Kosovo of the fear, death and destruction of Milosevic's forces while maintaining Yugoslav sovereignty over the province.

As part of the agreement, NATO has pledged to send a sizeable force to ensure that its precepts are carried out. Such a force is critically important as evidenced by the Serbs unwillingness to abide by the cease-fire agreement they signed last fall. While Milosevic pledged to withdraw his soldiers from Kosovo's villages and end his campaign of ethnic cleansing against the ethnic Albanians who live there, he clearly

did neither. Milosevic's signature lacks credibility when it comes to Kosovo.

Congress must not constrain the President's ability to respond in the face of such atrocities, nor can it allow a pariah such as Milosevic to destabilize an entire region. The outrage at Milosevic's ethnic cleansing and disregard for international will should be viewed as a challenge to our nation as a whole, not simply to a President of another party.

Last year, our former colleague and Majority Leader, Bob Dole, traveled to Kosovo and Belgrade to assess the situation. Upon his return, he spoke of the atrocities perpetrated against civilians and the ''major, systematic attacks on the people and territory of Kosovo.'' We know now that the situation has only deteriorated.

One year ago, I was proud to join with my colleagues in crafting a bipartisan resolution calling on the United States to condemn Milosevic's ethnic cleansing in Kosovo. Today, I ask my colleagues, on both sides of the aisle, to join me once again in seeking to put an end to the bloodshed in Kosovo which will only happen when Milosevic understands that we truly mean business.

While we may not be entirely satisfied with all the exit strategies, we must send the message that this Nation can speak with one voice when we leave our shores to conduct foreign policy and make a difference in the lives of the people of Kosovo.

As I said last October, there is a time for words and a time for force.

We tried words in Dayton and we tried words last October. The cease-fire monitors tried words for five months and we tried words for weeks on end in Rambouillet, France. I am a great believer in negotiation and diplomacy, Mr. Milosevic has shown the world that he understands only one language. It is time we spoke to him in his native tongue.

The United States must demonstrate that it will carry forward with military action in the face of Serbian defiance. Congress should not weaken the projection of American power by suggesting that we do not stand behind the President. NATO's plans for air strikes, designed to stop the fighting and enforce the proposed peace agreement, have been complete for months. The United States has assumed leadership in this matter for the sake of the ethnic-Albanians facing Milosevic's genocidal plan and for the sake of regional stability.

If we play partisan politics with an issue as significant as this, we should also be prepared to accept that the consequences of our actions may be grave and irreversible.

I urge my colleagues to support the President and vote against the Smith amendment, an amendment that seeks to tie the President's hands and sends the wrong message to war criminals like Slobodan Milosevic.

I suggest the absence of a quorum, and I ask unanimous consent that the time be allocated to both sides.

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

The clerk will call the roll.

The bill 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.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

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

Mr. McCAIN. Mr. President, the United States is about to begin what very well might prove to be our most challenging and perilous military action since President Clinton took office. Many of our colleagues have come to the floor to express their grave and well-founded concern that we are embarking on a very dangerous mission without a clear sense of what will be required of us to achieve our objectives of autonomy for Kosovo and peace and stability in the Balkans.

Further, many of us cannot escape the nagging feeling that the United States and NATO credibility has been badly squandered by the Administration's many previous failures to impress upon Milosevic and the war criminals that make up his army that we are prepared to back up our rhetoric with action. Our threats of force have apparently lost their power to restrain the remorseless and blood-thirsty Serbian Government and military from giving full expression to their limitless brutality. Consequently, the level of force required to coerce Serbia into accepting a peace agreement has become all the greater, so great, in fact, that no one is entirely confident that Serbia can be coerced by the use of air power alone.

As the violence of an air campaign increases, so too does the risk to our pilots and to innocent people in Kosovo and Serbia. This will not, in all probability, be a casualty-free operation for the United States and our allies. And we must prepare ourselves and the American people for the likelihood that we will witness some heartbreaking moments at Dover Air Force Base. I hope I am wrong, but it would be irresponsible to pretend that the danger to our pilots in this operation is no greater than the danger we have encountered during our periodic cruise missile attacks on Iraq.

The President himself must deliver this message to the American people. He has not done so, and that, I agree, is a terrible derogation of his responsibilities as Commander in Chief. However, Members of Congress cannot evade our own responsibilities to speak plainly to our constituents about the great risks involved in this operation, We, too, must shoulder a share of the responsibility for the loss of American lives in a conflict that most Americans do not believe is relevant to our own security. That is why so many Senators are so reluctant to support this action and have spoken so passionately against it.

However, we also have a responsibility to speak plainly about the risks to America's security interests we incur by continuing to ignore Serbia's challenge to the will of NATO and the values of the civilized world. It is those risks that have brought me reluctantly to the floor to oppose those of my colleagues who would strip the President of his authority to take military action to defend our interests in Europe.

Two American Presidents have warned Serbia that the United States and NATO would not tolerate the violent repression of the movement by Kosovars to reclaim their autonomy. We have, time and again, threatened the direst consequences should Milosevic and his henchmen undertake the wanton slaughter of innocent life in Kosovo as they did in Bosnia.

President Clinton set two deadlines for Serbia to agree to the fair terms of a settlement in Kosovo or else face the direst consequences. I have been involved, one way or another, with U.S. national security policies for over 40 years. I cannot remember a single instance when an American President allowed two ultimatums to be ignored by an inferior power without responding as we threatened we would respond.

The emptiness of our threats is evident in the administration's more recent threshold for military action. In his press conference last week, President Clinton, acknowledging Serbia's scorched earth campaign in Kosovo, stated that the threshold for NATO military action had been crossed. Subsequent statements by administration officials, as quoted in the Washington Post, conceded that military action was unlikely ''unless Yugoslav troops committed an atrocity.''

Atrocities are the signature of the Serbian Army. There has been an uninterrupted pattern of atrocities since 1992, alternating with U.S. threats of force that were either not carried out or carried out so ineffectually that they encouraged greater bloodshed. The one occasion when force was applied convincingly, the result was the Dayton Accord.

We have dug ourselves a deep hole in which the world's only superpower can no longer manage a credible threat of force in a situation where our interests and our values are clearly threatened. As has been pointed out by many Senators, there is a realistic danger of this conflict destabilizing southern Europe, and threatening the future of NATO. And no one disputes the threat Serbia poses to the most fundamental Western motions of human rights. Our interests and values converge clearly here. We must not permit the genocide that Milosevic has in mind for Kosovo to continue. We must take action.

But I understand, all too well, the reluctance and outright opposition shared by many of my colleagues not only to air strikes but to the deployment of American troops in Kosovo as part of a peace agreement should we ever coerce Serbia into accepting the terms of that agreement.

Typically, the administration has not convincingly explained to us or to the public what is at stake in Kosovo; what we intend to do about it; and what we will do if the level of force anticipated fails to persuade the Serbs.

Should the Serbs acquiesce, and United States troops are deployed in Kosovo, the administration has not, to the best of my knowledge, answered the most fundamental questions about that deployment. What is the mission?; how will we know when it is accomplished?; what are the rules of engagement for our forces should Serbs or any force challenge their authority?

Thus, Congress and the American people have good reason to fear that we are heading toward another permanent garrison of Americans in a Balkan country where our mission is confused, and our exit strategy a complete mystery.

It is right and responsible for Congress to demand that the administration answer fully these elemental questions. It is right and responsible for Congress to debate this matter even at this time when we are trying to convince a skeptical adversary that this time we are serious about enforcing our will. I believe the administration should come to Congress and ask for an authorization of force. I believe that they would receive one.

Surely we are entitled to complete answers to the many questions about our eventual deployment of American peacekeepers to Kosovo in advance of that deployment.

But if the President determines that he must use force in the next hour, or the next day or within the week, I think it would be extraordinarily dangerous for Congress to deny him that authority or to constitutionally challenge his prerogatives as Commander in Chief. It seems clear to me that Milosevic knows no limits to his inhumanity and will keep slaughtering until even the most determined opponent of American involvement in this conflict is convinced to drop that opposition. but if we once again allow Milosevic to escape unharmed yet another American ultimatum, our mission will be made all the more difficult and dangerous.

Moreover, our adversaries around the globe will take heart from our inability to act in concert to defend our interests and values, and threats to our interests, from North Korea to Iraq, will increase accordingly.

Even the War Powers Resolution, legislation that I have always opposed, would allow the President to undertake military action for some time before he would be forced to secure Congress' agreement. I have long called on leaders from both parties to authorize Members to work together to repeal or rewrite this constitutionally suspect infringement of both the President's and Congress' authority.

But that, Mr. President, is a debate for another time. We are at the critical hour. American troops will soon be ordered into harm's way to defend against what I believe is a clear and present danger to our interests. That the President has so frequently and so utterly failed to preserve one of our most important strategic assets—our credibility, is not a reason to deny him his authority to lead NATO in this action. On the contrary, it is a reason for Congress to do what it can to restore our credibility. It is a reason for us to help convince Mr. Milosevic that the United States, the greatest force for good in history, will no longer stand by while he makes a mockery of the values for which so many Americans have willingly given their lives.

No, Mr. President, we must not compound the administration's mistakes by committing our own. We must do what we can to repair the damage already done to our interests. We must do what we can to restore our allies' confidence in American leadership and our enemies' dread of our opposition. We must do what we can to ensure that force is used appropriately and successfully. And we must do what we can to define an achievable mission for our forces, and to bring them home the moment it is achieved.

That should be our purpose today, Mr. President. Therefore, with an appreciation for the good intentions that support this resolution, I must without hesitation oppose it, and ask my colleagues to do likewise.

Mr. ASHCROFT. Mr. President, the possible deployment of United States troops to Kosovo demands the Senate's full attention and debate. I applaud the House of Representatives for addressing this issue in a timely manner, even though I do not support the House resolution authorizing the deployment of United States troops to Kosovo.

The pending deployment of United States troops to Kosovo is particularly ill-advised in light of the challenges and difficulties associated with our current mission in Bosnia. Now 2 years past the original deadline with no end in sight, the Bosnia operation has cost the United States over $8 billion in real dollars since 1992. Administration officials cannot identify an end-date for the Bosnia mission and have not been able to transfer the operation to our European allies. Progress in Bosnia has been painfully slow. In many ways the country remains just as divided as it was when the Dayton Accords were signed. Although Bosnia should be a poignant reminder of the limits of nation-building, the administration is considering another open-ended commitment of United States ground forces to the Balkans.

The violence and instability that has plagued the Balkans troubles me as it does every other Member of this body. Every Member of the Senate would like to see an end to the violence in Kosovo and a sustainable peace in Bosnia. But in addressing these difficult issues, the President and the Congress owe it to the American people to define a consistent policy for when their sons and daughters will be placed in harm's way. We have to define the American interests important enough to justify risking American lives. Unfortunately, the President has not done so in this case.

United States military deployments in the Balkans are not being driven by vital security interests, but humanitarian concerns that have not been defined clearly. As Henry Kissinger states, ''The proposed deployment in Kosovo does not deal with any threat to United States security as this concept has traditionally been conceived.''

U.S. humanitarian interests are important elements of America's foreign policy, but should not be considered alone as the basis for risking the lives of American soldiers. The violence in Kosovo is atrocious, but half a dozen other civil conflicts around the world offer more compelling humanitarian reasons for United States intervention. If United States troops are deployed to Kosovo where 2,000 people have died, why not to Sudan where a civil war has claimed 2 million casualties? Why not to Afghanistan or Rwanda or Angola where hundreds of thousands of people have died in civil wars that continue to this day?

Such questions underscore the need for a consistent policy which links the deployment of American troops to the defense of vital national security interests. The United States can and should provide indispensable diplomatic leadership to help resolve foreign crises, but we have to recognize the purposes and limits of American military power. The blood and treasure of this country could be spent many times over in fruitless efforts to reconstruct shattered nation states.

From Somalia to Haiti to Bosnia and now to Kosovo, I cannot discern a consistent policy for the deployment of United States troops. In a world full of civil war and humanitarian suffering, will American ground forces be deployed only to those conflicts that get the most media attention? The media cycle is no basis for a consistent foreign policy. The American people deserve better leadership from Washington for the prudent and effective use of U.S. military power.

The administration has not provided that leadership. The U.S. Armed Forces have been deployed repeatedly to compensate for a lack of foresight and discipline in our foreign policy. United States policy in the Balkans, for example, has dealt with symptoms of instability rather than the root of the problem. The administration has deployed peacekeeping forces to suppress ethnic conflict inflamed by President Milosevic but has missed opportunities to undermine Milosevic himself. A lack of diligence and resolve also can be seen in United States policy toward Iraq. Saddam is stronger today than at the end of the gulf war because the administration has not seized opportunities to undermine his regime.

The ill-defined deployment of United States troops to Kosovo only reinforces

my concerns about the misuse of American military resources. We have been asking our military personnel to do more with less, and the strain is showing in troubling recruiting, retention, and readiness statistics. The dramatic increase in the pace of military activity has been accompanied—not with an increase in defense funding—but with a 27-percent cut in real terms since 1990. In this decade, operational missions increased 300 percent while the force structure for the Army and Air Force was reduced by 45 percent each, the Navy by approximately 40 percent, and the Marines by over 10 percent. Contingency operations during this administration have exacted a heavy cost (in real terms): $8.1 billion in Bosnia; $1.1 billion in Haiti; $6.1 billion in Iraq.

The Kosovo agreement pursued by the administration is laying the groundwork for another open-ended United States military presence in the Balkans. The administration's strategy for resolving the conflict in Kosovo could very well lead to the worst-case scenario of a broader regional conflict now being used to justify United States intervention. The Kovoso Albanians see the proposed settlement as a 3-year waiting period leading to an eventual referendum for independence. The Serbians strongly oppose such a step. That will guarantee United States troops will be in Kosovo for at least 3 years and most likely much longer when the inevitable fighting resumes over the question of Kosovo's status.

Mr. President, the credibility of the United States is on the line when we commit our military personnel overseas. When United States soldiers were killed in Somalia, the President could not justify the mission to the American people. The hasty U.S. withdrawal from that African nation cost America dearly in terms of international stature. As we consider a possible deployment to Kosovo, the lessons learned 6 years ago in Somalia should not be forgotten. The American people will not support a Kosovo deployment that costs American lives when America's vital security interests are not at stake. Yet American casualties are a very real prospect in Kosovo, as potentially both the Kosovo revels and Serbians will be firing on United States military personnel.

Not only is United States credibility at risk in Kosovo, the credibility of the NATO Alliance is in jeopardy as well. NATOs success in the past has been based on the clearly defined mission of the NATO Treaty: collective defense of a carefully defined territory. Now, the administration is transforming the alliance into a downsized United Nations with a standing army for peacekeeping operations. NATO's membership has been expanded this year, but the real expansion has occurred in the alliance mission to include operations never envisioned in the NATO Treaty.

Managing Europe's ethnic conflicts was not the reason NATO was established and not a basis on which it can remain a vital organization in the future. The American people have not understood our commitment to NATO—a military alliance for fighting wars—to be another arm of the United Nations for peacekeeping operations. Ill-defined missions for NATO will lead to more misguided U.S. military deployments, the erosion of U.S. support for NATO, and the speedy demise of the alliance itself.

The U.S. Armed Forces should be deployed only to defend the vital national security interests of the United States. The American people understand that we live in a dangerous world where U.S. interests must be defended. But they also have a strong aversion to fruitless nation-building exercises to resolve the world's ancient hatreds, and rightly so.

Our country has learned through painful sacrifice the high cost of nation-building. In spite of the difficulties surrounding the Bosnia mission, however, we are on the verge of taking on our second nation-building exercise in a region of the world that has been wracked by war for centuries.

In the post-cold-war world, there will be no lack of civil war and ethnic conflict with serious humanitarian implications. The United States should continue to work to alleviate suffering and facilitate peace in other countries, but deploying American forces to quell centuries-old ethnic conflicts is often the least effective and most unsustainable way to address these problems. I am opposed to the deployment of United States forces to Kosovo and urge my colleagues to vote for cloture on the Lott second-degree amendment prohibiting the use of funds for a Kosovo operation unless previously authorized by Congress.

Mr. JEFFORDS. Mr. President, the situation in Kosovo is cause for grave concern to all of us. One cannot read the press reports flooding out of Kosovo for the past many months and not be moved. The suffering of the people of Kosovo is tragic, and the potential for this conflict to spread and to destabilize the entire region is very real. Something must be done.

But before we commit ourselves to military action, we must be sure that any action we undertake has a good chance of achieving our primary objectives. I am concerned about the current course of action as outlined by the President and Secretary of Defense Cohen. I agree that we need to be part of a NATO effort to resolve the current impasse and put an end to the fighting. But we should not be contributing ground troops to that effort. Our European allies must take the lead on the ground, and we should support that effort with our superior air power and intelligence operations. Just as we take the lead on problems in this hemisphere, it is important that Europe take the lead in Kosovo.

The airwaves are now heavy with the talk of impending air strikes against Serbia following Yugoslav president Slobodan Milosevic's final rejection of the proposed peace plan. Milosevic refuses to allow NATO troops on Yugoslav soil, even though NATO has agreed that Kosovo should remain a province of Yugoslav and the Kosovar Albanians have signed on to the peace deal. The United States has put a great deal of effort into trying to achieve a political settlement in Kosovo. We have taken the lead in the negotiations, and the personal intervention of Secretary Albright, Ambassador Holbrooke and Former Senator Bob Dole has done much to advance the cause. But Milosovic remains intransigent and the violence continues to escalate. Both sides are now poised for an all-out military offensive. And United States-led air strikes against targets in Serbia are imminent.

I am uncomfortable with the tactic of launching a major military bombing campaign in order to force someone to the peace table. For two reasons, one, it rarely works; and two, real peace will only come when both sides realize they have more to gain by setting aside the military option. If they do not really want peace, there is little we can do to force them into it. Targeted air strikes without a synchronized campaign on the ground are unlikely to make a serious change in the strategic situation in Kosovo. Stopping a large-scale Serbian offensive for anything more than a short period of time is extremely difficult if one's only tool is a stand-off air campaign.

However, we must do something and do it soon. But our action must be with the equal participation of our European allies, with each partner contributing what they do best. In our case, that is aerial control and intelligence collection and analysis. I would not oppose that kind of American participation in a closely coordinated operation led by our European allies where the objectives, duration and methodology were clearly explained to Congress and the American people. I believe this is the only operation likely to meet with success in the long run. And we have no time to waste!

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. SMITH of New Hampshire. 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. SMITH of New Hampshire. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Eight minutes 40 seconds on your side; 37 minutes on the other side.

Mr. SMITH of New Hampshire. Mr. President, the legislation before us—which Senator LOTT has introduced—is an amendment which I drafted several weeks ago when I saw the administration lurching toward war in Yugoslavia. I believe that Congress should determine whether or not America should commit an act of war against a

sovereign nation inside its own borders.

Regardless of what your view is on the conflict in Kosovo, I sense that most of my colleagues agree that Congress should take a position on any action in Kosovo. We simply cannot turn this or any other administration loose to commit acts of war around the world without the demonstrated support of the American people. We did that once in Vietnam. We know the results. Politicians stood here and debated it, and men and women died every day.

The purpose of my amendment is very simple. It simply requires Congress to debate, and then approve or deny, the use of military force in the Federal Republic of Yugoslavia. That is it, pure and simple. If you want the Congress to have a say in this, you should vote for my amendment. If you think the President should be able to go to war against a sovereign nation without the support of Congress, you should vote against my amendment.

This raises constitutional issues for some of my colleagues. I want to dispense with them right away. It is clear that the President has the power to commit U.S. forces to battle—this President or any other President—and he has the power to command them once they are committed. I interpret this authority as allowing the President to respond swiftly and unencumbered to an immediate threat to U.S. lives, liberty, or property.

We have seen in history, some of it recent, that a President can interpret this authority very loosely. But we also have seen that when Presidents use force in a way that they do not or cannot explain to the American people, and for a cause the American people do not in their gut support, that policy collapses. We saw it by the end of the war in Vietnam. We saw it in Somalia, in 1994. We saw it in Beirut in 1983. Republican and Democrat Presidents alike have learned this lesson.

It is entirely constitutional for the Congress to withhold funds from any activity of the Federal Government. It is the Constitution itself, Article I, Section 8, which gives us that power. This so-called power of the purse is a blunt instrument—there is no question about that—and one we should use sparingly, but it is sometimes the only instrument we in Congress have. It is why the administration must seek consensus, or at least some majority, in support of military hostilities.

So we should undertake an examination of this proposed action and then speak for the American people. We must consider our interests, the question of sovereignty, the nature of the conflict and the risks, and what we are trying to accomplish.

What are our interests? The administration has a hard time explaining why U.S. interests are at stake in Kosovo. This is not surprising. There are certainly no American lives at risk—not yet, at least. American liberty and American property are not threatened. It is not a humanitarian mission like the assistance we have given to Central America in the wake of Hurricane Mitch.

Nor is loss of life the administration's standard. Two thousand people have been killed in the fighting in Kosovo in the past year. That is a lot of people. However, in just 6 weeks in 1994, half a million Rwandans died. We didn't launch any cruise missiles in Rwanda, Mr. President. There, we did not launch any cruise missiles when half a million people died.

If anything, the administration's statements have added confusion to a very complex issue. During a recent Armed Services Committee hearing, I asked Under Secretary of State Thomas Pickering whether or not an attack on the Federal Republic of Yugoslavia would be an act of war. His response goes right to the heart of the problem I have with the actions of this administration. Here is what Mr. Pickering said:

> Well, an act of war, as you know, and I have recently found out, is a highly technical term. My lawyers tell me . . . that an act of war, the term is an obsolete term in anything but a broad generic sense. If you would say that Milosevic, in attacking and chasing Albanians, harassing, torturing, killing Albanians and sending them to the hills is anything but an act of war, I would certainly agree with you on that particular judgement. If, in fact, we need to use force to stop that kind of behavior and also to bring about a settlement which recognizes the rights of those people which have been denied, I would tell you that it might well be a war-like act, although the technical term ''act of war'' is something we ought to be careful to avoid in terms of some of its former meanings that have consequences beyond merely the use of the term.

That sounds like a pretty bureaucratic explanation to me, Mr. President, but I will tell you one thing: To the young men and women who are going to be asked to put their lives on the line in Kosovo, there can be no bureaucratic explanation about what a declaration of war is or is not. It is not the lawyers Mr. Pickering is referring to who are going to fight. It is not the lawyers who are going to be manning the aircraft. It is not the lawyers who are going to be captured as POWs. It is not the lawyers who have to go in and get those POWs if they are shot down. It is the young men and women of our Armed Forces. I was then, and I continue to be, absolutely astounded by Mr. Pickering's response.

The administration tells us that we must become involved in the internal affairs of Yugoslavia to prevent the spread of this conflict into neighboring nations, including perhaps NATO members. This is a bogeyman argument, and it is meant to scare us into resolving this conflict by using American military forces. It obscures the real issue: should American troops be placed at risk in an area of the world where we have no real interests which justify direct intervention? Risking U.S. troops in a war in Kosovo is far more dangerous to American interests than the small risk that the conflict would spread.

The argument is also made that the conflict in Kosovo threatens NATO and threatens American leadership of NATO. There is nothing in the North Atlantic Treaty that authorizes NATO to commit the kinds of actions we are talking about here. NATO is not an offensive alliance, it is a defensive alliance. As a matter of fact, it was created to prevent aggression against the sovereign nations of Europe. By using NATO to attack a sovereign nation, we are about to turn the alliance on its head.

We are only weakening the alliance by using its forces offensively in the Federal Republic of Yugoslavia. The core of the alliance has always been to protect members from attack, not to be peace enforcers, not to meddle in the internal affairs of a sovereign nation—no matter how despicable the acts that are being committed are—and certainly not to dictate a peace agreement under the threat of violence. By intervening in this civil war, I fear the alliance is not showing strength to the world, but weakness and confusion.

Mr. President, NATO expansion has already diluted NATO's strength. By becoming enmeshed in the internal affairs of the Federal Republic of Yugoslavia, the alliance is distancing itself further from its core mission, which is to ensure the protection of its members. Although I opposed and continue to oppose expansion of NATO, I am a supporter of NATO and its core mission. But if this is what NATO has become—a means of dragging the United States into every minor conflict around Europe's edges—then maybe we should get out of NATO.

We are about to begin a high-risk military operation—a war—against a sovereign nation. Not because Americans have been attacked, not because our allies have been attacked, but because we disapprove of the internal policy of the Federal Republic Yugoslavia. That policy is easy to disapprove, but that is a very low standard to apply the use of force. If we applied that standard around the world, we would be launching cruise missiles around the world.

The fundamental question is whether the lives of American soldiers are worth interfering in the internal affairs of a sovereign nation where there are no vital U.S. interests at risk. This is not Iraq in 1990, where a ruthless tyrant invaded a peaceful neighboring country. This is a case of a disaffected population revolting against its government. Is Milosevic a tyrant? Yes, absolutely. But his tyranny is happening inside his own nation.

We are dictating, under the threat of military action, the internal policy of Yugoslavia. We may not like that policy, but is that reason to go to war? Moreover, is it reason to let the President of the United States go to war without an act of Congress? That is the question before us today. It is a very

serious question, and our actions in this body will have ramifications for many years to come. This very well may be one of the most important votes we make on the Senate floor this year.

The conflict in Kosovo is a civil war. Neither side wants to be involved in the peace agreement that we are trying to impose. It took weeks of arm twisting and coercion just to get the Kosovo Liberation Army to agree to the deal. The administration had to send our distinguished former leader, Bob Dole, to persuade them to accept the agreement.

Both the KLA and the Serbs still want to fight, and they will fight until they do not want to fight anymore. We will be using U.S. troops, not as peacekeepers, but as peace enforcers. There is a difference. Peacekeepers are there to assist the transition to stability. Peace enforcers are there as policemen to separate two parties who want to do nothing but fight. They are not interested in an agreement. They still want to fight. By jamming the agreement down their throats, the administration is not solving the problem. At best, it is delaying it.

Many proponents of military intervention in Kosovo cite World War I as a lesson as to the ultimate danger of a crisis in the Balkans. They have it exactly backwards. A Balkan war became a world war in 1914 not because there was strife, but because the great powers of that day allowed themselves to become entangled in that strife. We need to heed this lesson. We did not fight and win the Cold War just to be dragged into marginal conflicts like this one.

Why are the Balkans so prone to conflict? The main reason is that this is where Christianity and Islam collide. Strife along these lines has gone on virtually uninterrupted for a millennium. This is no place for America to get bogged down. I believe in America and American power, but these are conflicts that America cannot solve.

The administration is prepared to send our pilots into combat against a combat-hardened nation that is well equipped to defend itself from attack. Let there be no doubt—I will say it here now in this Chamber—let there be no doubt, American lives will be in danger. This act will result in the deaths of American servicemen. The Joint Chiefs testified before the Armed Services Committee last week. They tried to tell us, as carefully as they could.

General Ryan, Air Force Chief of Staff, said:

> There is a distinct possibility we will lose aircraft in trying to penetrate those defenses.

General Krulak, Commandant of the Marine Corps, said:

> It is going to be tremendously dangerous.

He went on to ask the same questions I have: What is the end game? How long will the strikes go on? Will our allies stay with us?

In the coming days, if air strikes do go forward, we need to be ready to answer the questions of the families of those young men and women who will not be returning from Yugoslavia. We have to be prepared to answer those questions. We can begin to answer them today: Are we prepared to fight in Yugoslavia month after month, slugging it out with the Serb forces in those mountains, losing Americans day after day? Are we prepared for that?

I want to say one thing about the troops. If we go in tonight or tomorrow, they will have my support. That is the way it should be. But I have an obligation to the Constitution, and under the Constitution, the U.S. Congress must decide whether or not we go to war. That is the purpose of my resolution.

Mr. President, I abhor the bloodshed in Kosovo. But as much sympathy as I have for those victims, we must remember that the Federal Republic of Yugoslavia is a sovereign nation. We can provide safe haven for those refugees as they exit Kosovo. We don't need to go to war.

Throughout the cold war, we fought to protect the rights of sovereign nations, and in 1991 we sent American soldiers to war to turn back the unlawful and immoral invasion of the sovereign nation of Kuwait. George Bush sought to defend a sovereign nation after it had been attacked, and he came before Congress to seek that authorization. He came before the Congress. And he barely got our approval.

George Bush risked losing a vote in Congress because he believed that the American people should comment on whether or not we would go to war. In that case, the nation of Iraq had attacked and conquered the sovereign nation of Kuwait. What a change in just eight years; here we are today, preparing ourselves to attack a sovereign nation, and the administration at this very minute is trying to avoid this vote.

This is a terribly difficult time for all of us. Having been in the Vietnam war, watching politicians who could not decide whether they wanted to support the troops or not, day after day, month after month, year after year, I don't want to see us get embroiled in another conflict the American people are going to lose their taste for after we start losing young men and women.

I just came back from a 4-day trip around the country—Louisiana, Alabama, and Colorado—talking to the troops. They are the best. They can handle anything we ask them to do. But they should not be asked to die in a conflict where the national security of this country is not at risk. This is exactly what they will be asked to do it if we go into Kosovo.

Mr. President, I urge my colleagues to carefully think about the implications of what we are about to do at 2 o'clock or so this afternoon. I urge my colleagues to support the Smith amendment.

I thank the Chair. I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. 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. HAGEL. Mr. President, I ask unanimous consent to speak up to 5 minutes from the time of the Democratic side.

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

Mr. HAGEL. Mr. President, I rise today to address my thoughts on the situation in Kosovo. This is a very complicated and dangerous issue. There are no good alternatives, there are no good options, there are no good solutions. I have listened with great interest and great respect to my colleagues on both sides of the aisle, on both sides of the issue. Their perspectives have been important, they have been enlightening. The threads of who we are as human beings—in America's case, as leaders of the world, as leaders of NATO—are intertwined in this very complicated morass that we call the Kosovo issue.

With that said, I don't believe America can stand by and not be part of a unified NATO response to the continued slaughter in the Balkans. I say that mainly for three reasons.

First, the very real potential for this crisis widening and deepening is immediate and there will be consequences. If this goes unchecked and unstopped there is the real risk of pulling in other nations into an already very dangerous and complicated situation. I believe if this goes unchecked and unstopped we run the very real risk of the southern flank of NATO coming unhinged. We are on the border now of Macedonia, Macedonia being on the border of Greece.

Second, the humanitarian disaster that would result if NATO stood by and did nothing would be immense. The consequences of that humanitarian disaster would move up into Western Europe; nations will take issue and sides against one another in Europe. This would have consequences in the Muslim world. The humanitarian element of this, as much as the geopolitical strategic elements involved in this equation, are real. There would be tens of thousands of refugees pouring into nations all over Western Europe. This would further exaggerate the ethnic and the religious tensions that exist today.

The third reason I believe that the United States cannot stand aside and not be part of any NATO activity to stop the butchery in Kosovo is because if the United States is the only NATO member who refuses to deal with this problem—all other NATO members are committed to deal with this problem—

if we are the only NATO member not part of this effort, it surely will be the beginning of the unraveling of NATO. If NATO does not deal with this crisis in the middle of Europe, then what is the purpose of NATO? What is the relevancy of NATO?

I have heard the questions, arguments, the debate, the issues raised about NATO being a defensive organization, the very legitimate questions regarding acts of war, invading sovereign nations. These are all important and relevant questions. However, I think there is a more relevant question: What do we use the forces of good for, the forces that represent the best of mankind, if we are going to be held captive to a definition that was written 50 years ago?

Every individual, every organization, every effort in life must be relevant to the challenge at hand. The consequences of the United States not being part of NATO in this particular effort would be disastrous. America and NATO's credibility are on the line here. I suggest to some of my colleagues who are engaged in this debate, where were they last fall? Where were they when Ambassador Holbrooke reached an agreement with President Milosevic in October? At that time, the United States and all nations in NATO gave their commitment that there would be a NATO military response if Milosevic did not comply with the agreement that he made on behalf of NATO with Ambassador Holbrooke.

Part of the debate we are having now—if not all of it—should have been done last fall. To come in now after the administration and our NATO partners are trying to bring together some peaceful resolution using the leverage of NATO firepower and the leverage of military intervention, for the Congress now to come in and undermine that is not the right way to have the Congress participate in its constitutional responsibility to help form foreign policy.

However, the President of the United States must take the lead here. I, too, have been disappointed in the President not coming forward to explain, to educate, on this issue. If the President feels this is relevant and important to America's interests, the President must come forward and explain that to the American people. He has thus far not done that. I understand that may be done today or tomorrow. I talked to Secretary Albright Sunday night and encouraged Secretary Albright, as I have others, to encourage the President to do that. Only the President can lead. Only the President can make the case as to why this is important for our country and explain the consequences of the United States doing nothing. The President must come before the Nation and explain why this military intervention in Kosovo is relevant and important, and why the very significant risk of life is worth it, why the significant risk of life is worth it.

I also want to point out that I have heard an awful lot of debate and conversation that we, the United States, would take on Milosevic. It is not just the United States. It is our 15—actually 18—other partners in NATO. I might add, too, that the Europeans have stepped into this with rather direct action and a call for arms in using and committing their ground troops and other military assets. So it is not the United States against Milosevic. It is NATO; it is the forces of good. We must not be confused by that difference.

The President has to explain all of this to the American public. Yes, there are great uncertainties and great risks at stake. But to do nothing would create a far worse risk for Europe, the United States, NATO, and I believe all over the world, because the United States' commitment and work and credibility is being watched very carefully by Saddam Hussein, the North Koreans, and others who would wish the United States and our allies ill. Actions have consequences. Nonactions have consequences.

Mr. President, history will judge us harshly if we do not take action to stop this rolling genocide. As complicated as this is, I hope that as we debate this through today, my colleagues will support the President on his course of action.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, before my colleague departs the floor, I wish to commend him for his final set of remarks. I listened very carefully. Those precise steps of reasoning were discussed in great detail beginning at 9:30 this morning up through 11:30 with the President and the Senate and House leadership. The very points that our colleague makes were reviewed and responded to by the President.

Time and time again—and I am sure you share this with me —I want to accord the highest credit to our colleague from Texas, Senator HUTCHISON, and our colleague from New Hampshire, BOB SMITH, and others, who have repeatedly over the past week or 10 days, through filing amendments and otherwise, brought to the attention of the Senate the urgency of this situation and the need to address it.

Today's meeting with the President was the second one, the previous one being last Friday of similar duration. Senator LOTT has tried his best to reconcile a rather complicated procedural situation together with Senator DASCHLE, and they are still conferring. We are going to address that in our respective caucuses here starting momentarily. I see—and I am speaking for myself now—a clear movement within the Senate to address this within the framework of a resolution. There are several working now whereby the American public can follow with much greater clarity exactly what is the issue before the Congress and how this body will respond to the challenge. It is an extraordinary one. The case—as you laid out—of inaction is just unacceptable to the world. We are about to witness a continuation, taking place at the moment, of ethnic cleansing of a proportion reaching those that we experienced in Bosnia.

A very courageous diplomat, Mr. Holbrooke, has made several excursions—I think the most recent completed within the hour —and all indications are that the situation, diplomatically, as much as it was, say, 72 hours ago, despite the best efforts of the United States, Mr. Holbrooke representing this country, but indeed he spoke for 18 other nations—the important consideration here is that there are 19 nations—16 in NATO and several others—who are locked with the determination not to let this tragedy continue. As the Senator said, the consequences of no action are far more understandable than the consequences of action. Now, the military action proposed is largely, I say largely, but almost exclusively, an air type of operation. Those pilots are taking tremendous risks.

The Senate Armed Services Committee, last Thursday, had all the Chiefs present. As the first indications of the concern in the Senate were beginning to grow through questioning by myself and other members of the committee, we had each Chief give their appraisal of the risk, and General Ryan, speaking for the air arms of our country, was unequivocal in saying this is dangerous, that these air defenses are far superior to what we encountered in Bosnia and what we are today encountering in Iraq, and this country runs the risk of casualties. What more could he say? He was joined by General Krulak, Chief of Staff of the Army, and the Chief of Naval Operations. All of them very clearly outlined the risks that their respective personnel would take—that, together with our allies.

Numerically speaking, about 58 percent of the aircraft involved will be U.S. Why? It is very simple. Fortunately, through the support of the Congress and the American people, we have put in place a military that can handle a complication such as this. I say ''complication'' because going in at high altitudes and trying to suppress ground-to-air munitions is difficult. It requires precision-bombing types of instruments, precision missiles, and many of the other nations simply do not have that equipment. But it is interesting, if we get a peace accord—and I have long supported the United States being an element of a ground force under the prior scenario where we had reason to believe that there would be a peace accord—and maybe there is a flicker of hope that it can be reached before force is used in this instance—but there the European allies would have about 80 percent of the responsibility, and the United States, I think by necessity, as leader of NATO, should have an element.

So another message that we have to tell the people is that the countries of the world—indeed NATO—are united. It is just not to be perceived as a U.S. operation. It is a consolidated operation by 19 nations. Milosevic should be getting the message now, if he hasn't already, that this is not just a U.S. operation. It is a combined operation of 19 nations.

Now, the proposed air operation is the best that our Joint Chiefs, in consultation with the North Atlantic Council and the respective chiefs of the NATO, can devise given that air assets are to be used. It is spelled out, I think, in a convincing way.

The President, again, went over this very carefully with the Secretaries of State and Defense, the National Security Adviser, and the Chairman of the Joint Chiefs present this morning. This operation, in stages, unequivocally I think, will bring severe damage to, first, the ground-to-air capabilities; and then if Milosevic doesn't recognize the sincerity of these 19 nations, then there will be successive air operations on other targets designed to degrade substantially his military capability to wage the war of genocide and ethnic cleansing taking place at this very minute throughout Kosovo.

In addition, as I am sure the Senator is aware, there are many collateral ramifications to this situation, which leads this Senator to think it is in our national security interest to propose action. I shall be supporting as a cosponsor the joint resolution as it comes to the floor this afternoon.

Right on the line I will sign and take that responsibility.

Mr. President, I ask unanimous consent that the time be extended for about 5 minutes.

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

Mr. WARNER. Mr. President, it is very important that this air operation degrade his capability to do further damage in Kosovo. But the instability in the region, as stated by the President this morning, in many ways parallels Bosnia, but could be considered more serious because of Greece, Turkey, and the spillover of the refugees into Macedonia and Montenegro. It is just not an isolated situation of repression and oppression by Milosevic against Kosovo civilians. They are now flowing in and causing great problems in these nations who are trying to do the best they can from a humanitarian standpoint to accept them.

So I always come back to the fact that this Congress went along with the President as it related to Bosnia. History will show that we were misled in certain instances by the President hoping we could be out by yearend. It had not been the case. But we are there, and the killing has stopped. How soon the economic stability of that country can create the jobs to give it some permanence we know not. But we could lose an investment of up to $8 billion or $9 billion that this Congress has authorized and appropriated through the years to bring about the degree of achievement of the cessation of hostilities in Bosnia if Kosovo erupts and spills over the borders in such a way as to undo what has been done over these years since basically 1991.

So there are many ramifications. It is difficult for the American people to understand all the complexities about the credibility of NATO and the credibility of the United States as a working partner, not in just this opposition, but future operations with our European nations. But they do understand quite clearly that genocide and ethnic cleansing, murdering, rape, and pillaging cannot go on. And we have in place uniquely in this geographic area the political organization in NATO, together with such military assets as are necessary to address this situation.

So it is my hope that the leaders will be able to resolve a very complex situation as it relates to the procedural matter before the desk and that we can have before the Senate this afternoon a resolution with clarity of purpose and clarity of how each Senator decides for themselves and speaking for the constituents about what the country should do.

I am convinced that the President has to go forward within 24 or 48 hours with the other NATO nations.

So I sort of put myself in the cockpit with those brave aviators, where you have been in a combat situation, Senator, many times, and you know that situation better than most of us. And you know how it is important to that soldier, sailor, or airman that has the feeling—or she in some cases—that this country is behind them and stands with them as they and their families take these risks.

I thank the Senator for the opportunity to have a colloquy with him on this important question. I commend him for his leadership on this and many other issues.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take just about 3 minutes now and I will speak longer than this later in the day.

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

Mr. HARKIN. Mr. President, it seems we are moving irrevocably towards war in the Balkans. It appears that the U.S. forces along with NATO forces will soon be engaged in open warlike activity against Serbian forces. This Senator took the floor in January of 1991, prior to the engagement of our forces in the Persian Gulf, to state my feelings that before any President commits our troops to a military action of this nature, that President should seek the advice, consent, and approval of Congress.

Only Congress has the power to declare war; it is quite clear in the Constitution. It is this Senator's strong feeling that this President would be remiss, and we would be shirking our duties, if in fact we did not, today, set aside whatever other business this Senate has, to debate fully a resolution supporting or not supporting the use of our military force in Kosovo. That debate should be held today and the vote should be held today, or tomorrow, but as soon as possible, so we fulfill our constitutional obligations.

I said, in 1991, if the President were to engage in war in the Persian Gulf without Congress first acting, not only would it be a violation of the War Powers Act but I think it would be a violation of the Constitution of the United States. I still feel that way, regardless of whether it is President George Bush or President Bill Clinton.

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a warlike nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

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

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's

ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration, or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: ''Our policy is that we testify before citizen witnesses.''

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since 1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

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

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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

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

The legislative clerk proceeded to call the roll.

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

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

The majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we are obviously dealing with very serious matters for the future of our country and our military men and women today. We want to make sure we proceed properly. We are looking at how to proceed on the Kosovo issue and the supplemental appropriations and be prepared for consideration of the budget resolution beginning tomorrow.

We have looked at a lot of options. Obviously, we have been talking among ourselves and the administration, and Senator DASCHLE and I have gone through a couple proposals.

Our conclusion is, at this time we should go forward with the cloture vote as scheduled. The cloture vote is on the Smith amendment, which is an amendment to the Hutchison amendment to the supplemental appropriations bill.

When that vote is concluded, depending on how that vote turns out, then we will either proceed on the Smith amendment or we will set it aside, if cloture is defeated, and work on the supplemental appropriations bill while we see if we can work out an agreement on language or how we proceed further on the Kosovo issue.

We thought the better part of valor at this time is to have the vote on cloture. Is that Senator DASCHLE's understanding, too? We will continue to work with the interested parties. A bipartisan group will sit down together and look at language to see if we can come up with an agreement on that language. We may be able to, maybe not. But we should make that effort. Then we also will press on the supplemental appropriations bill while we do that.

With that, Mr. President, I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Lott amendment No. 124 prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia:

Trent Lott, Paul Coverdell, Bob Smith of New Hampshire, Jeff Sessions, Don Nickles, Charles E. Grassley, Sam Brownback, Tim Hutchinson, Michael B. Enzi, Bill Frist, Frank Murkowski, Jim Inhofe, Conrad Burns, Mitch McConnell, Ted Stevens, and Jim Bunning.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 124 to S. 544, a bill 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, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Feingold	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Hutchison amendment, No. 81, be temporarily set aside under the same terms as previously agreed to with respect to the call for the regular order.

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

Mr. LOTT. Mr. President, we will resume consideration of the supplemental appropriations bill with amendments in order as outlined in the consent agreement reached on March 19.

I should advise the Senate that there is beginning now a working group of Senators who will be working to determine if they can draft language for the resolution regarding the Kosovo situation. We still have pending the Hutchison amendment and the Smith amendment. And there will be a bipartisan effort to see if there can be some compromise language worked out or some language that might be voted on in some form before the afternoon is over.

In the meantime, we are working now toward an agreement with regard to consideration of the supplemental appropriations and beginning of the consideration of the budget resolution. The managers are here, and they are ready to begin to work on some amendments, I believe, which have been cleared. We hope that within the next 30 minutes we can enter into an agreement with regard to finishing the supplemental today, with Kosovo language being considered in the process as a possibility, and then begin tomorrow on the budget resolution.

With that, I yield the floor so that the distinguished chairman can begin to have these amendments considered that are ready to be cleared.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I now ask unanimous consent that there be stricken from the amendment list Senator HARKIN's relevant amendment, Senator JEFFORDS' three relevant amendments, and Senator REED's OSHA small farm rider amendment.

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

AMENDMENTS NOS. 125, 126, AND 127, EN BLOC

Mr. STEVENS. Mr. President, let me state, so that everyone understands, that there is a sense-of-the-Senate amendment offered by Senator BINGAMAN regarding the use of sequential billing policy in making payments to home health care agencies under the Medicare Program; an amendment by Senators LEAHY, JEFFORDS, and COLLINS providing additional funds and an appropriate rescission to promote the recovery of the apple industry in New England; and the third amendment is offered by Senator LINCOLN to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

I send these amendments to the desk and ask for their immediate consideration, and ask unanimous consent that they be considered and agreed to en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments en bloc numbered 125 through 127.

The amendments (Nos. 125 through 127), en bloc, considered and agreed to are as follows:

AMENDMENT NO. 125

(Purpose: To express the sense of the Senate regarding the use of the sequential billing policy in making payments to home health agencies under the medicare program)

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed be ''seamless'' so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

AMENDMENT NO. 126

(Purpose: To appropriate an additional amount to promote the recovery of the apple industry in New England, with an offset)

On page 2, between lines 20 and 21, insert the following:

AGRICULTURAL MARKETING SERVICE

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), $200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), $500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 37, between lines 9 and 10, insert the following:

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading ''EMERGENCY CONSERVATION PROGRAM'' in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 68), $700,000 are rescinded.

AMENDMENT NO. 127

(Purpose: To provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year)

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. ____. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.—(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as ''CRCPLUS'') for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

Mr. STEVENS. Mr. President, I move to reconsider the votes by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have, I think, a process now to sort of relieve the roadblock, or remove the roadblock, on this supplemental bill and get it ready to go to conference tomorrow with the House. The House will pass this bill tomorrow. So I urge Senators to offer their amendments, and we will, to the best of our ability, take the Senators' amendments to conference, if at all possible.

AMENDMENT NO. 128

(Purpose: To eliminate any emergency designations from the bill and provide additional offsets from unused fiscal year 1999 emergency spending)

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM) proposes an amendment numbered 128.

Mr. GRAMM. 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. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of $2,250,000,000 is rescinded as provided in section 3002 of this Act.

AMENDMENT NO. 129 TO AMENDMENT NO. 128

(Purpose: To eliminate any emergency designations from the bill)

Mr. GRAMM. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself, and Mr. NICKLES, proposes an amendment numbered 129 to amendment No. 128.

Mr. GRAMM. 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 amendment add the following:

SEC. . Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. GRAMM. Mr. President, a continuing problem with the emergency supplemental appropriations is that it is not paid for.

I would like to remind my colleagues—and I will try to be brief—that last year the President in the State of the Union Address took the hard and fast position that we should save Social Security first. The idea was that the whole surplus of the Federal budget should go to Social Security and should be used to reduce the outstanding debt of the Government.

As everyone remembers, in the waning hours of the session last year we passed an emergency appropriations bill that contained numerous nonemergency items. And the net result was to spend $21 billion—roughly one-third of the surplus—every penny of which was Social Security surplus. Therefore, in the words of the President, we had plundered the Social Security trust fund to fund all of these other programs of Government.

As I am sure everyone is aware, along with the budget that will come to the floor of the Senate immediately following disposition of the issue on Kosovo, we will consider a lockbox provision that requires a reduction in the debt held by the public by the amount of Social Security surplus. That will automatically lower the debt limit we will set by law each time we have a Social Security surplus. So the net result will be that each and every penny of the Social Security surplus will, in fact, be locked away, going to debt reduction in the name of Social Security. While none of that saves Social Security, it does mean that none of it is spent on general government and that we actually reduce the indebtedness of the Federal Government in the process.

Right in the face of this effort to lock away the Social Security surplus for Social Security, we found ourselves with an emergency supplemental appropriations bill which is not paid for. And, in fact, in its current form, the bill increases spending and therefore takes $441 million right out of the Social Security surplus in fiscal year 1999. And then, adding this year and the next 4 years, it would take almost $1 billion out of the surplus; $956 million would, in fact, be taken out of that surplus.

It seems to me we can't be credible talking about a lockbox to lock this

money away for Social Security at the very same moment that we are spending the money.

So I have sent two amendments to the desk. One makes across-the-board reductions in the previous emergency bill we passed in areas other than agriculture and defense to such a degree that we pay for the $441 million. So the emergency supplemental at that point will be deficit neutral in fiscal year 1999.

The second-degree amendment, which I have submitted on behalf of myself and Senator NICKLES, because in fact it was his amendment that he reserved the right to offer—the second-degree amendment is an amendment which waives the emergency designation, which will mean that this $515 million of spending in the years 2000 through 2005, will count toward the spending caps in those years. So by spending the money now, we will lose the ability to spend that amount of money in future years.

These are two straightforward amendments which have one overriding virtue, and that is, they pay for the supplemental.

Let me say of my colleague, the Senator from Alaska, that I am very grateful he has decided to accept these amendments. I know this only means postponing the battle until conference.

There was a clever little poem I learned as a boy. And I am sort of ashamed to say that I forget exactly what the rhyme was. But it was, ''He that is convinced against his will is unconvinced still.'' And I know that in this case, wanting to get on with this bill, our dear colleague, our loving colleague from Alaska, is convinced against his will to take these amendments, and I know he is unconvinced still.

But the point is, we would have the ability to go to conference with our bill fully paid for and with no emergency designation. That would put those of us who believe that this should be the way we do business in this country in a position in conference to try to sway others. On that basis, I will be willing, with the adoption of these amendments, to let the bill go to conference where, obviously, at that point this will be fought out again.

Let me conclude, before the Senator from Alaska changes his mind, by simply saying we are going to have to come to a moment of truth here. We cannot write budgets that say we are going to control spending and then continue to spend. We cannot lock away money for Social Security and then spend the money for Social Security. I know it is hard—when the President says one thing and does another—for Congress to say something and then actually do it because, obviously, it is easier to say it and not do it than it is to say it and then do it. But I do believe the American people have a higher standard that they apply to us, and I think the adoption of this amendment, especially if it can be held in conference, is a major step forward in getting credibility back into the budget.

On that basis I yield the floor.

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

Mr. STEVENS. Mr. President, my friend brought a smile to my face because I remembered Miniver Cheevy:

Miniver Cheevy, child of scorn,
Cursed the day that he was born.

He was born too late. Just think, I might have been chairman of the Appropriations Committee back in the days before the Budget Act, before scoring fights, when we just talked about what the country needed. Right? But it is one of those things.

Mr. GRAMM. But then you would be dead, Mr. Chairman.

Mr. STEVENS. No, Cheevy just hoped he had lived sooner. You understand? By definition, he is dead.

Mr. GRAMM. Oh, OK.

Mr. STEVENS. I cannot match the memory of my friend from West Virginia as far as poetry is concerned. I was trying to think of another poem I remembered that would have been appropriate, but right now I will say this:

Mr. President, here is the problem. We had a massive bill last fall. It had emergency monies appropriated that were outside the budget. Now we are reprogramming much of that money to new emergencies or to new programs which take the money away from the programs we appropriated for last fall. But now we are going to spend it somewhere else. OMB did not score that money last fall because it was outside the budget. Now the Senator from Texas has gone to the CBO and the CBO has scored that as money that is just being appropriated. We are really reprogramming appropriated money to new uses.

When they score it, they do not come up with budget authority, which is the problem of the legislative committees. They come up with outlays, which is our problem. We do not have the outlays. By definition, the money, if we leave it where it is, it is going to be spent. It is going to be spent unscored.

As a consequence, I have told the Senator from Texas, and I hope my friends from the other side of the aisle would agree, we will take this to conference. I made a commitment. I will sit down with the CBO and see if I can understand their point of view of why they should do this to us. Most people do not agree. It is only the Senate Appropriations Committee that is subject to this control. The House just waived the points of order. Over here, our bills are subject to points of order.

The amendment of the Senator would lead to dramatic cuts in several priorities that were funded in the omnibus bill as emergency issues and not scored on outlays. And we have a provision in this bill that says those monies will continue to not be scored as outlays if they are spent for the purposes we redesignated them for: Diplomatic security, to rebuild our embassies destroyed in Kenya and Tanzania, the funding that we put up for the U.S. Government's response to the Y2K computer problem. At my request last year, we went forward very early and the Senate started that process, $3.25 billion to deal with Y2K. It was not scored, and we are reallocating some of that. The agriculture relief from last year—again, it was an emergency. We are reprogramming some of that.

Above all, the FEMA disaster relief monies, all of those were not scored for outlays, Mr. President. But I understand what my friend is doing. He is trying to do the same thing we are trying to do, and that is preserve Social Security. I will be willing to do anything I can to preserve the position we have taken that Social Security funds not be touched. They were touched last fall. We are not touching them, we are reusing them. That is something the CBO cannot quite grasp right now, and I have said I will go sit down and talk to them. As a matter of fact, I will invite the Senator from Texas to come along so he will have a worthy advocate as we try to understand the new concepts of scoring outlays on monies that were already appropriated on an emergency basis.

I think the Senator from Texas raises some interesting points. I do hope we will be able to accept this. I have to tell the Senator from Texas that my decision to recommend these be taken to conference is still subject to being reviewed on the other side of the aisle, and I will have to defer the final approval of the amendment of the Senator until that time. But I will call him if there is any discussion to be had on his amendment.

I hope he agrees we set it aside temporarily while awaiting that response to my request. But I do intend to recommend the amendments of the Senator be taken to conference where we will explore them and try to see if we can accommodate what the Senator is trying to do without disturbing the process that we feel is our duty—to meet the emergencies as they are presented to us this year, not last year.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President and Senator STEVENS, before he leaves the floor, I am going to ask a question of the Senator from Texas on the speech that he just made, although it is not directly on point. I thank Senator GRAMM for the comments he made about Social Security and protecting it and the lockbox. He has explained the lockbox as legislation he has reviewed in my behalf, and described it as making it very difficult, if not impossible, to spend the Social Security surplus, because to do so one would have to increase the debt beyond that which is agreed upon, the debt held by the public, and in so doing they would need a supermajority.

Since the administration says they want to save the Social Security trust

fund, do you have any idea—can my colleague imagine why the Secretary of the Treasury would be against it?

Mr. GRAMM. Yes, I can tell you I not only have an idea, I think it is clear there is only one reason anybody would be against it, and that is they want to say they are saving Social Security, but they do not want to do it. They want to have it both ways. They want to give great and flowery speeches about ''Save Social Security first, save Social Security now,'' but when it gets right down to it, what the provision of my colleague in the budget does by changing the debt ceiling is it actually makes it impossible for them not to do it unless they can get 60 votes in the Senate to raise the debt ceiling. So the only reason they would oppose it is they do not intend to do it.

Mr. DOMENICI. That would require statute law to do what I have recommended and what my staff and I have worked out? We would have to bring that to the floor, and that will be another test after the budget resolution about how serious people are about not touching the Social Security trust fund; is that correct?

Mr. GRAMM. Anybody who is opposed to your bill is refusing to write into law in a binding manner what everybody pledges verbally to do. The provision of the Senator from New Mexico is an enforcement mechanism. And the only reason anybody would be against enforcing an antiplundering provision on Social Security is if they intend to plunder. I think that is what the whole issue is about.

Mr. DOMENICI. I ask one thing further. My colleague has been here working with me for most of my time on the Budget Committee, although I was there for a while when he was in the House working on budgets there. I have talked, heretofore, about whether or not we can lock up the Social Security trust fund. But it is my recollection that no legislation of the type that I propose has ever been suggested to the Congress as a means of not spending that money. Is that your recollection also?

Mr. GRAMM. Well, first of all, I don't know of any effort in the past, prior to 1979, when I came to the Congress. There had been no legislative action since 1979 that would have locked in a process to enforce debt reduction. This is the first in my experience of service in the Congress. My guess is there has never been a similar proposal before, but we do have an extraordinary circumstance. We have a President who is committed to saving Social Security money and using it for debt reduction. We have 100 Members of the Senate who say they are for it. Your amendment gives us a happy opportunity to marry all this up with a binding constraint. The question is, who is for real and who is not for real on this issue. That is what will be determined.

Mr. DOMENICI. I thank the Senator.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to put in the RECORD the scoring that we got on the supplemental bill as it came out of committee. It shows the problem. CBO showed we had $319 million in savings on outlays, and OMB said we had $567 million savings in outlays. OMB now has gone back and has changed the minuses to plus, and they say that we are over $441 million. It is because of a revision, I guess, of the way they have approached the bill.

Mr. President, I ask unanimous consent the scoring that we received on S. 544, as reported to the Senate, be printed in the RECORD and that it be followed by the Senator's chart, as of March 22, of scoring from CBO of the bill as it stands before the Senate today.

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

FY 1999 SUPPLEMENTAL S. 544, AS REPORTED

[In millions of dollars]

	Senate bill		
	BA	CBO Outlays	OMB Outlays
OFFSETS			
Agriculture:			
Food stamp program	−285	.....	.....
Net	−285	.....	.....
Commerce-Justice:			
DoJ OIG	−5	−5	−5
INS enforcement & border affairs	−40	−32	−32
INS citizenship & benefits, immigr. support	−25	−20	−20
NOAA operations, research & facilities	−2	−1	−1
NOAA procurement, acquisition & constr	−2	−1	−1
Contributions to Int'l organizations	−22	−22	−22
Contributions to Int'l peacekeeping	−21	−21	−21
Int'l broadcasting operations	−1	−1	−1
Net	−118	−103	−102
Defense:			
Operations & maintenance, defense-wide	−210	−78	−155
Net	−210	−78	−155
Foreign Operations:			
Global environmental facility (GEF)	−60	−5	−5
Economic support fund	−10	−1	−1
Assistance for E. Europe & Baltic States	−10	−1	−1
Assistance for Newly Independent States	−10	−2	−1
Int'l organization and programs	−10	−9	−9
Net	−100	−18	−16
Interior:			
BLM management of lands & resources	−7	−5	−5
Net	−7	−5	−5
Labor-HHS-Ed:			
State unemployment service	−16	−16	−16
Education, research, statistics	−8	−2	−1
TANF (deferral)	−350	.....	.....
Net	−374	−18	−17
Military Construction:			
BRAC	−11	−2	−3
Net	−11	−2	−3
VA-HUD:			
Emergency community development grants	−314	−1	−7
HUD management and administration	.....	−5	.....
EPA science and technology	−10	−4	−4
Net	−324	−10	−11
Chapter 1, title V, division B of P.L. 105–277	−23	−18	−18
Reduction in non-DoD emergency appropriations in division B of P.L. 105–277	−343	−67	−187
Reduction in non-defense discretionary spending from revised economic assumptions	−100	.....	−53

FY 1999 SUPPLEMENTAL S. 544, AS REPORTED—Continued

[In millions of dollars]

	Senate bill		
	BA	CBO Outlays	OMB Outlays
Total	−1,894	−319	−567

IMPACT OF S. 544 (EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FY1999) ON DISCRETIONARY SPENDING

[Net Impact of Appropriations and Rescissions, in millions of dollars]

	Outlays, FY1999	Total outlays	Budget authority
S. 544 as Reported	+$275	+$719	0
Amendments Adopted	+166	+237	+$4
Current Total	+441	+956	+4

Preliminary Congressional Budget Office estimates as of March 22, 1999. Total outlays in future years may be affected by subsequent legislation.

Mr. STEVENS. I think it demonstrates that there is a legitimate battle here over people who make estimates. We have one group of estimators downtown, another group of estimators over in CBO. We have our own on the committee. We make estimates of what we are doing, and it is like three groups of lawyers. Fifty percent of them are wrong all the time. I say this as a lawyer.

As a practical matter, there is no answer to the Senator from Texas' approach, unless we just set them all down in the same room and say find a way to come to an agreement. In the final analysis, there are three computers working on this bill and, as they say, if you put stuff in, stuff is going to come out; right? That is the trouble. I am not sure what color the stuff is that the Senator from Texas is using, but it is coming out. It disagrees with our conclusions of what this bill means.

I am told that the other managers of the bill agree with my concept that this is something we should explore in conference, and we will give it our best review in conference. We are willing to accept the Senator's amendments now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 129) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 128), as amended, was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 130

(Purpose: To maintain existing marine activities in Glacier Bay National Park)

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 130,

At the appropriate place in the bill, insert the following:

''SEC. . GLACIER BAY.—No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105–277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit.''

Mr. MURKOWSKI. Mr. President, if I may have the attention of my colleagues, let me identify specifically what is intended by this amendment.

First of all, I should identify the specific area about which we are concerned. This is my State of Alaska. Over here on the right is Canada. We have our State Capitol here in Juneau. Just north of Juneau is an extraordinary jewel of our National Park Service called Glacier Bay. Glacier Bay is a pretty substantial area in size. It consists of about 3.3 million acres. That is about the size of 3 Grand Canyons or 4 Yosemites or 17 Shenandoah National Parks or 825 Gettysburgs. It is part of the State of Alaska which has about 33,000 miles of coastline.

Let me further identify specifically what Glacier Bay consists of relative to the map of Alaska which is before you.

We have in southern Alaska in the northern tip, before you cross the Gulf of Alaska to go up to the Anchorage area, the area specifically known as Glacier Bay National Park and Preserve. Over in this corner we have Gustavus, which is a small community, Bartlett Cove, where the Park Service has its concessions, and down here we have Chichagof Island, and over here, Juneau. The purpose of this map is to give the visitor some idea of the extraordinary size and attractiveness of Glacier Bay and the realization that there are absolutely no roads in this area, with the exception of this very short road from Gustavus, where there is an airfield, to Bartlett Cove. This is very rugged, glacier-bound terrain. The only entry is by vessel or aircraft flying over the area. There are kayaks, small boats, and so forth. The activity is monitored by the Park Service quite effectively.

If you look at the map of Alaska, you also find that this entire area of Canada has no outlet to the Pacific Ocean. That is from roughly Cordova down through Ketchikan, all this area of northern British Columbia, Whitehorse, the Yukon Territory. There is no access. But there is in Glacier Bay a very tiny area, at the Tarr Inlet, where a glacier occasionally recedes and provides a bit of real estate in Canada at the head of Glacier Bay. Of course, the difficulty is you cannot go through a glacier for access. I just point this out to you so you will have a little better view of the real estate, the topography, and so forth.

What we have before us in this issue is the traditional right of fishermen and subsistence gatherers who live in the area, either in Gustavus or Hoonah, which is a Native village. These are gatherers. What does that mean? To these people it is part of their heritage, part of their lifestyle.

Mr. President, we do not have any chickens in this particular area. It is pretty wet, pretty cold. So the Natives occasionally go in and gather sea gull eggs. Now, there is not much demand for sea gull eggs. The question of their continued right to go in and gather those eggs as well as fish is what this issue is all about, because the action by the Park Service would preclude traditional fishing and gathering, which has been going on here for hundreds of years.

The fishermen and subsistence gatherers really can't go someplace else. It is my opinion and that of my senior colleague, Senator STEVENS, that their rights should be respected.

What have we got that is different about this issue? The difference is the State of Alaska has indicated its intent to file suit and our Governor, Governor Knowles, has asserted claim to the submerged lands within the park. Granted, the Park Service has control of Glacier Bay National Park and Preserve. The State, under the Statehood Act, was given control of the inland waters. The question is, Who has jurisdiction over waters within the park? That is the issue.

The conflict today is that the Park Service is enforcing today an elimination of fishing and an elimination of subsistence gathering, but the State has indicated it intends to bring suit.

I have a press release by the Governor of the State of Alaska dated March 4 indicating the State's intent of bringing suit against the Interior Department over Glacier Bay fishing. It is titled, ''Governor asserts claim to submerged lands within park.'' This matter is being brought before us today, because the existence of the suit suggests that until it is decided, the residents of the area should not be disallowed their conventional access for fishing and gathering.

In real terms, the delay does not jeopardize any park value. Gathering and fishing is fully regulated by the State of Alaska, the Department of Fish and Game, very effectively and very efficiently. All important fisheries are under the system that would prevent any increase—any undue effort on the resource. In the thousands of years that the Natives have been in the area, there has been no evidence of any resource problem.

Let me also identify a couple of other specifics here. This is a traditional Hoonah Tlingit village that existed at the turn of the century. You can see the fish drying on the racks and the homes, the summer camps, where the Native people resided. This picture was actually taken in Bartlett Cove in Glacier Bay.

The unfortunate part of this is, this village no longer exists. The Park Service eliminated it. The Park Service burned several Indian houses and smokehouses like this in the seventies. Again, this was a summer camp, a summer village.

The history of subsistence in Glacier Bay spans, as near as we can tell, Mr. President, about 9,000 years. The Tlingit name of the bay means ''main place of the Huna people'' or was referred to as the ''Huna breadbasket,'' because they depended, if you will, for their livelihood on some of the renewable resources there.

As many as five Native strongholds once existed inside the park boundary, but, as I have indicated, the Natives were gradually forced out of their traditional places, and in the seventies the National Park Service burned down the Tlingit fishing camps like this in the park.

Limited fishing began back in 1885, long before Glacier Bay was named as a national park. Again, it is interesting to reflect on the claim of jurisdiction of the Park Service. Not only did they claim the inland waters, but they claimed 3 miles out along the Gulf of Alaska, from roughly Dry Bay, which is near Yakutat, 3 miles out into these rich fishing grounds, which have always been open for commercial fishing under the State department of fish and game. They have the enforcement capability, and that is the point of mentioning this, for 3 miles out, to close that as well.

Again, my appeal is, let the court determine who has control over the inland waters of the park, and let's get on with allowing the traditional gathering and limited commercial fishing activity that takes place there.

As we look at a couple of things that are dos and don'ts, this is no longer allowed under the Park Service proposal. One- or two-person family-operated boats are not welcome. They are not welcome in the park anymore. There is no good reason for it. They say they do not want a commercial activity. But this is what they do allow in the park: A 2,000-passenger cruise ship as big as three football fields. That is allowed. If that is not a commercial activity, I don't know what is. I happen to support it. You can look at the topography, the glaciers. There is no better way to see Glacier Bay National Park than from the deck of a cruise ship. But to suggest there is something wrong with the subsistence dependence of the Native people and something wrong with limited commercial fishing because it is commercial, and then to support what is truly commercial—the cruise ships—why, I think that is a grave inconsistency.

I think it is important to go back to what the local residents were assured they would have—the local residents of southeastern Alaska. They were assured, as local residents, that the Government would not eliminate traditional uses, including fishing and subsistence gathering. That certainly is not the case anymore, is it?

I think it is also important to recognize that while nationwide park regulations adopted in 1966 prohibited fishing in freshwater parks, these did not prohibit fishing in the marine or salt waters of Glacier Bay.

I wish I had this in chart. The Park Service proposes closing fisheries in Glacier Bay, as we have already ascertained. But what is their overall policy nationally? In Assateague Island National Seashore in Maryland and Virginia, the Park Service authorizes commercial fishing. Biscayne National Park in Florida, the Park Service authorizes commercial fishing. Buck Island Reef National Monument, U.S. Virgin Islands, commercial fishing is OK there. Canaveral National Seashore in Florida, fishing is OK there. Cape Hatteras National Seashore, North Carolina, commercial fishing is OK. Cape Kruzenstern National Monument in Alaska—way, way, way up here by Kotzebue—commercial fishing is OK there. Channel Islands, California, commercial fishing is OK. Fire Island National Seashore in New York, commercial fishing is all right. Gulf Island National Seashore, Mississippi, Alabama, and Florida, commercial fishing is OK. Isle Royale National Park in Michigan, commercial fishing is fine. Jean Lafitte National Historic Park, Louisiana, commercial fishing is OK. Lake Mead National Area, Nevada, fishing OK. Redwood National Park, California, commercial fishing is OK. Virgin Islands National Park, fishing is OK.

Why kick out just Alaska, a few residents who rely on their traditional gathering? That is the question. And another question is, What is the justification?

The fisheries consist of small numbers of small vessels, as I indicated. These are a type of traditional vessels, trollers, mom-and-pop—many are a lot smaller than that—fishing for salmon. But Glacier Bay is not a significant salmon spawning ground, because there are no major rivers. The water is very glacially silty and, as a consequence, anadromous fish do not use habitat in the upper parts of the bay. They move in here a little bit to feed, that's all. Mostly, we have some crab fishing, we have some halibut fishing that is seasonal, and some bottom fish. These fish, as I have indicated, are not under any threat. There is no danger to the resource. All are carefully managed for subsistence harvest by the State of Alaska, and most of them are under limited entry.

There is an argument out there that fishing is incompatible with such uses as sports fishing or kayaking, but these have been rejected by the various groups, the sport fishing groups, the kayak concessions, who favor continuation of limited commercial fishing and subsistence gathering.

What are we really talking about in numbers? Because the big Department of Interior comes down and says they are opposed to this. They want to eliminate this activity. But for the people, this is their livelihood. They have no place else to go. They appeal to the Senate. I, as one of the two Senators from Alaska, proudly represent them in their voice crying out for fairness, crying out for justice.

The Gustavus community has 436 residents; 55 are actually engaged in fishing. Gustavus is right here. Elfin Cove across the way, directly across, has 54 people. Out of those 54 people, 47 are engaged in fishing. Hoonah, a Tlingit Indian village, has 900 people, 228 involved in fishing. Pelican City, 187 residents, and 86 in fishing. That might not sound like much, but these are real people. This is their real lifestyle, and they are pleading for fairness and justice. I think we have an obligation to them.

Mr. President, let me just read a note from Wanda Culp, a Tlingit historian. This was written February 13, 1998. I quote:

> The 1980 ANILCA law has done more damage to the Tlingit use of Glacier Bay through National Park Service management. Since the 1925 establishment of Glacier Bay National Park, the National Park Service has been systematically eliminating the native people, the Tlingit people, out of Glacier Bay through their management practices.
>
> In the 1970s, the National Park Service destroyed the Huna fish camps, burned down the smoke houses when tourism began its importance in Glacier Bay.

That is a little bit of the history. I could comment on the fisheries at greater length. I could comment on the research that suggests that the French explorer, LaPerouse, in 1746, saw the local Tlingit fishing here. The park was established in 1916. But the Tlingit people have used it as a fishing camp as long as recorded or verbal traditional history of that proud people exists.

I know we are going to have objections relative to prior arrangements concerning Glacier Bay, and I hope my colleagues will note that in the amendment we address the issue of the crab fishing, and I should like to refer to that.

In the amendment, we specifically say ''with the exception of the closure of the Dungeness crab fisheries under section 123(b) of the Department of Interior and Related Agencies Appropriations Act.'' This is a certain type of fishery, a crab fishery, and we concede that a previous agreement to close it is binding. So that crab fishery is closed. There is no question about that. Compensation for that closure was provided for, but has not yet been to fishermen.

The appeal to each and every Member is that while the State contests the question of who has jurisdiction in Glacier Bay, the Native people continue to be allowed to subsist and gather, and that the limited commercial fishery that is under the authority and management of the State of Alaska be allowed to continue.

Why deprive these people simply because this matter is going to be resolved in the courts of the United States, particularly—again, I would emphasize—when we have acknowledged the number of national parks, marine refuges, and so forth that commercial fishing is allowed to take place in. So if we get into a debate, as we may, about any reference to the Dungeness crab and the compensation issue, I want to make sure the RECORD reflects the reality that no binding agreement has been made on other fisheries in the bay. There was reference to allowing them to continue to fish without compensation for one generation. So we are accepting the agreement on the Dungeness crab, but we are asking respectfully that we be allowed to continue the other present practices within Glacier Bay until the court suit is settled.

You may wonder how this sits in the scheme of things, as we have expended a good deal of time and effort debating Kosovo and whether we should initiate an action there.

Well, here we are talking about a few real people in my State of Alaska, people who are out there whose lives and livelihoods, as they view it, are at risk. They are looking to us for relief. So by this amendment, I implore my colleagues to recognize equity and fairness; how these people have been, if you will, removed from their heritage by the Park Service, and now that heritage is about to be terminated inasmuch as it would remove subsistence activities.

I remind my colleagues that while there has been proposed remuneration for fishermen, there has never been any proposed remuneration for the subsistence-dependent Native people. So I encourage consideration be given to the merits of what we are asking. I think it is right. I think it is just. I think it is fair. If you consider the overall scheme of things, the Park Service, while managing Glacier Bay, for reasons unknown to me, has had a difficult time trying to determine what is, indeed, a commercial activity that is OK; namely, these large cruise ships, and what is no longer OK, which is a small fishing activity or the traditional rights of the Native people to gather in that area. There would be absolutely no harm done by allowing this moratorium to stand, if, indeed, it prevails, until such time as the courts resolve this issue once and for all as a consequence of the fact the State has seen fit to bring suit on who has jurisdiction over the inland marine waters.

I see some of my colleagues may wish to discuss this amendment. I am happy to respond to any questions.

I gather we are under no time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. So if my colleagues want to talk about the amendment, I shall be pleased to respond to questions or comment a little later.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. MURKOWSKI. Yes. I intend to speak on this later though.

The PRESIDING OFFICER. The Senator yields the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from Alaska. After all, he is one of the two Senators who represent the State of Alaska, and he believes strongly in this matter.

Mr. President, this is the very same matter we discussed 6 months ago, exactly the same. This is one of those environmental riders which has popped up again. It is the Glacier Bay environmental rider. That is the environmental rider on the Interior appropriations bill of last year, a bill that never came before the Senate, I think, with all due respect to my good friend from Alaska, because a lot of Senators did not want to have those votes on those environmental riders. There were several of them. And so the whole Interior appropriations bill was then submerged into the omnibus appropriations bill, that giant and super granddaddy bill that came up before the House and Senate last year, and in that omnibus bill there was an agreement—this was a provision which was an agreement essentially between the White House and the Senator from Alaska, the chairman of the Appropriations Committee, Mr. STEVENS, on this matter. We have already dealt with this. There is an agreement. It was written into the law, and let me read you the agreement. This is the law. The agreement says very simply:

> The Secretary of Interior and the State of Alaska shall cooperate in the development and the management and planning for the regulation of commercial fisheries in Glacier Bay National Park.

On and on. Then it goes on to say:

> Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay proper and within marine waters within Glacier Bay as specified in paragraph . . .

Anybody who wants to can read all of the relevant provisions. Basically, the agreement is this: That fishing, commercial fishing, outside of Glacier Bay is fine.

It is fine. Even fishing next to the boundaries of Glacier Bay is fine. A commercial fishery within Glacier Bay was to have certain restrictions because there was a conflict between the national park values within Glacier Bay—for example, wilderness areas within Glacier Bay—and commercial fishing interests within Glacier Bay.

So we worked out an agreement—the White House and Senator STEVENS, the chairman of the Appropriations Committee—worked out an agreement, of which I read part. Other parts of the agreement are not quite as relevant as the parts I read. That is the essential nature of the agreement.

We have debated this before. This is not new. I stood on this floor several hours, with other Senators, debating other environmental riders. Izembek was an environmental rider; now we have Glacier Bay, another environmental rider. After several hours of debate on the Senate floor, we concluded debate because the Interior appropriations bill never came up. It was withdrawn. It was then subsumed into the large omnibus appropriations bill with the agreement that I just outlined between the White House and the senior Senator from Alaska.

Now, here we are all over again; same issue, same subject; nothing new.

I say to my colleagues, we have discussed this. We have debated it. We have reached an agreement on this issue. We are here now on the supplemental appropriations bill. We want to get this bill passed today so we can send it over to the other body and have a conference, come back, and be through with the supplemental appropriations this week.

Why prolong the Senate on an amendment which has already been debated, an amendment which has already been agreed to, in the sense that a compromise was worked out that recognized both the National Park interests and the wilderness interests—which, after all, are American interests—in Glacier Bay on the one hand, with the fishing interests and particularly the indigenous interests on the other hand?

I say to my colleagues, we are hearing this argument all over again. We have an agreement. Essentially, what the amendment by the Senator from Alaska provides is to rescind that agreement. That is what the amendment does, rescind it. It is couched a little bit by saying rescind it and tell the State that it will be rescinded until the State of Alaska has resolved its lawsuit with the Federal Government—but we don't know when that will be; some lawsuits go on forever with appeals and so forth. It is essentially a recision of the agreement that we already agreed to.

The State of Alaska and the Department of Interior are now engaging in discussions as to what the management plan at Glacier Bay should be. Those are ongoing discussions. To override the agreement we have reached just because a couple weeks ago we heard that the State of Alaska intends to file a lawsuit—a suit which may or may not occur, a suit which may last for years; who knows if it will ever be finally terminated—and for us to then stop an agreement on that basis, I think, does not make a lot of sense, frankly.

I think it makes much more sense—and this is a bit presumptuous on my part—for the State of Alaska to, in good faith, sit down with the Department of Interior and see if they can work out any remaining issues. Certainly filing a lawsuit raises questions as to how feasible an agreement is, whether one can be reached. I say don't file the suit. Sit down with the Department of Interior and try to work it out. If in good faith the State of Alaska believes the Department of Interior is not acting in good faith, then we will see what we can work out at that point. We are not at that point. We are certainly not at that point when a lawsuit has been filed by the State of Alaska which only muddies the waters—no pun intended—on this whole issue.

I am not going to go into all the details of this because we have gone over it so many times and in so many hours, except to say this has been debated, this very subject. This is one of those environmental riders which, incredibly, has popped up again. We have reached an agreement; the White House and the senior Senator from Alaska reached an agreement. I say abide by the agreement, try to make that work. If it doesn't work, then we will see if we can resolve it later.

We all understand the Senator from Alaska is here standing up for the people at Glacier Bay, and I understand that. However, there is an agreement worked out in the omnibus appropriations bill. I say let's stand by that agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I reiterate some of the points that the Senator from Montana just made. I don't think anybody will dispute this. The facts are as follows: In last year's Interior appropriations bill, there was a provision prohibiting the Secretary of Interior from promulgating regulations affecting commercial or subsistence fishing in Glacier Bay. As the Senator from Montana said, first of all, the Department of Interior found that provision objectionable in the appropriations bill, so they worked out with the senior Senator from Alaska a compromise that was included in the omnibus appropriations bill.

In other words, this is ''deja vu all over again.'' We have been down this road. We reached a compromise, a compromise between Alaska and the Department of Interior. I really have great difficulty understanding why we are revisiting this 6 months later. I guess it isn't quite 6 months.

What did the compromise do? It required the Secretary of the Interior and the State of Alaska to develop a management plan, and the Senator from Montana has just referred to that. The management plan would allow commercial fishing in the waters outside Glacier Bay and it would regulate a closed fishery within the bay. The compromise consists of this management plan. They are going to work on it together.

In addition, shortly after that, in the supplemental appropriations bill, there

is an increase in compensation to the fishermen as a result of the compromise. In other words, the fishermen are receiving more money as a result of the compromise—the Federal Government is paying out money. We are doing our part of the bargain.

I hope that the Senator from Alaska, Senator MURKOWSKI, will not press this amendment. There is, as I say, the groundwork for a management plan and the State of Alaska has filed notice of an intent to sue within the past 2 weeks. They are in that suit; they are going to claim ownership over the submerged lands.

If they don't like the management plan that they work out, then they can go back to their suit. But I don't think we ought to be here debating this all over again just after we reopen everything. Can't we arrive at any conclusions around this place?

As I say, less than 6 months ago a deal was reached with the senior Senator from Alaska. My question to the chairman of the Energy Committee is, Why don't we stick with that agreement? Indeed, as I mentioned before, the Alaska fishermen have benefited from it because there have been payments to them pursuant to the compromise that was worked out.

Let me say I can totally understand the enthusiasm of the Senator from Alaska to get more. We all like more. It seems to me at some point we have to reach closure on these things. Indeed, as both of us have mentioned and referred to the compromise that seemed to settle this, the issues were exactly the same.

Mr. MURKOWSKI. If I may respond to my friend from Rhode Island, I think he is confusing or misinterpreting the intent of our amendment.

If one examines the amendment closely, there is a recognition of the deal that was made last year. That recognition is in line 5 where it says,

> . . . except the closure of Dungeness crab fisheries under Section 123(b) of the Department of Interior and Related Agencies.

We are abiding by that arrangement that was made and we are not changing that.

The crab fishermen, I might add, would much rather fish than be paid by the Federal Government not to fish. They are, in fact, being eliminated from their fishery in that particular part of Glacier Bay.

To suggest that we are changing the deal is, in fact, totally inaccurate and, again, is a misinterpretation.

I hope that my distinguished colleague will recognize that, indeed, there is a difference. First of all, the crab fishermen have not been paid one red cent by the Federal Government. They will, hopefully, be paid, but that has not occurred yet. We are talking about the balance of the fishery, which amounts to some bottom fish and some halibut.

We are also talking about something that is more important, which really, I say to the Senator from Rhode Island, is overlooked: What is the value of the subsistence to the dependent Native people who are being kicked out and eliminated? They are not receiving any remuneration or being taken care of in any deal. Would that be just, I ask my friend from Rhode Island, if it were his State? Would it be right if the indigenous people could no longer gather sea gull eggs when they don't have chickens? I mean that in a literal sense because, as the Senator is well aware, we don't have any chickens up there; it is too wet, too cold. They rely on a few sea gull eggs, and they have always been allowed to do that, for generation after generation. Is that justice?

Mr. CHAFEE. Mr. President, in last year's appropriations bill, there was language that went beyond the crabbers. It included a provision prohibiting the Secretary of the Interior from promulgating regulations affecting commercial or subsistence fishing. So that was the provision in last year's bill. The Department of the Interior found those, as I mentioned, provisions objectionable, so they worked out a compromise. The compromise was meant to cover the entire rider that was involved. It wasn't meant to settle the deal.

Mr. MURKOWSKI. That isn't what the amendment says.

Mr. CHAFEE. Which amendment?

Mr. MURKOWSKI. It eliminates the crab fishery. That was the arrangement made last year. Those fishermen are to be given remuneration for not fishing by the Federal Government. They would much rather fish.

Mr. CHAFEE. In other words, you exclude them?

Mr. MURKOWSKI. They are excluded, yes. That is the only agreement that has been made and binding for remuneration.

Mr. CHAFEE. There may not be provisions for remuneration, but the provisions that you originally had last year in your rider were encompassed within the deal with Senator STEVENS, and so the matter was settled as far as everybody goes, plus the admonition—I guess you can call it that—that they would reach this management plan—I don't know what has become of that—but also the State of Alaska proceeded to file suit in this thing anyway.

So it seems to me that what you are proposing here is to undo something that was agreed to last year—not just in connection with the crabbers, which you mentioned, but with the total package that you had in your rider last year. And so it was settled, it seemed to me. That is all I have to say.

Mr. MURKOWSKI. Well, Mr. President, perhaps I can enlighten my colleagues a little bit. I would be prepared to respond to questions. He refers to waiting for a management plan from the Park Service. We have that management plan, Mr. President. That management plan is quite explicit. It is to close the commercial activities associated with fishing. I encourage my colleague to recognize it for what it is. If you look at this picture, this is commercial fishing activity. They don't want commercialization of the park. I don't see my friends from Montana or Rhode Island commenting about this commercial activity, where 2,000 people are aboard this ship. That is a commercial activity. They are paying to come into Glacier Bay.

The management plan is a management dictate by the Department of the Interior to kick out the fishermen and to eliminate the Native people from Hoonah, Elfin Cove, and so on. There is not an awful lot of affection for the Park Service, which I think my friend from Montana, who knows something about rural America, understands when the Federal Government just comes in through a process of osmosis and dictates more and more attention.

Now, we have not changed this deal. Last year's deal eliminates the Dungeness crab for compensation. It is in the amendment. The other fisheries inside the bay were proposed to be closed—and this is what I think he is referring to—after one generation without compensation. They don't have any compensation. So basically, when you suggest that the State and Federal Government can work together on some kind of a management resolve, the Federal Government has spoken. It is kicking them out.

The Federal Government maintains that it has jurisdiction over the inland waters. The State has seen fit to indicate that it is going to file suit to determine who has jurisdiction. Make no mistake about it, Mr. President, the Federal Government and Department of the Interior has a philosophy of creeping bureaucracy where they extend their jurisdiction; and they can do it if the State is not successful in resolving its suit. They have jurisdiction 3 miles out from Federal land. Believe me, it is just a matter of time before they come around for Bartlett Cove and go out to Cape Spencer and north from Cape Spencer up toward Yakutat.

So we are accepting the Dungeness crab deal. But there is no justification for more—and I implore my colleagues to recognize this. Let the courts decide it, but for goodness sake, in the meantime, allow the Native people to continue what they have been doing for thousands of years; allow the limited commercial fishery to continue until such time as the court gets it resolved.

I would love to compromise on this, but there is no compromise with the Park Service. They want to eliminate the fisheries. The State has brought suit. That is what is new and different about this. My colleagues fail to recognize that the State is saying, OK, it is time to settle the jurisdiction issue. We have tried to negotiate and work out with the Park Service a management plan that would allow the State to continue to manage it. What does the Park Service know about managing fisheries? They have no biologists. The State of Alaska spends more than any other State on fishery biology; we are

good at it. That is why we have fish. To suggest that the Park Service should enter into an process to generate expertise in this area is unreasonable, impractical and, finally, unnecessary.

We have nothing but creeping advancement by the Department of the Interior within our State because we are a public land State. But it is time that the people of Alaska express their views, and they have expressed their views through the Governor's announcement of the suit.

Again, it is not the same as 6 months ago. The lawsuit changes that. The omnibus bill, in spite of what my colleagues from Montana and Rhode Island have said, was not ever considered satisfactory; it was only considered to delay more sweeping closures. To suggest that this matter has been debated on this floor is totally inaccurate. It has not been debated before. This is to allow the judicial process to be completed, and that is what the suit is all about.

Again, in the interest of fairness, Mr. President, why does the Park Service say it is OK to commercially fish in Maryland, in Assateague; in Florida, Biscayne; in the Virgin Islands, Buck Island; in Canaveral, Florida; in Cape Hatteras, North Carolina; in Channel Islands, California; in Fire Island, New York; in Gulf Island, Alabama and Florida, on and on and on. But it is not OK anymore here. Here you have an added dimension. You have the people—the few hundred people who are dependent on Glacier Bay for a subsistence lifestyle and a small amount of commercial fishing.

We are not reneging on any deal, we are merely keeping people working—keeping people working, keeping people employed, keeping people productive while the jurisdictional issue is decided. What in the world is wrong with that? The courts are going to make this decision. But, for goodness' sake, let the people who are dependent on it for their lifestyle and their traditions continue.

Mr. President, I have gone on long enough. If there are some questions of my friend from Montana, I would be happy to answer.

Mr. BAUCUS. Mr. President, I have a few brief questions, if I might. The question is, Has the State of Alaska filed a lawsuit?

Mr. MURKOWSKI. No. As I indicated, the State indicated its intent to file a lawsuit and will be filing it late this summer or early this fall.

Mr. BAUCUS. Assuming they will file late this summer, or early this fall, on this issue, how long might that lawsuit be pending?

Mr. MURKOWSKI. I am sure the Senator from Montana would agree that neither he nor I has any idea. The point is, these people have had access to the park for thousands of years. And what difference does 6 months or a year make?

Mr. BAUCUS. Might that lawsuit conceivably take a couple, or 5, or 10 years before it is resolved? Is that possible?

Mr. MURKOWSKI. I hope it will not. I hope it will be very short.

Mr. BAUCUS. But it is possible.

Mr. MURKOWSKI. I don't know. We have had access since we became a State in 1959 and the Federal Government always recognized the state's management. They have technically allowed this to go on since 1959. Suddenly, under this administration, they are kicking us out.

So I don't know what a year, or 2, or 3, necessarily has to do with it. The point is, it is going to be resolved. If the State loses, it is all over.

Mr. President, let me conclude by explaining why it is important for the Senate to address this issue. Again, we should not put people on public assistance without a cause. That is what we are doing here with these subsistence dependents. We shouldn't second-guess the court. Let the court decide, and recognize that there are real people out there—real constituents of mine and yours—whose lives and livelihoods are really at risk, and they are looking to you and me for relief. This is all they have.

So I implore my colleagues to recognize the legitimacy of this.

It will be my intention, Mr. President, at the appropriate time, to ask for the yeas and nays, subject to whatever the joint leadership decides to do about future votes. But I will ask for a vote on the amendment.

I thank the Chair.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be very brief. I don't know why this issue needs to go on forever. It is deja vu all over again.

The Senator from Alaska has admitted that his amendment has the effect of preventing the management plan from going into effect for years—5, 10, who knows how many years—because his amendment essentially says no funds may be expended by the Secretary of Interior to implement the plan until such time as the State of Alaska's legal claim over ownership and jurisdiction, et cetera, is resolved. Who knows how long that is going to take? That could take a long, long time. That would mean for up to many, many years that this issue remains unresolved.

We resolved this issue in the omnibus appropriations bill. It was resolved. The senior Senator from Alaska agreed with the White House on the compromise, recognizing, on the one hand, the interests of the national park and the wilderness area and, on the other hand, the fishing interests of the people who live in and about Glacier Bay. It has already been agreed to. There is a compromise agreed to by both sides—the Senator from Alaska, the senior Senator, Senator STEVENS, and the White House—in the omnibus appropriations bill. It has been agreed to.

So here we are now faced with an amendment which undoes that agreement. It very simply undoes that agreement by saying no funds may be expended with respect to any management plan in Glacier Bay until a lawsuit, not yet filed, is resolved. I say that we should go ahead with the plan. We should go ahead with working out the provisions of the plan. The State of Alaska can still file its lawsuit if it wants to. And that lawsuit may or may not change the result.

In addition, I might add, this is a national park. This is a wilderness area. This has very pristine values which all Americans want to protect. We do at the same time want to recognize—and do recognize—the interests of the fishermen in Glacier Bay; thus, the compromise. The compromise, the agreement, is already reached. It has been debated ad nauseam. So I am going to stop right here.

I urge the Senate to uphold the original agreement, which most Senators already agreed to when they voted for the omnibus appropriations bill last year.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I urge all of my colleagues to read my amendment and recognize the consideration that has been made to live by the agreement by recognizing that the closure of a Dungeness fishery under this section will occur as agreed to, and the balance of the fisheries have never been addressed on this floor or debated.

I conclude by referring to one remark, which my friend made concerning this beautiful wilderness and the opposition of commercial activity. Just look at this cruise ship with nearly 3,000 people on it, if you want to see the commercial activity and compare that to the sensitivity of my subsistence-dependent Native people whose lives are at risk as a consequence of not having an opportunity to pursue their traditional resources and their appeal to you and me for relief.

I have no further statements. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may take up an amendment which I believe has been or will be cleared on both sides.

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

AMENDMENT NO. 131

(Purpose: To authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps A–6 aircraft on February 3, 1998, near Cavalese, Italy)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Ms. SNOWE, Mr. LEAHY, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mr. KERREY proposes an amendment numbered 131.

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

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

The amendment is as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

Mr. ROBB. Mr. President, I rise today not only in my capacity as a U.S. Senator but also as a former U.S. Marine and as a father.

Along with Senators SNOWE, LEAHY, FEINSTEIN, KERREY, BINGAMAN, and others, I am offering an amendment that will permit the United States to shoulder unambiguously its responsibility, uphold the honor of the U.S. military, both at home and abroad, and begin to ease the grieving of 20 families who lost their loved ones in a tragic accident near Cavalese, Italy, last year.

On February 3, 1998, a U.S. Marine Corps EA–6B Prowler was flying low and fast through the Italian Alps on a training mission. Just minutes from its scheduled return to base, the pilot suddenly caught a glimpse of a yellow gondola off to his right at eye level.

A split second later, he spotted the two cables that carried the gondola, and, fearing for his life, he put the plane into a dive. His action probably saved the lives of the four-member crew, but it was not enough to prevent the wingtip from clipping the cables.

Unaware of the devastation left in his wake, he completed his mission and returned the damaged plane to Aviano Air Base.

The plane's wing had stretched and then snapped the cables supporting the gondola, which was then 307 feet above the valley floor. Inside were 20 people; among them, a Polish mother and her 14-year-old boy, seven German friends, and five Belgian friends, including an engaged couple.

I am told that those 20 people had just 8 seconds to live from the time the cable was struck. Eight seconds doesn't seem like a long time, unless you know you are going to die.

[Pause.]

That was eight seconds. The next day in Cavalese, Italy, a lone bell tolled. Shops ''closed for mourning,'' a memorial mass was planned and skiing was halted out of respect for the dead. And the families of those dead spent their first day of grief.

One year later, Cavalese is once again teeming with tourists. The cable car has been rebuilt, and a memorial stone erected.

One year later, however, the United States has not yet acted to accept full responsibility for those twenty deaths. Following a lengthy court martial, the pilot of the jet was acquitted of any criminal wrongdoing. President Clinton reacted by stating that the United States would ''unambiguously shoulder the responsibility for what happened.'' We need to follow those words with deeds. We need to accept our responsibility by compensating the families of the victims, quickly and fairly. While many factors contributed to this accident, and we may never know exactly which one was the proximate cause, we do know that it was our fault. They were our air crew. It was our plane.

Because there is no question whether the United States is responsible for the accident, the only question is whether we have the will to act honorably and settle the issue of compensating the families quickly—doing everything we can to not prolong their agony—for they have already suffered unspeakable grief.

Since last summer, I have repeatedly urged the Department of Defense to develop a mechanism that acknowledges our responsibility and allows the families to begin putting their lives back together. And I believe every official in the Department associated with this matter shares this desire to put the tragedy behind us. Unfortunately, the Department of Defense does not believe it has the authority to resolve these claims on its own.

This belief stems from the Department's conclusion that this case is governed solely by the Status of Forces Agreement, or SOFA, which regulates the relationship among the military forces of NATO allies. Following an accident in a host country involving a NATO ally, the SOFA requires injured third parties to file claims in the host country and pursue them as if the host country itself had caused the injury. Then, the claims are litigated or settled as the host country determines. Once a level of compensation is decided, the host country pays the claim and seeks reimbursement of 75% of that claim from the country at fault.

The Department of Defense has informed me of its belief that the SOFA provides the sole remedy in this case and that therefore the DoD does not have the authority to settle the claims of the families arising from this accident.

While I disagree with that conclusion, this amendment resolves the question. My amendment specifically grants the Department the authority they believe they presently lack, rather than forcing the families to wait to resolve this question in a judicial process that could take many years. The amendment allows the Secretary to settle the claims and sets aside $40 million for that sole purpose. It leaves to the Secretary the discretion to determine an amount of compensation, but limits the Secretary to offering no more than $2 million for any single claim. Further, it requires the Secretary to move quickly and resolve the claims within 90 days after enactment of this legislation. Finally, my amendment explicitly avoids interfering with the ongoing SOFA process.

This is an important point. The SOFA allows civil claims to be decided in the host country but criminal allegations to be decided in the country at fault. This structure protects local citizens in the host country from having civil claims decided on the ''home turf'' of the wrong-doer, while also protecting our troops from criminal prosecutions in another nation. Some have suggested that if we adopt this amendment, we put at risk this entire structure of the SOFA. I fail to see the logic of this assertion. I doubt any country would move to scrap the SOFA and begin trying members of our military in their courts simply because we offered a supplemental payment to own up to our responsibility for a tragic accident. In fact, I believe such an act of acknowledgment would have just the opposite effect, and reduce the tensions that the acquittal in this case have created. My belief is based in part on the fact that three of our NATO allies who lost citizens in this accident support this amendment. In fact, the ambassador from Belgium wrote to me that his country ''would welcome each initiative that might contribute to a quick settlement of the claims of the victims' families. In that spirit, we fully support your proposed amendment to S. 544, the Emergency Supplemental Appropriations Act, and hope that your proposal will gain the necessary support in the U.S. Senate.'' He goes on to state his belief that this

''legislative initiative is not incompatible with the SOFA-procedure.'' The German and Polish governments share this view.

I've been sensitive to the concerns of the Department of Defense regarding the importance of the SOFA, which is why the amendment speaks in terms of supplementing the SOFA, not displacing it. The SOFA has worked well for over forty years and I have no intention of disrupting that process with this amendment.

But we also need to consider the purpose of that process. In 1953, when the Senate Committee on Foreign Relations was considering the SOFA, they wrote that the structure of the claims process was ''calculated to reduce to a minimum the friction that almost inevitably arises from [injuries caused by members of a foreign military] against members of the local population.'' In this case, however, I believe blind adherence to the perceived requirements of the SOFA is causing friction with our NATO allies, not reducing it.

The procedures established in the SOFA are designed to do justice. In this case, under these circumstances, justice is best served by having the United States take responsibility for the harm we've caused.

Last July, the Senate adopted unanimously a Sense of the Senate I offered stating that ''the United States, in order to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by United States military aircraft'' and that ''without our prompt action, these families will continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability.''

Since last July, each of our predictions have sadly been realized. Our allies, especially Italy where we have strategically important basing agreements, are outraged by our lack of accountability. They feel angry and betrayed. Americans everywhere cannot understand why we don't act to accept responsibility for the deaths of these 20 people. Editorial writers from the New York Times to the San Francisco Chronicle, the Cleveland Plain Dealer to the Atlanta Constitution have called for prompt and adequate compensation to the families of those who were killed.

Finally, I have met with many of the family members. Some have been pushed nearly into poverty, having lost their primary means of financial support. Last September, I met with three of the Belgian families, as well as the Polish doctor who would have been in the gondola with his wife and son if he had not strained a leg muscle and decided not to take the final run of the day. Last Thursday, I met with families of the German victims.

Having met personally with the families, I can tell you they are not angry with the United States, but they don't understand. They are grieving, but they are not greedy. They want accountability, but they are not vindictive. They simply want someone to be held responsible for the deaths of their children, their husbands, their wives.

That is what my amendment is about—responsibility. It is not about money. Compensation is no substitute for the companionship of a lost loved one. By resolving these cases now, however, the United States can clearly and unambiguously acknowledge its undeniable culpability in the deaths of these twenty people, something the families have so far sought without success.

In speaking with the families following the first court-martial, I have been struck by a single seemingly incomprehensible fact regarding its outcome. They were not so much determined that the pilot spend his life in jail. They simply sought closure on the question of who was responsible for the deaths of their loved ones so they could begin to cope with the loss. They also wanted the chance, at sentencing if it had come to that, to talk about those who had died. I invited them to do that when I met with them. As they described their children, I thought of my own. Last week, I asked the mother of one of the victims if she had a picture. She removed the locket from around her neck, with the photos of her dead son and his wife she keeps near her heart.

The Belgian families also shared pictures with me last September. I wanted to show those to you. Stefan, aged 28, shown here with his mother; and Hadewich, aged 24; and Rose-Marie, also aged 24. In an interview late last year, Rose-Marie's father said he drove by the graveyard every day, and said hello to his daughter. He explained why he did this: ''It's easy. We have lost our daughter, but she is still a little bit alive there. To say hello to her is a way for me to ease the stress a little bit. And it is also a tribute to her. I say: Rose-Marie, you gave us so much love and joy, I am trying to give it back to you as much as possible.''

Mr. President, I urge my colleagues to support this amendment and set aside $40 million for these families. To put that into some perspective, the plane involved in this accident cost some $60 million, and fortunately for us neither the plane nor the crew were lost.

In the Defense Appropriations bill last year, the Congress set aside $20 million to enable the town to rebuild its gondola, a project which has cost nearly $18 million to date. In fact, my amendment is modeled after Section 8114 of the bill we adopted last year, which set aside the $20 million from the Department of the Navy's Operation and Maintenance account to pay for ''property damages resulting from the accident.'' The President has acknowledged that our willingness to set aside these funds has helped ''speed the economic recovery process'' of the town.

Here is a picture of that new gondola. Last year, the Congress passed an amendment to help rebuild the gondola our aircraft destroyed. This year, the Congress should pass an amendment to help rebuild the lives of the loved ones our aircraft destroyed. Let us show the world we care as much about loss of life as we do about loss of property.

I urge adoption of my amendment. The honor of the United States is at stake.

I yield the floor.

Ms. SNOWE. Mr. President, I rise as an enthusiastic co-sponsor of the Robb amendment to the fiscal year 1999 emergency supplemental appropriations bill.

By giving the Secretary of Defense the discretionary authority to compensate the families of the 20 victims of the tragic Marine Corps aircraft accident near Cavalese, Italy last Winter, Congress would close a moral gap between the United States and millions of grieving citizens in our allied countries.

The victims of the Cavalese accident came from six European countries, and the depth of this tragedy has led Secretary Cohen to appoint a panel under the leadership of retired Adm. Joseph Prueher to determine whether faulty training, mapping, or equipment malfunctions contributed to the plane's severing of a ski resort cable that led to the 20 innocent deaths.

Depending on the findings of the Prueher Commission, the judgment of Secretary Cohen, and the outcome of ongoing U.S. military litigation regarding the Cavalese incident, our amendment gives the Pentagon the flexibility to provide direct cash payments of up to $2 million per victim to the families of the deceased.

Under the Status of Forces Agreement, or SOFA, between the United States and each of its NATO Allies, we have already repaid the $60,000-per-victim amount given to the families by the Italian Government. In addition, the administration has agreed to furnish up to 75 percent of any wrongful death civil suit damages awarded to the families by the Italian courts.

But SOFA culpability applies only to the negligent acts of U.S. military personnel operating on the territory of an allied nation. The agreement does not apply to reckless activities that occur on U.S. territory but contribute to the causes of an accident overseas.

These possible activities in the Cavalese case, such as reliance on an insufficiently detailed map, a potentially malfunctioning aircraft altimeter, or inadequate pilot training, remain unresolved. But if conclusive findings show that developments on American soil had a relationship with the tragedy of Cavalese, SOFA would prohibit the United States from offering any further compensation to the families of the victims. In the meantime, the Italian litigation could end

inconclusively and continue for several years.

Beyond our moral obligation on this matter, Mr. President, we have strong legislative precedents for the Robb amendment. The fiscal year 1999 Defense appropriations bill set aside $20 million for the property damage that the military plane caused at the resort.

In addition, the Senate unanimously adopted a resolution last summer calling for the United States to resolve the claims of the Cavalese victims ''as quickly and fairly as possible.''

Finally, this new funding would require no offsets, and the Congressional Budget Office has certified the Robb amendment as revenue-neutral.

Congress, Mr. President, acted wisely last year in compensating the Italians for the physical damage done at the ski resort. It should take similar action today to provide the Defense Department with legal authority for the compensation of the families who lost their loved ones in this tragedy.

I therefore urge all of my colleagues to support this amendment on a strong bipartisan basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Virginia for his courtesy in working with us to try to assure that the provisions regarding the timeframe for decision by the Secretary were not a mandate but, rather, a period of time within which the discretion conferred on the Secretary must be made. Under the circumstances of the changed form of this amendment that the Senator has now presented, one which I find we are all very sympathetic to, I am prepared now to accept this amendment and ask that the Senate allow this amendment to go forward.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ROBB. Mr. President, I thank the Senator from Alaska for his effort to resolve this so that we can go forward. I very much appreciate that. We have been working with the Department of Defense and many others, but I particularly appreciate his willingness to accept the amendment at this point.

I have no additional debate, and I yield the floor.

Mr. STEVENS. Mr. President, I know this part of Italy. I know what the Senator is trying to do. I think there is a national obligation on our part to try to reach out as much as we possibly can under the circumstances. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 131) was agreed to.

AMENDMENT NO. 130

Mr. STEVENS. Mr. President, if I may, in connection with the debate that just took place involving my colleague, Senator MURKOWSKI, I would like to point out the statement that I made on October 21 of last year in connection with the proposal that was in the conference report regarding Glacier Bay commercial fishing. I made this statement about matters the way that we finally arranged them in that bill and the provision that was passed at my suggestion. I said:

> I view this compromise as an insurance policy, a safety net that offers better protection to Glacier Bay's fishermen than was offered by the draft Park Service regulations, but I do not view it as the end of the story. There are provisions that I do not like.

For that reason, I have cosponsored Senator MURKOWSKI's amendment this year.

I yield the floor.

Mr. BINGAMAN. Mr. President, I want to speak briefly about the amendment that Senator STEVENS just referred to. Senator MURKOWSKI's amendment related to Glacier Bay. Senator MURKOWSKI's amendment would prohibit the Secretary of Interior from expending any funds to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering within Glacier Bay National Park. This prohibition would continue under the language of the amendment. The prohibition would continue until the State of Alaska's claim to jurisdiction over ownership of the submerged lands in Glacier Bay were resolved, either by a final determination by the judiciary or by a settlement between the parties.

The amendment, as I understand it, would undo a compromise that Senator STEVENS entered into last year with Secretary Babbitt. Certainly it was understood by the Secretary of Interior as a compromise on last year's appropriation bill. In addition, Senator STEVENS has already included an amendment earlier this week in the supplemental appropriation bill which provides additional money to buy out commercial crabbing operations in Glacier Bay.

The issue of regulating commercial fishing in Glacier Bay is an extremely contentious issue. There were attempts in the last Congress to include an appropriations amendment that would have prohibited the Park Service from enforcing restrictions on commercial fishing in Glacier Bay National Park. The amendment was strongly opposed by the administration. The Secretary of Interior indicated that he would recommend the President veto the bill if the amendment was included. I have been informed that the Secretary of Interior will, if this amendment is included in the final version of this bill going to him, again recommend a veto.

The provision that was finally agreed upon last year between Secretary Babbitt and the Senator from Alaska, I understood, resolved the issue and provided the Park Service and commercial fishing operators with certainty as to future fishing operations in the park. If this current amendment is adopted, that certainty, of course, will be disrupted.

The amendment that is being offered this year would make major policy changes in the management of Glacier Bay. These changes should not be considered as part of this emergency spending bill.

As I am sure we all know, Senator MURKOWSKI is chairman of the appropriate committee to consider this legislation. I serve as the ranking member of that committee. What we should do is consider this matter in a hearing before that committee before bringing it to the Senate floor.

The amendment states that no funds may be expended by the Secretary to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park. This would mean that the Park Service would be completely unable to regulate commercial fishing operations within the park.

The amendment would appear to override wildlife and resource protections required by other laws, including the Endangered Species Act. For example, fishing is currently prohibited for four fish species which provide critical food resources for the endangered humpback whale. No other park in the country is prohibited from protecting its resources as this amendment would prohibit this park from protecting its resources.

The amendment states that the funding and enforcement prohibition is to remain in effect until the claim of jurisdiction of the State of Alaska claim ''has been resolved either by a final determination of the judiciary or by settlement.''

Last week, the State of Alaska filed a notice of intent to file a lawsuit, but it should be clear to all here, everyone should understand that there has not been a suit filed yet.

The amendment that has been offered would prohibit the Park Service from taking any actions to protect any of its resources from commercial or subsistence fishing or from subsistence gathering for the entire time period that this future lawsuit might be litigated.

Senator MURKOWSKI is claiming that the amendment simply allows local Native communities to gather seagull eggs from the park. However, unlike some other parks in Alaska, subsistence is not an authorized use in this park. If these types of fundamental changes to the Alaska National Interest Lands Conservation Act are required, then it should be considered in the normal legislative process. This is not simply a Native issue. The amendment would allow all Alaskans to collect plant and wildlife resources in the park and with the Park Service unable to regulate any of these activities.

In short, Mr. President, this amendment makes far-reaching policy changes in the law that applies to this particular national park. It is contrary to the policy that applies in all other national parks. It is contrary to the action we took last year, and it is one which I am constrained to oppose.

I hope the Senate will not adopt this amendment as part of the bill. If it is adopted, I am advised that the Secretary of the Interior will urge the President to veto the bill.

Mr. President, 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. 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 see the Senator from Alaska on the floor. I am about to move to table the MURKOWSKI amendment and to give the Senator notice as to when he may or may not want to vote on this.

Mr. STEVENS. Mr. President, will the Senator withhold that? I understand my colleague would like to respond briefly before that motion is made. If the Senator will accord him that courtesy, I will appreciate it.

Mr. BAUCUS. Fine.

Mr. NICKLES. Mr. President, in 1995, the Department of Defense agreed to evaluate a British missile, the Starstreak, for use as a helicopter borne air-to-air missile as an inducement to the British Ministry of Defence to choose the U.S. Army Apache Longbow helicopter as its own attack helicopter over a competing European candidate. The British did indeed agree to buy the Apache.

Increasingly, military helicopters are being outfitted with air-to-air missiles that increase their lethality, a development that began with the Russian HIND helicopter. According to the Army Air to Air Mission Need Statement, the proliferation of technology available on the open market will make it likely that U.S. forces will encounter threat helicopters, fixed-wing aircraft, lethal unmanned aerial vehicles and cruise missiles. The Army believes the probability is increasing that Army helicopters will encounter an airborne threat and recognizes that Army helicopters need an improved air-to-air capability to counter that threat.

This is why the Congress has been directing the Army to fulfill its commitment to the British Ministry of Defence and its own air-to-air needs by conducting an operational test and evaluation of the Starstreak through a live fire side-by-side shoot-off of the Starsteak and the Army's preferred alternative, the air-to-air Stinger.

Mr. President, at this time I would like to engage the chairman and ranking member of the Appropriations Committee in a colloquy along with my colleague from Oklahoma and the distinguished senior Senator from Vermont.

Mr. INHOFE. I thank my colleague from Oklahoma. He and I have worked together on this issue over the past several years. We proposed that the Appropriations Committee address the issue of an operational test and evaluation in its bill and they did so after the Army failed to comply with report language that was included in the FY 1998 Defense Appropriations Conference Report. To me, it is clear that the Congress directed the Army, in bill language in Title IV of the FY 1999 Defense Appropriations Act, to begin the development of a test and evaluation plan during this fiscal year using the $15 million provided in Title IV as well as to commence work integrating the two candidate missiles on an AH–64D helicopter; and that the money could be used for no other purpose. Does the distinguished Chairman agree with me?

Mr. STEVENS. I do.

Mr. LEAHY. As a member of the Defense Appropriations Subcommittee, I am familiar with the Congress' involvement in this program and the specific provisions under discussion. The law requires that the Secretary of the Army make certain certifications concerning the missiles and the program prior to the conduct of the actual test. The required certifications must be made at the appropriate time, which is just prior to the actual live-firings. I understand that the requirement for these certifications has caused some confusion about what efforts the Army can take during Fiscal Year 1999. I believe the law is clear with respect to what the Army should be doing. The Army was directed to commence its efforts in Fiscal Year 1999. We believe that such efforts should include, at a minimum, development of a test plan and the letting of contracts, using the $15 million provided by the Appropriations Committee, to begin the systems integration work. Is this the Chairman's understanding also?

Mr. STEVENS. Yes it is.

Mr. INHOFE. I am very familiar with this issue and have discussed it at length with the Army. We expect that the Secretary of the Army will provide the requisite certifications at the appropriate time, which is just prior to the actual conduct of the live-fire tests. I know that in the case of Starstreak, the missile contractor must make certain modifications at its own expense in order to make the missile compatible for use at air speeds consistent with the normal operating limits of the Apache helicopter and consistent with the survivability of the aircraft. The missile contractor has briefed these fixes to the Army and informed the Army in writing that the fixes will be made at no expense to the United States. By the time the Army is ready to conduct actual live firings the Secretary will be able to make all the certifications required by law.

Mr. LEAHY. So, I ask the Chairman and Ranking Member of the Appropriations Committee, is there anything in the law to prevent the Army from releasing the FY 1999 funds and beginning the necessary efforts to conduct an operational test and evaluation?

Mr. STEVENS. No there is not.

Mr. BYRD. I have been listening to this colloquy. I agree with the Chairman, the Senator from Vermont as well as the distinguished Senator from Oklahoma.

Mr. LEAHY. I thank the Chairman and the Ranking Member.

TRANSFER OF SUPPLEMENTAL CDBG MONEY FROM HUD TO FEMA

Ms. SNOWE. Mr. President, I rise to engage the Senator from Missouri, Mr. BOND, the Chairman of the VA/HUD Subcommittee, in a colloquy.

Senator BOND and I have been working, for over a year now, to see that Maine and the Northeast have their needs from the January 1998 Ice Storm which devastated much of New England and upstate New York addressed.

Mr. BOND. The Senator is correct, and I know that neither of us thought we would be here, almost a year later, still trying to ensure that adequate funding was provided to the Northeast, as we felt we had provided for that in the FY98 Supplemental.

Ms. SNOWE. The Senator from Missouri has been a real champion for my state of Maine in our efforts to ensure that the money this Senate appropriated went to alleviate some of the costs from the Ice Storm which could not be covered by FEMA.

Mr. BOND. I appreciate the Senator's kind words. I did a colloquy on the Senate floor last March on this issue with the then junior Senator from New York, Mr. D'Amato, outlining the funding needs of the Northeast. In that colloquy we discussed the fact that of the $250 million the Senate was appropriating for HUD's Community Development Block Grant Program (CDBG) , that $60 million was meant for Maine and the rest of the Northeast.

Ms. SNOWE. Of course in the conference the final funding figure was $130 million as the House had only appropriated $20 million.

Mr. BOND. Yes, the figure was smaller, but the fact remained that the Ice Storm, as the first big storm of the year, was the impetus for us to provide supplemental funding to the CDBG program to help Maine and other states cover the costs of the disaster where FEMA wasn't able to assist.

Ms. SNOWE. The FY98 Supplemental was signed into law on May 1. On November 6, the Department of Housing and Urban Development announced that it was giving Maine $2.1 million to address $80 million in unmet needs as reported by FEMA to HUD. Needless to say, this amount was wholly unacceptable, and I have been working with HUD to try and address this very serious situation, which has left Maine unable to fully address the costs of the disaster.

Mr. BOND. As the Senator and I have discussed, I also was dismayed at the treatment Maine and the other Northeast states received—the fact that the money was not provided until six months after the bill was enacted, and the fact that I have yet to receive an acceptable explanation from HUD as to

the funding formula used to allocate the money. The Northeast's experience is one of several reasons why the bill before us today transfers the money to FEMA.

Ms. SNOWE. At one point in Maine more than 80 percent of the people in the State were without power. In fact, as Vice President Gore explained it, during a visit to Maine on January 15, 1998 '' We've never seen anything like this. This is like a neutron bomb aimed at the power system.'' We asked for your assistance in obtaining money for the CDBG program because it would allow States to use the money for utility infrastructure costs, Maine's largest unmet need according to both FEMA, who listed it as first in their February 1998, ''Blueprint for Action'' and the Governor. With the transfer of the funding, will FEMA be able to provide funding for a State, like Maine, which wants to use the money to address the damage to the utility infrastructure in order to keep the utility rates—which are already the fourth highest in the country—from increasing to cover the storm costs?

Mr. BOND. The language will allow FEMA to assess and fund the States unmet needs, as determined by FEMA and the State.

Ms. SNOWE. Again, I wish to thank the Senator for his concern and hard work to help close this chapter in Maine's Ice Storm Disaster. I look forward to continuing to work with you, Mr. Chairman, HUD, and FEMA to ensure that Maine's disaster needs are finally addressed.

Mr. McCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation. This measure provides much-needed federal funding for foreign assistance, and recovery from the recent plague of natural disasters that have hammered many parts of the United States and its neighboring countries in recent months.

Mr. President, I am glad that the Appropriations Committee decided to reject the President's designation of this entire disaster supplemental appropriations bill as ''emergency'' spending. While the need for relief is clear, I believe it is important to provide offsets for any additional spending so that we avoid dipping into the surplus that is desperately needed to shore up the Social Security system and provide meaningful tax relief to American families.

Unfortunately, although well-intentioned, the Committee did not succeed in fully offsetting the costs of this bill. In future years, hundreds of millions of dollars in spending resulting from this bill will eat into future surpluses, whether we want to account for it or not. The better course would have been to fully offset all of the new spending in this bill, rather than continue the dangerous practice of profligate ''emergency'' spending.

Speaking of profligate spending, I regret that I must again come forward this year to object to the millions of unrequested, low-priority, wasteful spending in this bill and its accompanying report. This year's bill originally contained $72.25 million in pork-barrel spending. But, as usual, we added pork on top of pork through a litany of amendments. To make matters worse, many of these amendments were adopted without ever being seen by most Senators. This time around, we added an additional $13 million of pork-barrel spending to this already pork-laden spending bill.

Projections of surpluses into the foreseeable future should not lead to an abandonment of fiscal discipline. CBO now projects a non-social security budget surplus of over $800 billion over the next 10 years, but projections do not equate to ''real'' dollars until they actually materialize.

While each individual earmark in this bill may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars to low-priority programs.

I have compiled a list of the numerous add-ons, earmarks, and special exemptions provided to individual projects in this bill, such as:

Earmark of $50,000 for a feasibility study and initial planning and design of an effective CD ROM product to the Center for Educational Technologies in Wheeling West Virginia. The CD ROM product would complement the book We the People: The Citizen and the Constitution.

$1,136,000 earmarked for suppression of western spruce budworm on the Yakama Indian Reservation, and

$1,000,000 for construction of the Pike's Peak Summit House in Colorado.

I ask unanimous consent that a list of objectionable provisions be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS CONTAINED IN S. 544—EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR RECOVERY FROM NATURAL DISASTERS AND FOREIGN ASSISTANCE FOR FISCAL YEAR ENDING SEPTEMBER 30, 1999

BILL LANGUAGE

A $3,880,000 earmark for additional research, management, and enforcement activities in the Northeast Multispecies fishery, and for acquisition of shoreline data for nautical charts.

An earmark of $4,000,000 for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama.

A $2,200,000 earmark to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games to Wasatch County, UT, for both water and sewer.

Earmark of $50,000 for a feasibility study and initial planning and design of an effective CD ROM product to the Center for Educational Technologies in Wheeling, West Virginia. The CD ROM product would complement the book We the People: The Citizen and the Constitution.

REPORT LANGUAGE

Committee language recommending $20,000,000 for farm workers in areas of California and Florida impacted by natural disasters through the Emergency Grants to Assist Low-Income Migrant and Seasonal Farm workers Program.

An earmark of $2,000,000 in section 504 of the Rural Housing Insurance Fund Program, for very low-income repair loans, and to meet rural housing needs in Puerto Rico resulting from Hurricane Georges.

$12,612,000 for construction to repair damage due to rain, winds, ice, snow, and other acts of nature in the Pacific Northwest and Nevada.

$2,000,000 in emergency funding earmarked for the Holocaust Memorial Council.

Language urging FEMA to work to ensure that the City of Kelso, Washington, receives such assistance as is necessary and appropriate to compensate homeowners in the federally-declared disaster area impacted by the Aldercrest landslide.

An earmark of $20,000,000 for partial site and planning for three facilities, one which shall be located in McDowell, West Virginia, to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service (INS).

$921,000 earmarked for FY 1999 to fund the hiring and equipping of 36 additional police officers to staff the security posts established to improve security for the Supreme Court.

$1,136,000 earmarked for suppression of western spruce budworm on the Yakama Indian Reservation.

A $1,000,000 earmark for the Bureau of Land Management's Wyoming and Montana state offices to pay for activities necessary to process applications for Permits to Drill (APD) in the Powder River Basin.

$5,200,000 for eradication of the Asian Long-horned Beetle, from the Commodity Credit Corporation. $2,500,000 of this $5,200,000 is set aside for the Chicago, Illinois area.

Committee report language urging the Forest Service to transfer funds appropriated in the Interior and Related Agencies Appropriations Act of 1999 to Auburn University for construction of a new forestry research.

OBJECTIONABLE PROVISIONS ADDED ON AS AMENDMENTS TO S. 544

AMENDMENT PROVISION LANGUAGE

An earmark of $5,000,000 for emergency repairs to the Headgate Rock Hydroelectric Project in Arizona.

$239,000 to be used to repair damage caused by water infiltration at the White River High School in White River, South Dakota.

An earmark of $750,000 for drug control activities which shall be used specifically for the State of New Mexico, to include Rio Arriba County, Santa Fe County, and San Juan County.

Earmark of $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, Nevada.

Language for funds for the construction of a correctional facility in Barrow, Alaska to be made available to the North Slope Borough.

The Corps of Engineers is directed to reprogram $800,000 of funds made available in Fiscal Year 1999 to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota and to provide tribes within South Dakota with funds for protecting invaluable Indian cultural sites.

Language to appropriate $700,000 under the Agricultural Marketing Act of 1946 and the Consolidated Farm and Rural Development Act to promote the recovery of the apply industry in New England.

An earmark of $2,000,000 for the regional applications programs at the University of Northern Iowa.

$1,000,000 for construction of the Pike's Peak Summit House in Colorado.

$2,000,000 earmark for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska.

Mr. McCAIN. Mr. President, I also wish to state my objections to a provision that creates a $1 billion loan guarantee program to support the domestic steel industry.

Specifically, this provision provides a loan guarantee of up to $250 million for any domestic steel company that ''has experienced layoffs, production losses, or financial losses since the beginning of 1998.'' The purported reason for this program is to help steel companies suffering because of a flood of foreign steel. The measure, however, does not require that the losses relate to the so-called ''steel crisis.'' The measure also fails to set terms, conditions or interest rates for the guarantees. Instead, it leaves these critical decisions to the discretion of the board making the loans. The only guidance given to the board is that the terms should be reasonable. These provisions are problematic and will eventually result in the taxpayer guaranteeing bad loans.

In the mid-sixties, the Economic Development Administration operated a similar program. The result of that program was disastrous for the taxpayer. Steel companies defaulted on 77% of the dollar value of their guarantees. An analysis of the loan program by the Congressional Research Service concluded that steel loans represent a high level of risk. Nevertheless, we are poised today to provide an additional $1 billion in guarantees.

I also have to question the need for such legislation. In a recent editorial, the Wall Street Journal declared ''there really is no U.S. steel 'crisis'.'' They went on to note that several U.S. companies are posting significant profits. For example, last year, Nucor earned $263 million, USX earned $364 million and Bethlehem Steel earned $120 million.

Finally, Mr. President I have problems with how this provision came before the Senate. The creation of a program like this on an appropriations bill is just wrong. The provision places at risk hundreds of millions of taxpayers' dollars. The Senate should have the opportunity to fully consider and debate this provision.

Mr. President, again, the amount of wasteful spending in this bill is less onerous than many other bills I have seen. However, I still must object strenuously to the inclusion of $85.5 million in pork-barrel spending. We cannot afford pork-barrel spending, even in the amount contained in this bill, because the cumulative effect of each million wasted is a million dollars robbed from the surplus or an additional million dollars in debt on which we must pay interest.

In the upcoming FY 2000 appropriations season, I look forward to working with my colleagues on the Appropriations Committee to ensure that we do not waste taxpayers dollars on projects that are low-priority, wasteful, or unnecessary, and that have not been evaluated in the appropriate merit-based review process.

OIL ROYALTY RIDER ON THE EMERGENCY SUPPLEMENTAL

Mrs. BOXER. Mr. President, I had planned to offer an amendment to repeal a special interest rider attached to the Emergency Supplemental Appropriations bill.

This rider prevents the Interior Department from acting to ensure that oil companies pay a fair royalty for oil drilled on public lands. My amendment would have stripped that rider—allowing the Interior Department to finalize their rule so that the taxpayers will receive the millions of dollars they are owed in royalty payments.

I have decided that while I still firmly believe that this rider should be stripped, because of recent action taken by the Interior Department, this amendment would not be timely. However, I would like to assure you that if I will block any future attempts to further delay this necessary and important rulemaking process.

Mr. President, this is a very simple issue.

For years, oil companies have been cheating the American taxpayers out of millions—if not billions—of dollars.

The Department of Interior took action to stop the cheating.

Now, Congress is preventing the Interior Department from stopping the cheating.

Just as the Interior Department was about to finalize a new rule to resolve arguments over royalties, here comes yet another rider on an unrelated must-pass bill to stop the new rule from going into effect.

So who benefits from this rider? Big Oil. And who loses? The American taxpayer.

We had this same debate last Congress. Some of my colleagues will say that this delay is necessary to force the Interior Department to listen to the oil companies.

Mr. President, the Interior Department has listened. In fact, in response to pressure from the Big Oil, the Interior Department has re-opened the comment period on the proposal to—once again—see if there is anything new.

Because of the Interior Department's action, it is unlikely that the Department will be able to finalize the rule before October 1, 1999 despite this rider. The rider is unnecessary and is just another attempt by Congress to bully the Interior Department.

The Interior Department has gone through a thoughtful and detailed process to get this rule done. The Interior Department has acted in good faith to respond to concerns of the oil industry and members of the Senate—meeting with Members of Congress on several occasions and reopening the comment period on the rule.

It is now time for the Congress to act in good faith and let the Interior Department proceed.

Mr. President, let me explain how royalty payments work. When oil companies drill on public lands, they pay a royalty to the federal government. This royalty is like paying rent. The oil companies want to use federal land or offshore tracts, so they pay rent—a percentage of the value of the oil—to the federal government to use this land. A share of this royalty is given to the state, and the remaining money is used by the federal government for the Land and Water Conservation Fund and the Historic Preservation Fund.

The oil companies sign an agreement to pay a fixed percentage of the value of the oil they produce on federal lands—12.5%. The question is 12.5% of what? It's that number that the big oil companies understate.

According to the signed agreement, that number for the value of the oil, ''shall never be less than the fair market value of the production.'' But the oil companies are currently understating the value, and as a result, they underpay their royalties.

The debate is over how to determine the true value of oil. Is the true value of the oil the value that the oil companies themselves decide? Or is the true value of the oil the market price that one would pay if they actually purchased a barrel of oil? I agree with the Interior Department that the oil companies must base their royalty payments on the market price.

Currently, oil companies themselves determine the value of the oil and pay a royalty based on that value. The value determined by the companies is called the posted price and merely reflects offers by purchasers to buy oil from a specific area. It is just an offer to buy and does not represent any actual sale of oil.

Now you may be hearing from the oil companies that this proposed system is unfair and that it harms the small independent producers. The Department of Interior has informed me that the new regulations will only increase royalty payments for 5% of all the companies. This 5% is not your mom and pop operations—this is Shell, Chevron, Exxon, Texaco, Mobil, Marathon and Conoco. This is the large integrated companies that trade with their affiliates and have no actual sale of oil.

You may also hear from my colleagues that the oil companies are hurting. With oil prices the lowest they've been in decades, how can we increase their royalties? This isn't about increasing the royalties, this is about the American public getting their fair share—whatever the value. And with the Interior Department's proposed regulations, as oil prices fall, so does the royalty. It's all based on the market.

So in summation, to guarantee taxpayers a fair royalty payment in the future, the Interior Department proposed a simple and common sense solution: pay royalties based on actual market prices, not estimates the oil companies themselves make up. The

new rule was proposed over 3 years ago. Since that time, the Department has held 14 public workshops and published 7 separate requests for industry comments on this rule—and three more public workshops are scheduled in the next month. High level Interior officials have met with Members of Congress and industry on several occasions and have made several changes to the regulations to address industry's concerns.

At some point the negotiating must stop and the Interior Department must be allowed to move forward with this fair rule.

This rider is outrageous. It saves the wealthiest oil companies in the world millions of dollars while shortchanging taxpayers and, in the case of California, our schoolchildren which is where my state's oil royalty payments go. What does this say about our nation's priorities?

The Interior Department's proposed regulations are fair and they are accurate. They are not based on the subjectivity of the big oil companies, but are based on actual market prices.

It is time that we end this flawed system of calculating royalties and move to an objective, market driven system. The Department of Interior has spent much time developing an equitable system and we should allow it to move forward.

While I am not offering my amendment this time, I am here to say that this cheating must stop and these riders must stop. Let the Interior Department do its job and move forward with these regulations.

Mr. President, I ask unanimous consent that a letter from the Secretary of the Interior, Bruce Babbit, be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, March 18, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: I am writing to call on you and your colleagues to delete from the Fiscal Year 1999 Emergency Supplemental appropriations legislation the Senate provision extending the moratorium prohibiting the Department of the Interior from issuing a final rulemaking on the royalty valuation of crude oil until October 1, 1999.

Prior to a series of congressionally imposed moratoria, the Department was prepared to publish a final rule on oil valuation on June 1, 1998. On March 4, 1999, I announced that the Department would reopen the comment period for the federal oil valuation rule. On March 12, 1999, we formally reopened the comment period and announced a series of public workshops to discuss the rule in Houston, Texas, Albuquerque, New Mexico, and Washington, D.C.

We are committed to a constructive dialogue over the next few weeks as we seek new ideas that can help move the rulemaking process forward while ensuring that the public receives fair value for the production of its resources. Extension of the current moratorium, which ends on June 1, 1999, will not be conducive to constructive discussions.

Any action that further delays implementation of a final rule on oil valuation causes losses to the Federal Treasury of about $5.3 million per month. States, which use this money for education and infrastructure development, lose about $200,000 per month. In addition, potential delay of the proposed Indian oil valuation rule could cost Indian tribes and individual Indian mineral owners about $300,000 per month.

We urge you to delete the moratorium proposal and allow the rulemaking process to proceed. The process we have set in motion will ensure full and open consideration of all new ideas for resolving the concerns that have been raised and will lead to a solution that best meets the interests of the American public.

As you are aware, the Statement of Administration Policy on the Emergency Supplemental states that the President's senior advisers would recommend that he veto the legislation if it is presented with currently included offsets and objectionable riders.

Thank you for your continued involvement in this issue.

Sincerely,

BRUCE BABBITT.

TRANSFER OF SUPPLEMENTAL CDBG MONEY FROM HUD TO FEMA

Ms. COLLINS. Mr. President, I rise today to engage the Senator from Missouri, Mr. BOND, the Chairman of the VA/HUD Subcommittee, in a colloquy.

Senator BOND, you and I and the other members of the Northeast delegation have been working, for over a year now, to ensure that Maine and the Northeast have their needs from the January 1998 Ice Storm which devastated much of New England and upstate New York addressed.

Mr. BOND. The Senator is correct. It has been almost a year and I know that we are both extremely frustrated that we are still wrestling with using emergency CDBG funds for appropriations needs.

Ms. COLLINS. You have been a real champion for our state of Maine and of our efforts to ensure that the money this Senate appropriated went to alleviate some of the costs from the Ice Storm which could not be covered by FEMA.

Mr. BOND. I appreciate the Senator's kind words. I did a colloquy on the Senate floor last March on this issue with the then junior Senator from New York, Mr. D'AMATO outlining the funding needs of the Northeast. In this colloquy we outlined the history of the funding including the significant needs of Maine and New England.

In fact, as we both discussed at that time, the Ice Storm, as the first big storm of the year, was the impetus for us to provide supplemental funding to the CDBG program to help Maine and other states cover the costs of the disaster where FEMA wasn't able to assist.

Ms. COLLINS. For those that did not experience it, the devastation this storm caused in Maine is hard to imagine. Thick ice, in some cases up to ten inches thick, encased virtually every inch of the state and decimated our electric infrastructure. As a result of the Herculean efforts of hundreds of utility crews, power was restored to Maine after 17 long days. Like other Americans who have suffered natural disasters, Mainers need this assistance to recover from the costs incurred from the devastating blow nature dealt us.

Mr. BOND. As the Senator and I have discussed, I remain very concerned by HUD's treatment of Maine and the other Northeast states, especially the fact that initial funding was not provided until six months after last year's supplemental bill was enacted, and the fact that I have yet to receive an acceptable explanation from HUD as to the funding formula used to allocate the money. The Northeast's experience is one of several reasons why the bill before us today transfers the money to FEMA.

Ms. COLLINS. It is my sincere hope that FEMA will expedite this process and provide to Maine the assistance it has been promised by the current Administration and has been in need of for over one year. I wish to thank the Senator from Missouri for his continuing efforts on behalf of the people of Maine. He has truly been a champion in this long process, and his cooperation is greatly appreciated by the people of Maine.

ENVIRONMENTAL RIDERS IN THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, I rise today to express my concerns regarding two troubling sections of S. 544, the Supplemental Appropriations bill. Section 2002 further delays the promulgation of new regulations governing the management of hardrock mineral mining operations on federal public lands. Section 2005 extends the moratorium on the issuance of new regulations by the Minerals Management Service regarding oil valuation. I hope that all provisions which adversely affect the implementation of environmental law, or change federal environmental policy, will be removed from this legislation when it returns to the floor.

I want to note, before I describe my concerns in detail, that this is not the first time that I have expressed concerns regarding legislative riders in appropriations legislation that would have a negative impact on our nation's environment.

Mr. President, for more than two decades, we have seen a remarkable bipartisan consensus on protecting the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires that I express my strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated by the federal agencies that carry out federal law.

Mr. President, the people of Wisconsin continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being

made without the benefit of an up or down vote.

Wisconsinites have a very strong belief that Congress has a responsibility to discuss and publicly debate matters affecting the environment. We should be on record with regard to our position on this matter of open government and environmental stewardship.

Mr. President, I have particular concerns regarding Section 2002. I think this rider is another attempt to move us away from implementing new mining regulations. This is the third time, in as many years, that a rider has been put forward on this matter. The rider, as drafted, would delay the regulatory process for at least an additional 120 days beyond the final rider compromise language in the Omnibus bill which passed in October 1999. The Omnibus language says that the regulations can not be issued before September 30, 1999. There is no basis for arguing that the Interior Department would not have time to review the on-going National Academy of Sciences study on this topic, which the Omnibus language required to be completed by July 31, 1999.

The ''3809'' mining regulations, as they are called, are the environmental rules that govern hardrock mining on publicly owned lands.

The Federal Land Policy and Management Act of 1976 directs the Secretary of the Interior to ''take any action necessary, by regulation or otherwise, to prevent unnecessary or undue degradation on the federal lands.'' The regulations in question are the Bureau of Land Management's promulgated in response to the requirements of this federal law.

The Emergency Supplemental Appropriations bill mining rider blocks the issuance of the final 3809 regulations certainly through the end of the fiscal year. The language further blocks the Administration from spending funds to seek public input on its new draft regulations until after the National Academy of Sciences issues its on-going study examining the adequacy of the existing patchwork of fedeal and state mining rules, as I mentioned earlier.

The rules are important, Mr. President, and so is the need to update them. Mining technologies, according to the Interior Department, have outgrown existing safeguards. The original regulations, released in 1981, have never been revised. Since that time, the mining industry has widely adopted new extraction technologies which raise environmental questions and concerns. One such technique, which caused grave concern two years ago in my state when it was proposed for use on private lands in the Upper Peninsula of Michigan, was the use of sulfuric acid mining.

In addition, Mr. President, existing regulations also need to allow the BLM to balance the fact that multiple activities take place on lands before permitting new mines. In determining whether a proposed mine is appropriate, BLM is not permitted to take into account other land uses that would be displaced by mining.

Finally, I believe that existing regulations don't do enough to require meaningful cleanup. Currently there is no requirement to restore mined lands to pre-mining conditions and they leave taxpayers paying for the mining industry's mistakes. To address this issue, I recently introduced legislation to repeal the percentage depletion allowance for mining on public lands and I set aside a portion of the increased revenue to be used to create an Abandoned Mine Reclamation fund. Any clean-up fund, however, needs good clean-up standards to put it to use.

In conclusion, I think that continued delay of these regulations is indefensible, and certainly inappropriate as part of a supplemental bill.

CROP INSURANCE REQUIREMENTS

• Mr. SESSIONS. I wish to thank Senator COCHRAN and Senator KOHL for agreeing to my amendment to provide fairness to the administration of the crop disaster program enacted by Congress last Fall. I also wish to thank Senator HARKIN for his interest in this issue.

Mr. KOHL. I thank the Senator for his remarks and would like to engage him and other Senators in a discussion regarding the purpose of the Senator's amendment and the overall policy considerations attached to it. When Congress enacted farm disaster legislation last Fall, we recognized the dire circumstances of farmers from both natural and economic conditions. Not only did that legislation recognize the problems farmers faced in 1998, but it also dealt with problems farmers have had over the past several years. From a policy perspective, it is well recognized that a sound, reliable risk management program, which includes crop insurance, needs to be established to avoid the inherently unfair and unpredictable ad hoc disaster programs of years past.

The amendment by the Senator from Alabama recognizes that crop insurance is available to farmers through both federally reinsured policies and policies based solely by private companies. His amendment modifies language included in last year's omnibus appropriations bill regarding the requirement that the Secretary not discriminate or penalize producers who have taken out crop insurance by stating the requirement applies to both federally reinsured policies and those offered solely by private companies. We all recognize the difficult times facing farmers and we want to see all farmers treated fairly and equally.

It is equally important that we do not take steps that inadvertently undermine our overall objectives for both long-term farm policy and immediate administration of the pending disaster payments. In accepting the amendment by the Senator from Alabama, we hope to continue a dialogue with him and other Senators as we approach conference to ensure the amendment is in the best interest of farmers.

Mr. HARKIN. I also want to thank the Senator from Alabama for his remarks and I want to associate myself with the remarks by my friend from Wisconsin. It is clearly our objective to make the administration of farm program as fair as possible, recognizing the geographical differences of agriculture in America.

Senator KOHL is correct in his observation that farmers need and deserve a reliable risk management program that will not be tied to the political winds of any given year. For that reason, we must do all we can to improve and promote the availability of crop insurance products to farmers across the country. I point out to my colleagues that farmers could have purchased federal catastrophic coverage for a cost of fifty dollars to cover an entire crop. That is a bargain and I am still troubled by the reluctance of some farmers to invest in that minimal amount. Had a farmer made that simple investment in recent years, the amendment by the Senator from Alabama would not be necessary.

I am also concerned, as is Senator KOHL, about the effect this amendment may have on administration of the pending farm disaster program. Secretary Glickman came under criticism lately when he announced that payments to farmers would not begin until this summer. I admonish my colleagues that we must take no action that would exacerbate that problem. Farmers in Iowa, in Wisconsin, and in Alabama all need assistance sooner rather than later.

Mr. KOHL. I agree with the remarks by my friend from Iowa and I would like to further note that farmers in Wisconsin are equally in need of assistance immediately. As we approach conference, I hope to stay in close contact with all interested Senators to ensure that nothing is done to overwhelm the Department's administration of the disaster program by imposing a new series of control and verification requirements. We want to be responsive to all Senators' interests, but we know farmers are looking for a responsive, and timely disaster program. As some have noted, many farmers believe we are past the period of a proper and timely response.

Mr. COCHRAN. I join my colleagues in approving the amendment by the Senator from Alabama and agree that we must proceed in a fair manner that will not disrupt the delivery of disaster payments to farmers. There is need for immediate and necessary relief from natural and economic losses. I will continue to work with the Senator from Alabama and my colleagues from Wisconsin and Iowa in order to address the concerns they have raised.

Mr. SESSIONS. Again, I thank the Senators.•

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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

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

THE KOSOVO QUAGMIRE

Mr. INHOFE. Mr. President, it seems we are about to go to war with Yugoslavia. Our stated purpose is to stop the humanitarian disaster there caused by a civil war. If we do not act, we are told, innocent people will be killed, will be wounded, will be displaced from their homes. Indeed, over 2,000 have already been killed in the Kosovo civil war in just the last year. Many more have been uprooted. There are serious problems there. No one disputes that.

My question is, Where is the vital U.S. national interest?

The National Defense Council Foundation recently reported that there are at least 60 conflicts going on in the world involving humanitarian suffering of one kind or another. There are 30 wars being waged—civil wars, guerrilla wars, major terrorist campaigns. Many are driven by ethnic quarrels and religious disputes which have raged for decades, if not for centuries.

Just consider a partial list from recent years: 800,000 to 1 million people have been brutally murdered in Rwanda alone; tens of thousands killed in civil wars in Sudan, Algeria and Angola; thousands killed in civil war in Ethiopia; in January, 140 civilians killed by paramilitary squads in Colombia; including 27 worshipers slain during a village church service.

Why is there no outcry for these millions of people who are being brutally murdered in other places in the world, but we are all concerned about the humanitarian problems in Kosovo?

I have to say this, and I know it is very unpopular to say it, but I am going to quote a guy whose name is Roger Wilkins. He is a professor of history and American culture at George Mason University:

> I think it is pretty clear. U.S. foreign policy is geared to the European-American sensibility which takes the lives of white people much more seriously than the lives of people who aren't white.

Let me read a couple paragraphs from an article in the Minneapolis-St. Paul Star Tribune on January 31, 1999:

> But no one mobilized on behalf of perhaps 500 people who were shot, hacked and burned to death in a village in eastern Congo, in central Africa, around the same time. No outrage was expressed on behalf of many other innocents who had the misfortune to be slain just off the world's stage over the past few weeks.
>
> Why do 45 white Europeans rate an all-out response while several hundred black Africans are barely worth notice?

And this is all in that same timeframe.

Further quoting the Minneapolis-St. Paul Star Tribune:

> While U.S. officials struggled to provide an answer, analysts said the uneven U.S. responses to a spurt of violence in the past month illuminates not just an immoral or perhaps racist foreign policy, but one that fails on pragmatic and strategic grounds as well.

So now the President wants us to send the U.S. military into Kosovo, not to enforce a peace agreement—we do not have a peace agreement, as we were told 2 weeks ago—but to inject ourselves into the middle of an ongoing civil war, with no clearly defined military objective, no assurance of success, no exit strategy and great, great risk to our pilots and men and women in uniform.

We know that the Yugoslav leader, Mr. Milosevic, is a bad guy. No one disputes that. But are we absolutely sure that there are some good guys, too? Are there any good guys in the fight that stretches back over 500 years?

When I was in Kosovo recently, I was horrified as I was going through the main road—Kosovo is only 75 miles wide and 75 miles long, and there is one road going all the way through it. I was only able to see two dead people at the time. They turned them over and both of them were Serbs. They had been executed at pointblank range. And they were Serbs, not Kosovars, not Albanians. So the national interest here is not at all clear.

Let me quote Dr. Henry Kissinger, the former Secretary of State and National Security Adviser. In an op-ed piece in the Washington Post on February 24, Kissinger said he was opposed to U.S. military involvement in Kosovo. He is not unaware of the humanitarian concerns that the President and others talk about. Here are just a few of the highlights of what he said:

> The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived.
>
> Kosovo is no more a threat to America than Haiti was to Europe.
>
> If Kosovo, why not East Africa or Central Asia?
>
> We must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.
>
> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

I think this is very, very significant, the last two points.

First of all, I have asked the Chairman of the Joint Chiefs of Staff, I have asked the Chiefs, I have asked the CINCs, the commanders in chief, this question: If we have to send troops into Kosovo—keep in mind that people may lie to you and say this is going to be an airstrike. Anybody who knows anything about military strategy and warfare knows you can't do it all from the air. You have to ultimately send in ground troops. So we are talking about sending in ground troops. That is in a theater where the logistics support for ground troops is handled out of the 21st TACOM in Germany. I was over in the 21st TACOM. Right now, they are at 110 percent capacity just supporting Bosnia. They don't have any more capacity. The commander in chief there said, if we send ground troops into Iraq or Kosovo, we are going to be 100 percent dependent upon Guard and Reserve to support those troops. And look what has happened to the Guard and Reserve now because of the decimation of our military through its budget, finding ourselves only half the size we were in 1991.

Right now, we don't have the capacity. We have to depend on Guard and Reserves, and in doing this we don't have the critical MOSs. You can't expect doctors in the Guard to be deployed for 270 days and maintain their practice, so we now have ourselves faced with a problem, a serious problem, and that is we cannot carry out the national military strategy, which is to be able to defend America on two regional fronts. We don't have the capacity to do it. If we could do it on nearly simultaneous fronts within 45 days between each conflict, then we go up from low-medium risk to a medium-high risk, which is translated in lives of Americans.

Going into Kosovo for an unlimited duration at who knows what cost, who knows the amount of risk, the risk will be higher.

I chair the readiness subcommittee of the Senate Armed Services Committee, Mr. President, and I can tell you right now that we are in the same situation we were in in the late 1970s with the hollow force. We can't afford to dilute our military strength anymore. And that is not even mentioning the immediate risk to our forces that they will face in Yugoslavia where the Serbs have sophisticated Russian-made air defense and thousands of well-trained and equipped troops motivated to fight and die for their country.

In recent testimony before the Senate Armed Services Committee, some of our top military leaders were very frank about what they expected for any U.S. military operation in Kosovo.

Air Force Chief of Staff General Ryan said, ''There stands a very good chance that we will lose aircraft against Yugoslavian air defense.''

Navy Chief of Staff, Admiral Johnson, said, ''We must be prepared to take losses.''

Marine Commandant, General Krulak, said it will be ''tremendously dangerous.''

And then George Tenet, the Director of Central Intelligence, said this is not Bosnia we are talking about, this is Kosovo where they are not tired, they are not worn out, and they are ready to fight and kill Americans.

So we are faced with that serious problem, Mr. President. We should not under any circumstances go into Kosovo. Our vital security interests are not at stake, where we don't have a clear military objective or an exit

strategy, or where our policy doesn't fit into any coherent broader foreign policy vision.

So let me go back to my opening statement. Since we have no national security risks at stake, there must be another reason for our involvement. It is not humanitarian because of the following:

800,000 to 1 million killed in ethnic strife in Rwanda;

tens of thousands killed in civil wars in Sudan, Algeria, and Angola;

thousands killed in civil war in Ethiopia;

in January, 140 civilians killed by paramilitary squads in Colombia, including 27 worshipers slain during a village church service.

Why is there no outcry for U.S. involvement in these obvious humanitarian situations?

''I think it's pretty clear,'' said Roger Wilkins, professor of history and American culture at George Mason University. ''U.S. foreign policy is geared to the European-American sensibility which takes the lives of white people much more seriously than the lives of people who aren't white.''

Anyone who supports our sending American troops into Kosovo must be aware this will come back and haunt them. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, for the information of our colleagues, the majority leader will soon be coming over to make a unanimous consent request concerning the vote on a resolution dealing with Kosovo. I have been involved in the negotiations of the resolution. I might read it for my colleagues, for the information of my colleagues, and then I am going to state my opposition to it. But for the information of all of our colleagues, it is our hope and our expectation we would have a vote on this resolution in the not too distant future, possibly as early as 6 or 6:30 or 7 o'clock. So I wanted my colleagues to be aware of that.

Mr. President, this resolution authorizes the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia, and Montenegro.

The resolution reads,

Resolved by the Senate and House of Representatives of the United States of America and Congress assembled, That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia, Serbia and Montenegro.

It is very simple. It is very short. There are not a long list of ''whereases,'' not a lot of confusion. It says we authorize the President of the United States to conduct airstrikes against Serbia.

I oppose this resolution. I will take a couple of minutes to explain my opposition. I understand and I have great respect for many of our colleagues who are supportive. I have joined with colleagues who went to the White House on Friday and also earlier today to talk to the President and hear his side of the issue. He tried to make a very strong case for airstrikes and for military intervention. He didn't convince me. I respect his opinion. I just happen to disagree with him.

Time and time again I ask, If we are going to war, why are we going to war? Make no mistake, if we conduct airstrikes against Serbia, we are going to war. I don't think we should do that lightly.

I tell my colleagues, the resolution that we are voting on, in my opinion, is a very important resolution. It is probably one of the most important votes we will conduct, certainly this session of Congress. Maybe Members will look back over their Senate career and it may be one of the most important votes Members will cast in their Senate career.

I urge my colleagues to vote no on this resolution. That means I think that we are making a mistake by conducting a bombing campaign in Serbia. A bombing campaign will also lead to ground campaigns. A lot of people have the false assumption that if we have airstrikes, that is it. Many times there has been a tendency by this administration—and maybe previous administrations as well—that we can do things by air and that will do it.

We had an air campaign, we had military strikes in the air against Iraq in December—I believe December 18, 19, and 20. It was a significant military operation. Why? Because we wanted to get the arms control inspectors back into Iraq. We bombed them like crazy. Guess what. We don't have any arms control inspectors in Iraq today, so air didn't do it. Saddam Hussein is now able to build weapons of mass destruction. The air campaign didn't change his policies one iota.

What about in Serbia? The whole purpose of this—I will read from yesterday's New York Times, an interview with Madeleine Albright, Secretary of State,

> Two days after President Clinton warned that the Serbs had gone beyond ''the threshold'' of violence in their southern province, Secretary of State Madeleine K. Albright said she was sending Mr. Holbrooke to present Mr. Milosevic with a ''stark choice.''
>
> That choice, she said, was for him to agree to the settlement signed in Paris last week by the ethnic Albanians . . . or face NATO air strikes.

In other words, if the Serbs don't sign on to the agreement that was negotiated in France, they are going to face airstrikes. In other words, we are going to be attacking a foreign country because they refused to allow an international force to be stationed in their country. That is what the Paris agreement is.

Some of our colleagues say they will vote for airstrikes but they won't vote for ground forces. The Secretary of State says we are going to bomb them until they agree to sign up to a peace agreement, a peace agreement that calls for stationing 28,000 international troops into Kosovo.

I just disagree. I don't think you can bomb a country into submitting to a peace agreement. That is more than coercion, and I don't think you get real peace by coercing somebody. Maybe cajoling people, maybe a little leverage here and there, but to say we will bomb your country until you sign a peace agreement is probably very shortsighted and not real peace, and to station the 28,000 troops into hostile territory I think would be a very serious mistake.

I have heard the President's arguments. I haven't made the argument this is not in our national interest, but I will say there is—I started to say a civil war is going on in Kosovo, but it is not even to the point of a civil war. There is certainly an armed conflict. There is guerrilla warfare going on. There has been sniping going on. There have been people killed on both sides. I think that is unfortunate, but it has been happening. But this is not the only civil conflict that is going on around the world. Yet in this conflict, we will take sides. Maybe if you declare it is a civil war going on, a total civil war going on in Kosovo—why should we be taking sides? Should we be the air force for the KLA, the Kosovo Liberation Army? Should we be trying to help them fulfill their goals?

Their goal is not autonomy; their goal is independence. They were somewhat reluctant to sign on to the France so-called peace agreement because they didn't want autonomy; they wanted independence. They will never be satisfied until they have independence. The French peace accords say we will insert this peacekeeping force of 28,000 troops for 3 years, we will have autonomy at that time, and then we are somewhat silent on what happens at the end of 3 years. If anyone has talked to the KLA, they know that the KLA wants independence. Should we be intervening to the extent of taking that side?

Some of my colleagues say if Serbia is really massing and having military actions against the KLA, instead of us just bombing, why don't we just give them some support? Why don't we give them some munitions and help them defend themselves? It is similar to the argument many of us made in Bosnia: Instead of sending troops, we wanted to take the arms embargo off and allow them to defend themselves. Senator Dole stood on the floor many times and said let's allow them to defend themselves.

Some people made that same argument today, dealing with the Kosovars. The problem is, the peace agreement

that has been negotiated says we will disarm the KLA. I think the chances of that happening are slim, if nonexistent. They will hide the arms. We will not be successful in disarming, nor do I really think that we should. We will be very much involved in a civil war. We are taking the side of the Kosovars. Many of the Kosovars are great people and I love them and some are very peace loving, but there are some people on the other side, on the KLA side, who have assassinated and murdered as well.

I have serious, serious reservations about getting involved in a civil war. I have very strong reservations about the ability to be able to bomb somebody to the peace table and making them agree to a peace agreement that they were not a signatory to.

I am reminded by some of our friends and colleagues that this is a continuation of President Bush's policy. As a matter of fact, in December of 1992 President Bush—and he was a lame duck President at the time—issued a very stern warning to Mr. Milosevic: If he made a military move in Kosovo, there would be significant and serious consequences. Mr. Milosevic rightfully respected President Bush, and he didn't make that move. I supported President Bush in making that statement. I think he was right in doing so.

However, there is a big difference between that statement and saying we will move militarily if he moves aggressively against the Kosovars. There is a big difference between that and saying we will bomb you until you agree to a peace agreement, and part of that peace agreement is stationing 28,000 troops in Kosovo. There is a big difference. I hope our colleagues will understand that difference. That is one of the reasons I am vigorously opposed to this resolution. I don't think you can bomb a sovereign nation into submission of a peace agreement.

Let me mention a couple of other reservations that I have. Somebody said, What about the credibility of NATO? NATO, for 50 years, has helped sustain peace and stability throughout Europe. It has been a great alliance. That is true. NATO has been a great alliance. It has been a defensive alliance. NATO has never taken military action against a non-NATO member when other NATO countries weren't threatened. Now we are breaking new ground and we are moving into areas which I believe greatly expand NATO's mission far beyond the defensive alliance that it was created under.

Another reservation I have: The Constitution says that Congress shall declare war; it doesn't say the President can initiate war. The President started at least consulting Congress on Friday. He also consulted with Congress today, Tuesday. We understand that war is imminent. I don't consider that consultation. I remember about 4 weeks ago when Secretary of State Albright and Secretary of Defense Cohen briefed a few of us on the Paris negotiations, or the negotiations in France. They basically said: We are trying to get both sides to sign; we think maybe the Kosovars will sign, but the Serbs and Mr. Milosevic are not inclined to. But if we can get the Kosovars to sign, we will bomb the Serbs until they do sign.

I left there thinking, you have to be kidding. That is their policy? I want peace. I want peace as much as President Clinton. I want peace as much as Secretary Albright, throughout Yugoslavia, but I don't think by initiating bombing we will bring about peace. I am afraid, instead of increasing stability, it might increase violence.

There might be adverse reactions that this administration hasn't thought about. Instead of bringing about stability, it may well be that the Serbian forces are going to move more aggressively. In the last 24 hours, it looks like that may be the case. So instead of convincing Mr. Milosevic to take the Serbs out of Kosovo, they may be moving in more aggressively. It looks as if that is happening now. Instead of dissuading him from oppression on the Kosovars, he may be more oppressive, more aggressive, and he may run more people away from their homes and burn more villages. Instead of bringing stability, it may be bringing instability, and it may be forcing, as a result of this bombing, Mr. Milosevic—instead of his response being to move back into greater Serbia and away from Kosovo, he may be more assertive and aggressive and he may want to strike out against the United States. If airplanes are flying, he might find that is unsuccessful. I hope he has no success against our pilots and our planes, but if he is not successful against our planes, what can he be successful against? Maybe the KLA, or maybe he would be more aggressive in striking out where he can have results on the ground.

So by initiating the bombing, instead of bringing stability, we may be bringing instability. We may be igniting a tinderbox that has been very, very explosive for a long time. I hope that doesn't happen, but I can easily see how it could happen. I have heard my colleague, Senator INHOFE, allude to the fact that former Secretary of State Henry Kissinger alluded to that.

I will read this one sentence: '' The threatening escalation sketched by the President to Macedonia, Greece and Turkey are, in the long run, more likely to result from the emergence of a Kosovo State.'' Well, the President, in this so-called peace accord, is supporting autonomy for Kosovo. I have already stated that the Kosovo Liberation Army doesn't want autonomy, they want independence. If they are an independent state, many people see that usually aligned with Albania and may be including the Albanians in Macedonia. So you have a greater Albania which would be very destabilizing, certainly, toward the Greeks and maybe other European allies. So the peace accord says we don't want independence for Kosovo, we just want autonomy.

Former Secretary of State Kissinger says maybe that makes it more dangerous and maybe violence would be escalated in that process. Instead of being a stabilizing factor, it may be an escalating factor. That is not just me saying that. That is Henry Kissinger and other people I respect a great deal saying that, also.

I am glad we are going to be voting on this resolution. We are going to have this vote—at least that is our expectation. I know the leader is going to propound a request before too long. It is important that we vote on this. It would be easy for this Senator, or any other Senator, to say we are never going to vote on this; we can stop this, and frankly, if you stop it long enough, maybe the President will be bombing and then you can say, hey, it doesn't make any difference, he already started bombing. I think that would be a mistake. We ought to have an up-or-down vote. Is this the right thing to do or not?

So I urge my colleagues to support the leader in his efforts to come to an agreement on a vote on this resolution. I, for one —I say ''for one'' because even though I am assistant majority leader, I have not asked one colleague to vote one way or another on this resolution. Some issues are too important to play partisan politics on. I am not playing partisan politics. I refuse to do so. These are tough votes.

I remember the vote we had on the Persian Gulf war in 1991, authorizing the use of force. We already had 550,000 troops stationed in the Persian Gulf ready to fulfill our obligations as outlined by President Bush to remove Saddam Hussein and the Iraqis from Kuwait. We had a good debate on the floor. It wasn't easy. It was a close debate and a close vote—52–47. I thought it was a good vote the way it turned out.

I am going to vote against this resolution because I think it is a mistake. Maybe I am wrong, and if bombing commences, I hope and pray that every single pilot will be returned safely, and that there will be peace and harmony and stability throughout Kosovo. But I am concerned that we are making a mistake. I don't believe you can bomb a country into submission and force them into a peace agreement that they determine is against their interest. I don't think you can bomb a country and say we are going to bomb you until you agree to have stationed 28,000 troops in your homeland. And this is Serbian homeland, and if you go back centuries, fighting has been going on in this country for centuries.

One other comment. Somebody said, ''What about the atrocities?'' I am concerned about the atrocities, but we have to look at what is in our national interest. There were 96 people killed in Borneo last weekend. In Turkey, something like 37,000 Kurds have lost their lives. They want independence. The

Kurds in Iraq want independence; they want their own homeland. What about in Sudan where there have been over a million lives lost? What about Burundi, where 200,000 lives have been lost. Or Rwanda, where 700,000 lives have been lost?

We have to be very careful. We had a Civil War in this country 130-some years ago, and 600,000 Americans lost their lives. I am glad we didn't have foreign powers intervene in our Civil War. I think that would have been a mistake. I am afraid that we are making a mistake by intervening in the war now going on in Kosovo. I hope this resolution that we are getting ready to vote on is not agreed to. I urge colleagues to vote no on the resolution.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senate is about to be presented with a resolution authorizing the President of the United States to intervene in a civil war in the Republic of Yugoslavia—one of many civil wars taking place around the world, in which one dominant group is repressing, killing, and displacing a minority group within their borders.

Mr. President, the cause of this civil war is Mr. Milosevic, the dictator of Serbia and of the Yugoslav Republic. But nowhere in any of the administration's stated goals justifying this intervention is included the removal of Mr. Milosevic from his position of power. The goal is neither a stated nor an unstated goal. Therefore, we are about to engage in a civil war in which we do not go after the cause of the war.

Just a few years ago, the last occasion on which we debated authorizing the President of the United States to engage the Armed Forces of our country far from the borders of the United States, in Iraq, after its invasion of Kuwait, we made the determination, and after successfully removing the symptom, the invasion and occupation of Kuwait, that we would not remove the cause—Saddam Hussein. As a consequence of not going after the cause, we have been involved in either a cold or a hot war with Iraq ever since, at great cost in money to the United States, and at a considerable cost to our support for that cause around the world.

Mr. President, once burned, twice shot. Why, having learned during the war and its aftermath with Iraq that if you are going to use your Armed Forces, you ought to go after the cause, are we failing to do that in this case? Here, as far as I can determine from what I hear from the administration, our goals are as follows:

We hope by the use of our Armed Forces to be permitted to send ground troops to Kosovo for a period of a minimum of 3 years to enforce a peace that neither side in this civil war wishes. We will be there to enforce an autonomy for the Kosovars. That is not their ultimate goal, that ultimate goal being independence.

Is there the slightest chance that this will be a peaceable, casualty-free, 3-year occupation, at the end of which, having settled all of the problems of the Kosovars, we will come home? That certainly has not happened in Bosnia, even after all sides were totally exhausted by a civil war.

Those goals of being allowed to occupy Kosovo and enforce an autonomy that neither side wants are not goals justifying or warranting our American military involvement. They are not goals involving the vital security interests of the United States. In fact, if simply stopping a slaughter is a primary goal—and I believe that it is—there are far greater slaughters taking place in Sudan, in several countries in Africa, and in a number of other places around the world in which there has been no request on the part of the administration to intervene. No, Mr. President. This is an intervention that is highly unwise, highly unlikely to be successful, and not worth the investment of our money and lives, if it is successful, with the intermediate goals that the administration uses to justify it.

Mr. President, this Senate Gulf of Tonkin Resolution, this Senate first step into getting into a situation, the consequences of which we simply cannot envisage, and getting into it perhaps with less justification than there was in Vietnam in the midst of a cold war, getting into it to involve ourselves in a civil war that for all practical purposes has already gone on for 600 years, is not—I repeat, not—going to be settled by the United States of America in its intervention in a period of 2 or 3 years antiseptically cost free and casualty free.

With my colleague from Oklahoma, I believe it more than appropriate that we should be debating this resolution here tonight. I believe it more than appropriate that we should vote yes or no on whether or not we agree with the President. That President has finally grudgingly sent us a letter not asking for our authorization but for our support. This is an authorization. It is an authorization that the Senate of the United States, in its wisdom, should reject out of hand. This is not a matter for the use of the Armed Forces of the United States. This is not a matter demanded by our national security. This is not a way that we would even settle the civil war taking place in Kosovo today.

I hope my colleagues will vote with me and will reject this resolution of authorization.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I get confused by this because I think the analyses, although clearly heartfelt and searching, are totally out of proportion. This is Europe, not Asia. This is a place where we fought two world wars, where we got involved in the circumstances based upon the legitimate concern of the spread of communism. This is part of an industrialized world, not where we were in Vietnam. This is not a Tonkin Gulf Resolution, which was clearly open ended. This is closed ended. This is the circumstance. I find it fascinating—all these bad lessons we learned. What is the bad lesson we learned in Bosnia? We stopped bloodshed. We have 7,300 troops there. We have had as many as 365,000 troops in Europe to preserve stability and democracy in Europe for the past 54 years. We have 100,000 troops in Europe right now. We have 100,000 troops who sit there.

If, in fact, it is a bad idea, and it is an open-ended commitment to keep troops in Bosnia, to keep the peace with not a single American life having been lost, without the destabilization of the region, without Croatia and Serbia being at war, without a flood of refugees into Germany and into the rest of the area—if that is a bad idea—then we shouldn't even have anybody in all of Europe. This is about stability in Europe.

The idea of comparing this to Somalia—a life in Somalia is equally as valuable as a life in Kosovo. But the loss of a life in Somalia and the loss of a life in Kosovo have totally different consequences, in a Machiavellian sense, for the United States interests. If there is chaos in Europe, we have a problem. We are a European power. If, as a consequence of this, there is a flood of refugees into any of the surrounding—let's take Albania. Albania has a Greek population that is a minority population, where there is already a problem. If radicalized Albanian Kosovars are thrown out of Kosovo into Albania radicalizing that society—because, by the way, when they burn down your home, when they kill your mother, when they kneel your child on the ground and put a gun to the back of his head and blow it off, it tends to radicalize you. It tends to have that impact. We are talking about 400,000 to 800,000 refugees. What happens if, in fact, the flood of refugees goes rolling into Macedonia, where you have two-thirds of the population that is Slav, one-third Albanian? Just play out that little scenario for me. What happens in that region?

I will not take the time of the Senate to go through the litany of why this clearly is in our interest. But at least let's agree that this isn't anything like Vietnam in terms of our interests—like Africa, or like a whole lot of other places. We have an alliance called NATO. All 19 members of NATO are in agreement that this is necessary. All of Europe is united. All of Europe is united in that we have no choice but to deal with this genocidal maniac.

With regard to this notion of a peace agreement that this is designed—my friend from the State of Washington, I

respectfully suggest, misstated the objectives of the administration. The objectives of the administration are the objectives of the rest of Europe—all 19 other nations as well as the contact group, I might add—and the objectives are these: To stop the genocide, stop the ethnic cleansing, stop the routing, stop the elimination of entire villages in Kosovo, to have some guarantee that the civil rights, civil liberties, life and liberty of the people living in that region, 2 million people, are somewhat secure.

Why do we do that? Beyond the humanitarian reasons, why we do that is, we know what happens if it spins out of kilter. We know what the downside is if the entire area is engulfed in this chaos. We also know from experience what happened in Bosnia. When we acted, when we put ourselves on the line, when we demonstrated that we would not allow it to ''happen'' again, it worked.

My friends say it isn't working in Bosnia, because, if we move through, all of a sudden everything will fly apart.

That was the case in most of Europe for 30 years. If we removed the troops in Europe in 1954, or 1958, the concern was all of Germany would go. The concern was all of Europe would go. So we held out. We decided that democracy tends to bring stability. I, for the life of me, do not understand why you can just cut out an entire—I wish I had a map here—segment of Europe and say it can be in flames and chaos, and it has no impact on us; it will have no impact on the alliance; it will have no impact on our national security. That I do not understand.

I do agree that this is not an easy choice. I do agree that to know exactly what to do is debatable, legitimately debatable. But I do not agree that the purpose of the administration is, as was stated, to hope to be permitted to send ground troops.

The only reason why the proposal that was put forward by 19 NATO nations in Europe was put forward was not because we want to put in ground troops. It was because we wanted a commitment that the genocide and ethnic cleansing in Kosovo would stop. I remind everybody, by the way, in 1989 and 1990 their rights were taken away. Their autonomy was stripped. During that first 7-year period, there was a policy of nonviolence on the part of the Kosovars led by a doctor named Rugova. And what happened was what some of us predicted: By failing to stop any of the actions of Milosevic and the ultranationalists in Serbia, one thing was bound to happen. Maybe it is because I am Irish I understand it. I watched it. We watched it historically for 80 years in Ireland. That is, when peaceful means fail and people continue to be cleansed, denied their civil rights and their civil liberties, denied the ability to work, denied the ability to worship, denied the ability to speak their language, they become radicalized. So all of a sudden Rugova found himself odd man out, as the KLA gained credibility and momentum, basically saying: You are not getting it done for us so we are going to use the violent means.

What do we think is going to happen if we walk away? The objective is to stop the oppression of men, women and children who are a minority in Serbia, but make up the majority in Kosovo; to say it will stop. The only way it will stop is one of two: Either Mr. Milosevic is denied the means to continue his oppression, or he comes to the table, agrees to stop it, and allows international forces in there to guarantee that he will stop it.

That is what this is about. You may not think that is a worthwhile goal. I understand that. I understand that. But this is not about the desire to send troops. It is about the desire to keep that part of the world from spinning out of control. I see two of my colleagues wish to speak so I will cease with the following comment.

Mr. STEVENS. Will the Senator yield to me for just a question?

Mr. BIDEN. I sure will.

Mr. STEVENS. I am constrained to go back to the time when we had the Persian Gulf crisis and we had Iraq in Kuwait, threatening to go into Saudi Arabia. What is the difference between that situation, where it actually had taken place, and this threat the Senator is describing in Serbia and in Kosovo now?

Mr. BIDEN. There is a big difference. The difference is it is in the center of Europe, No. 1. No. 2, if Europe in fact becomes destabilized, we are deeply involved in matters far beyond what is existing now.

I acknowledge to my friend, though, what was at stake in the Middle East was oil, was economic security, and was a lot of other things at the time. So it is, in fact, a legitimate point to make that that was a critical vote. I voted against that involvement—I am sure the next point my friend was going to make. I voted against that involvement. I insisted, along with others, there be a resolution to authorize the use of force.

But the argument I would make is, although you can argue it made sense to do what we did, it is a different reason why we moved; a different reason why it occurred; a different reason why it was necessary. It seems to me, comparing what we did in the gulf, comparing that to what we do here either for purposes of justifying action here or not justifying action here, is an inappropriate analogy. It stands on its own. It either made sense or it didn't make sense. It turns out it made sense to move in the gulf and I argue it makes sense for us to take this action now in the Balkans.

So, if I can conclude so my friend from Kentucky, who has been seeking the floor, can get the floor, Senator NICKLES started off a few moments ago pointing out that seven of us, assigned by the leadership, met to see whether we could work out a compromise resolution. Senator NICKLES pointed out that the resolution that we agreed to move with, assuming the procedural circumstances allowed it to be done, was one that was a straight-up authorization for the use of airpower in conjunction with NATO against Serbia and Mr. Milosevic. That was the language as to how to proceed that was agreed to.

Senator NICKLES indicated he would vote against that, notwithstanding the fact that he helped craft what the language would be. And that makes sense, by the way. He was trying to figure out what is the best, simplest, most straightforward way to get an up-or-down vote on what the President wants to do.

In the meantime, the President has sent us a letter asking for legislation to be able to do this. He has asked us whether or not we would support the use of airpower in conjunction with NATO. I think we should get, at the appropriate point, an up-or-down vote on that. I understand my friend from Alaska may have an amendment to that resolution, if it ever comes up freestanding, dealing with a prohibition of ground troops, but we should get to the business of dealing with that which we are getting at now. I hope through the leadership of the majority leader we can somehow clear the decks and get to a vote on the resolution.

Mr. WARNER. Mr. President, if the Senator will yield?

Mr. BIDEN. I will be happy to yield the floor.

Mr. WARNER. Mr. President, I worked with the Senator from Delaware and others you mentioned. You used the phrase, ''we agreed to it.'' Yes, the group of six or seven did, but it was a recommendation to our respective leadership.

Mr. BIDEN. That is correct.

Mr. WARNER. I have, since that time, worked with Senator LOTT and we pretty well, I think, have this thing ready to be presented to the Senate. As you mentioned, our distinguished colleague from Alaska has possibly some thoughts on it that have not been completed yet—that are to be incorporated—but I want to be sure nothing has been agreed to. It is just a recommendation to the leadership. Our group did, I think, a very fine job in consolidating the thoughts of a number of us who have been working on this for several days. I am hopeful we can bring it up very shortly.

I know the Senator is looking for one Senator who was a part of that group to give his blessing to certain phraseology.

Mr. BIDEN. Mr. President, I appreciate the intervention by the Senator from Virginia. He is absolutely correct. Let me be even more precise. Seven of us agreed on the vehicle that we recommend to the leadership that we should be voting on. We agreed to that language. I came back with one of my

Democratic colleagues, Senator LEVIN, spoke with the minority leader, and indicated that this is what we had agreed to. He indicated he thought that was an appropriate vehicle, appropriate way to proceed and I might add, some of the Senators in the room, although they agreed to the language, I want to make clear, were not agreeing to the substance of the language. They agreed that this is an appropriate test vote. This is an appropriate vote to determine whether or not the Senate agrees or disagrees with the President. Several of them—one of them at least—said, ''I will not vote for it''; two of them said, ''I will not vote for it but I agree this is how we should decide the issue.''

I understand that the majority leader has to make a judgment as to what vehicle we use, when we use it, how we will use it, but I hope we can get an up-or-down vote on some direct vote.

Mr. WARNER. Mr. President, the Senator is correct. I think very shortly we will have a document to present to the Senate.

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

Mr. BUNNING addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

Mr. BUNNING. I am more than happy to yield.

Mr. STEVENS. Mr. President, I would like to have some parameter on these discussions so that we might get back to the bill and finish it this evening. Could I inquire of the Senator from Kentucky how long he intends to speak?

Mr. BUNNING. Not very long, Mr. President.

Mr. STEVENS. More than 10 minutes?

Mr. BUNNING. No.

Mr. STEVENS. I see Senator BROWNBACK. Does he wish to speak on this subject?

Mr. BROWNBACK. Mr. President, I would like to speak on Kosovo about 7 minutes.

Mr. STEVENS. I see that Senator WARNER's hand is up.

Does the Senator intend to speak also?

Mr. WARNER. Mr. President, I intend to address the remarks of my two colleagues. I am a cosponsor, with Senator BIDEN, and I have some very definite statements to make.

Mr. STEVENS. Mr. President, with due deference to my friend from Virginia, that matter is not pending before the Senate and the supplemental is. I wonder if the Senators would agree to some time limit so we can tell Members when we will get back to the bill.

Mr. WARNER. Mr. President, we want to accommodate the distinguished chairman. It is important that this colloquy ensues. The distinguished Senator from Kentucky is in opposition to me. I presume my colleague likewise is in opposition to the Senator from Virginia.

Mr. STEVENS. Mr. President, I ask unanimous consent that these Senators have 30 minutes to continue this discussion and at that time we return to the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object, Mr. President, could we establish a discussion order?

Mr. STEVENS. He has 10 minutes.

Mr. WARNER. Mr. President, I would like to have the opportunity to, on occasion, interject, have a colloquy with both of you, not to exceed 10 minutes.

Mr. BROWNBACK. I agree to 10 minutes, as will the Senator from Kentucky.

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

Mr. BUNNING. Mr. President, this resolution which is about to come before the Senate will be something we should have voted on maybe 2 weeks ago. Unfortunately, we are voting on it under an extreme timeframe, and I think that is unfortunate for all of us.

If there are negotiations that have really gone on, it has been one-sided. The Serbs have never sat down and really negotiated in good faith with anyone. Only because they were asked to show up at the table, they showed up for a short time and left immediately. Now the debate has shifted and is not about peacekeeping, not about deploying peacekeepers anymore; it is about going to war with a foreign government. NATO, the United Nations, have never gone to war in a civil war situation. That is what we are about to do, and we have been consulted to the point of being told exactly what the President intends to do, whether or not—whether or not—we agree or disagree.

In 1991, President Bush came to the House and to the Senate and asked for specific resolutions to go to war to defend Kuwait against Iraqi invasion. It was a major vote to go to war in the House. It was a very narrow vote in the Senate. I think by five votes they voted to support President Bush.

I read on the Internet today what was supposed to be a private briefing that we all had at lunch by the Secretary of Defense and by the head of the Joint Chiefs of Staff. That private personal briefing was totally on the Internet this afternoon.

Let me tell my colleagues what it said so everybody in the United States can understand exactly what is going to happen. There will be two different types of airstrikes. There will be a preliminary airstrike—and this is on the Internet; all you have to do is look it up—two kinds of airstrikes to force Belgrade into accepting NATO ground troops.

The first strike would be a demonstration strike by air- and sea-launched cruise missiles to soften up Milosevic to know that we are really serious about this. Then there would be a pause to give the Serbian leadership a chance to realize that we are serious. If the Serbs do not comply, there would be a second wave of strikes that would be targeted to air defense and missile installations by the same type of military hardware. In fact, 55 percent, or a little less, of all of the airstrikes done will be 70 percent by U.S. hardware and, if we use aircraft, 54 percent of it exactly will be by U.S. aircraft.

This is in the middle of Europe. This is not at our borders in Mexico or Canada.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUNNING. The second wave would be to take down the missile defenses.

Let me give you a little background. In 1991, we had a briefing in the House of Representatives by Dick Cheney, who was Secretary of Defense, and by Colin Powell, who was the head of the Joint Chiefs. They both said the same thing: The worst thing we can do is to send ground troops into Bosnia and Kosovo or any of that area, because of the logistics, because of the terrain, because of the weather. One of the things that they also said was that airstrikes would be very questionable. The reason they were going to be questionable was that the sophistication of the missile defenses and of the air defenses of the Serbs was much better than many other places. The terrain is much more difficult.

What we are doing is wrong. What the President asked us to do at the 11th hour is wrong. We should not be going into an independent nation's civil war and imposing our will, no matter what the situation is.

Now, the Senator from Oklahoma brought up many other places we could be intervening that we could save more lives—many places in Africa. If we expend the same amount of dollars like we are going to expend in Kosovo, we could save many more lives. This attack is premeditated and the Congress is an afterthought. They want us to agree to it after they have already decided to go.

This is a great institution, the Senate. I have come to love it in a very short time. These debates should be before the fact, not after the administration has already made up their mind to bomb. The same is true about sending ground troops.

I want to ask President Clinton these questions: What vital American security interests are at stake? What is the long-term strategy for the region? Not only do we bomb one wave and a second wave, and a third request is to send in 4,000 additional men and women from the United States in ground troops. What is the long-term strategy for the region? How do we get in and how do we get out? How long will the troops be deployed? What is their mission?

What is the mission they are supposed to accomplish?

Will we be forced to deploy more ground troops if the 4,000 are not sufficient?

Will foreign commanders be commanding our troops under NATO?

What are the rules of engagement?

How will the mission be paid for?

What valuable dollars will be taken away from military readiness accounts to pay for this?

What is our exit strategy?

President Clinton, you have not answered these questions. You have not come before the Congress of the United States and asked for our help. I think it is essential that you do so before you send one American into harm's way when you have not proven the need to do it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. WARNER. Mr. President, I wonder if I might use my 5 minutes and engage the Senator in a colloquy and then yield the floor.

Mr. BROWNBACK. Mr. President, I have to preside at 6.

Mr. WARNER. At some point, we have to have some rebuttal to the strong arguments on this side. I yield to the Senator.

Mr. BROWNBACK. Mr. President, I thank the Senator from Virginia very much. I am sorry to assert myself at this point, but I have to preside shortly.

Mr. President, I think the Senate and the American people, hopefully, heard a number of strong arguments questioning whether or not we should start this bombing campaign at this point in time.

Let me say categorically, I am concerned about the carnage that is taking place in Kosovo and in Europe and the number of people who are displaced that the newspapers put at 45,000, the number of people who have been killed, and the possibility of refugees in the surrounding area.

Let me also say that if our troops are engaged and are starting to bomb or are put there, I will support the troops. If they go to battle, I will support them. But this action at this point in time seems to me to be ill-advised. If the Senate has not been properly consulted, the American people have not been properly consulted and brought along, and we should back up and rethink what we are about to do in this area. We are making an act of war against a sovereign nation, with likely loss of U.S. life, and neither the Senate nor this Nation has been adequately consulted.

The Senator from Delaware previously spoke and talked about the objective is to stop oppression that is occurring. I am supportive of stopping oppression, but if we are looking at oppression, that occurs a number of places around the world.

If we want to stop oppression, I have a better suggestion. Let's engage in the Sudan, not with troops, not with bombing, but let's support the southern Sudanese. They have 4 million people displaced at the present time. Two million have had a loss of life, and there you have a government in Khartoum that is supporting terrorism in the surrounding region in Uganda, Eritrea, and Congo, that is expanding, that is a militant fundamentalist regime that seeks to do us harm. There you have a vital strategic United States interest.

If we want to stop oppression, let's supply and support the southern Sudanese. If that is what the objective is, then let's do something there where we can help save more lives, help more people, and also a vital and strategic U.S. interest.

I do not see us doing that. The situation taking place in Europe is a sad situation, but one where I really question whether we should put forth the loss of U.S. lives which is contemplated at this point in time.

Perhaps this can be explained over some period of time. Perhaps the administration can engage the American public and the Congress to get that kind of support. But I cannot give that at this point in time on the basis of the information I have to date.

Plus, what is the plan? The Senator from Kentucky just asked a number of very simple and very basic questions. Here is a Member of the Senate asking these sorts of simple and basic questions, saying, ''I don't know the answers to these things.'' Nor do I.

Have we been sufficiently brought along and engaged and had discussions on these items that we can have such basic questions and not even know the answers to them? We have been told there is going to be a bombing campaign, maybe several ways of bombing. What if Mr. Milosevic does not blink at that point in time and says, ''OK, we are going to support some kind of autonomy in Kosovo''? What then? What is the plan at that point in time? Are we engaging ground troops not in a peacekeeping but aggressive fashion? I do not think people will support that.

After Kosovo, is it Montenegro next where we will be going in and supporting, supplying people who want a separatist movement, if that were to happen in that region of the former Yugoslavia? What next? And what is the full plan?

We just do not have the answers to these questions, and we are about to take an act against a sovereign nation that is likely to result in the loss of U.S. lives.

Now is the time to debate and discuss and to back up and slow down on this, have the administration engage the American public, engage the Congress in answering the simple questions that my colleagues have put forward. Now is the time to do that.

I ask the President, please, let's have that sort of discussion on those sorts of specifics with the American public before we move in to what I think could be a very ill-fated, ill-timed, and inappropriate action at this point in time by the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Chair.

It is my hope to engage, through some questioning, my colleagues. The distinguished Senator from Kentucky left. I did not want an impression left with the Senate that nothing has been done on the complicated issues of Kosovo as related to Bosnia, as related to the region.

The Armed Services Committee has had a series of hearings, a series of briefings. The distinguished chairman of the Appropriations Committee knows of an amendment that the bill contained last year by Senator ROBERTS which outlined considerable work in this area. So I believe the Senate has addressed this issue off and on for some time.

The Armed Services Committee last week, when we had all four of the Service Chiefs up, we asked each one specifically, regarding the risk of this operation, what opposition they were going to meet in terms of air defense alone, and they replied it was significant, it was multiples of two or three of what had been experienced in Bosnia, which is being experienced almost every day in Iraq. We have had a considerable deliberation, I think, in various areas of the Senate. This is, of course, the first action.

It is my hope that very shortly, with the concurrence of the two leaders, Mr. LOTT and Mr. DASCHLE, we can send to the desk a relatively short resolution which will provide Senators with a clear up-or-down vote. I will just read a draft. It as yet has not been finally approved. It is submitted by Mr. BIDEN, myself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, and Mr. MCCONNELL. Those are the sponsors to date.

It reads:

Concurrent resolution—Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Resolved by the Senate . . .

That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

That clarity was achieved by a group of six of us. The distinguished majority whip, Mr. NICKLES, sort of had the unofficial job of presiding over the group. He made it clear from the beginning his opposition to this, but, nevertheless, I think we succeeded in devising what the Senate desired, and hope will be concurred in, in terms of bringing it up for further debate of this resolution.

I yield the floor.

Mr. DOMENICI. Mr. President, are we under some time agreement?

The PRESIDING OFFICER (Mr. BROWNBACK). The time agreements have expired.

Mr. DOMENICI. Thirty minutes has expired?

The PRESIDING OFFICER. The 30 minutes has expired.

Mr. DOMENICI. May I have 3 minutes? I ask unanimous consent that I have 3 minutes.

The PRESIDING OFFICER. There is no time limit now. The Senator can speak as he wishes.

Mr. DOMENICI. Then I will speak to my heart's content.

Mr. STEVENS. No. No. No.

Mr. DOMENICI. I say to the Senator, you don't think that should be the case? Who knows. My heart's content may be only 3 or 4 minutes on this issue.

Mr. President, I believe under the guise of the Constitution, which gives the President, as Commander in Chief, some very, very strong powers over what he does, where he places, and what he asks our military to do, that we are beginning now, in this President's administration, to go down the slippery path that the President can engage our military almost anywhere, any time, so long as it pleases him and he decides it is in our national interest.

I say, shame on the President. If this is such an important matter, why could he not trust the Senate and the House to ask us whether we concur?

Let me say, Mr. President—not the President who occupies the Chair, but our President down on Pennsylvania Avenue—with your last budget, we will have spent $12.3 billion in Bosnia—$12.3 billion. There was not even enough money in the defense budget. At one point we had to declare it an emergency, after 3 years of being involved, to pay for it, because to pay for it would have stripped our military of other things that they desperately need to be our strong military force.

What are we up to? We are going to take up the budget on the floor, and I predict that if we authorize, or do not authorize the President, he is going to do it anyway. And there will be Senators from the other side of the aisle who will stand up and want to take money out of the Defense Department to spend on domestic programs. But they will vote here tonight to send our men and women off to this war and claim they will never go in there.

But let me tell you, this is a very, very unintelligible plan. You cannot rationally accept the President's reasoning unless you conclude that they do not want to tell you where it is going to end up. It does not take a lot of sense to say airstrike No. 1 may not work, airstrike No. 2 may not work. We have been told by military experts years ago that airstrikes would not work in this area of the world.

So what then happens? That is the extent of our plan? Who believes that? I ask those who believe in the great United States of America, with its President leading the way, who sent the bombers in, sent in the stealth fighters, sent in the Tomahawk missiles—and the big leader who has caused all the trouble is not dead yet and will not quit, what are we going to do?

I asked the question already of the leaders representing the President, and they say there is no plan. Wait a minute. No plan? Well, NATO may have a plan, but America does not have a plan for the third phase, which is probably putting military men and women in harm's way.

What is NATO without America? They have just described, NATO without America in these airstrikes probably could not get the job done. The whole of NATO without us probably would not undertake it. So do you believe the third phase, which we do not want to talk about, is going to get done without America, if there is a third phase?

And will there be a third phase? I do not know. I have a hunch that phase 1, of airstrikes from a distance through Tomahawk missiles, and phase 2, with actual airplanes of one sort or another, may not work. I would think it would be fair for the President of the United States, since we have been at this issue for months—as it got worse they threatened and then pulled the threat—to ask the Senate, as George Bush did, and get concurrence. And if we did not concur, wouldn't it be a pretty good signal that we do not think it is right? What is wrong with that?

As I understand it, there will be an amendment, there will be a proposal, freestanding perhaps, asking that we concur with the President of the United States in airstrikes. I am not going to vote for it, because I do not think that is the end of it.

I ask one simple question: Is this not a declaration of war without asking us, who, under the Constitution, were given authority to declare war? Isn't it an invasion of a sovereign country by a military that is more than half American? I believe it is. You can make all kinds of rationalizations that it is not an invasion, but it is. Is it not a civil war? Yes, it is. Is it not a civil war of long lasting? It did not start last week.

These people have been at civil war for God knows how long. And they are going to be there after the airstrikes unless there is a large contingent of soldiers to keep the peace. Is that what we are going to do? Are we going to have soldiers in there under the third phase or the fourth phase? What if they just do not agree to a peace treaty after all these bombs? Do we walk away? I do not believe we will. From my standpoint, we never should have gone in.

So, Mr. President, I believe the President of the United States, once again, has waited so long that he has us right in a spot. He does it all the time. He has us in the spot that a terrible tragedy is going to occur unless we agree with him in the next 24 hours, or perhaps he even thinks unless you have already agreed with me today. But who knows, the Tomahawks may be flying tonight. At this point it is dark over there. And that is when they will start. Everybody knows that.

So I say to the President of the United States, since you like us to consider your prerogatives under the U.S. Constitution—and we do it all the time—why don't you consider ours? Why don't you ask us? And why don't you wait until we give you an answer? That seems fair to me. What we are doing is not fair to the Congress. And if it isn't fair to us, it is not fair to our people.

I yield the floor.

Mr. WARNER. Would the Senator yield for a moment of colloquy here?

Mr. DOMENICI. Sure.

Mr. WARNER. A group of us met this morning with the President. We had a very thorough exchange of views. Senator BYRD raised the issue of the President asking the Senate. I followed Senator BYRD and repeated the question. And he said orally: ''Yes, I do want the support of the Senate, indeed, the Congress.'' And he has now sent a letter to the leadership of the Congress.

Mr. DOMENICI. What does it say?

Mr. WARNER. I say to the Senator, I will be happy to read it.

DEAR MR. LEADER: I appreciate the opportunity to consult closely with the Congress regarding events in Kosovo.

The United States' national interests are clear and significant. The ongoing effort by President Milosevic to attack and repress the people of Kosovo could ignite a wider European war with dangerous consequences to the United States. This is a conflict with no natural boundaries. If it continues it will push refugees across borders and draw in neighboring countries.

NATO has authorized air strikes against the Former Yugoslavia to prevent a humanitarian catastrophe and to address the threat to peace and security in the Balkan region and Europe. Mr. Milosevic should not doubt our resolve. Therefore, without regard to our differing views on the Constitution about the use of force, I ask for your legislative support as we address the crisis in Kosovo.

We all can be proud of our armed forces as they stand ready to answer the call of duty in the Balkans.

Sincerely,

BILL CLINTON.

I say to my colleague, what is the consequence if we do nothing, if we do nothing, if we stand there? Here we are, the leader of NATO. Here we are, the leader of so many agreements throughout Europe that have provided for the greater security of Europe in the past, throughout the history of NATO.

What do we say to the men and women of the Armed Forces who will be in the airplanes, perhaps as early as tomorrow some time? I am not predicting the hour, but it could be. What do we say to them? That the people of the United States, through their elected Representatives, are not supportive?

I know the strong arguments against going in. And I respect my colleague. But I say to my colleague, it has not been spoken, with clarity, as to what the consequences are if we do nothing. I predict it would be an absolutely disastrous situation in that region, that it could grow in proportion far beyond the crisis of the moment, and that at that juncture, if military action were required, it would require greater military force than envisioned by the limited airstrike, limited in the sense that that component of our arsenal and that

of 18 other nations—this is a 19-nation operation—be required to stamp out a literal implosion of that whole Balkan region. I say to my good friend, I respect his views, but I think we also have to address what happens if we do nothing.

I recognize we are intruding on the time of the distinguished chairman of the Appropriations Committee and others. I know of no more significant issue than to send our people into harm's way, which requires the debate of the Senate. I shall stand here at every opportunity I can to give my views on why I think it is essential that we approve the actions as recommended.

Mr. DOMENICI. Mr. President, I don't believe Senator WARNER, with all the respect that we hold for him, should stand on the floor of the Senate and say that anyone who votes that we should not go in there will not be in support of the military people who happen to go in there because the President prevailed.

As a matter of fact, most of the Senators who have supported the military of the United States to the highest extent over the years will probably be voting against sending them in, but will be right there supporting them, and the Senator knows that and they should know that.

I do my share in my little role as a budgeteer to see that the military gets sufficient money, and I will do that again this year. I hope you all come down here when people want to take the money away from them. Just because I don't like what they are doing doesn't mean I don't love the military and the men and women out there doing it. We will support them, but we have a right to warn the American people and tell them what this is all about.

If you say, What is going to happen if we don't? I ask you, what happened in the other countries of the world that had revolutions where hundreds of thousands of people were killed and we didn't go in because it wasn't in our national interest?

I happen to think that is the case here. It is not in our national interest.

Mr. WARNER. If I could reply, nothing in the remarks by the Senator from Virginia in this moment or earlier today from this period infer that a Senator voting against this proposed resolution in its draft form in any way does not support the men and women of the Armed Forces.

I simply say at this hour when we are trying to debate this, it would seem to me that those who can come and support this resolution—it is clearly in support of what they are about to do; they are likely to go.

I am convinced that the President has a resolve with the other leaders of NATO to go forth with this military mission. It is important that debate here in the Senate take place. Every Senator will vote his or her conscience, and I know that there will be 100 votes in support of the troops if they are called upon to take on this high risk together with their families.

Mr. REID addressed the Chair.

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

Mr. STEVENS. Mr. President, I have been waiting here for an hour. I was supposed to get the floor at 6:10.

Mr. REID. Mr. President, that is why I asked permission to get the floor. I am happy to yield to the Appropriations chairman. In fact, I will direct the question to the chairman of the Appropriations Committee.

I wanted to make an inquiry through the Chair to the manager of this bill and the chairman of the Appropriations Committee as to how we are coming on the supplemental emergency appropriations bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I think the Senator from New Mexico still has the floor.

Mr. DOMENICI. I will use only 1 minute.

Let me say, I had no reluctance to ask the distinguished chairman of the Armed Services Committee to read the President's letter. Without having seen it, I know it would not contain words saying ''and if you do not vote in support I will not send them in.'' It merely said, ''I sure would like to have you joining me.''

President Bush didn't do that. He said, ''Concur or we don't have a war.'' There is a big difference.

Mr. STEVENS. Mr. President, I yield to my friend for a comment or question or whatever he wants, but I want to get back to this bill.

Mr. REID. Mr. President, directing a question through the Chair to the chairman of the Appropriations Committee, could the Senator bring us up to date as to how we are doing on the underlying legislation; namely, the supplemental appropriations bill?

Mr. STEVENS. Mr. President, I am delighted to do that. I hope to get involved in this statement about Kosovo sometime tonight, and I think it will be a late night. Everybody ought to be on notice. I am going to try to finish the supplemental bill tonight.

We have the managers' package coming and it is being brought to me. I hope the people are listening right now. I am prepared to outline that. We do have an amendment that is pending, the Murkowski amendment. I understand the Senator from Montana will make a motion to table that and that will require a vote. We also have an amendment that I have been requested by the leader to offer concerning the question of rule XVI. I understand that may be objected to. We will have to see how to handle that when it occurs. I do believe we will have to handle it tonight. I have the managers' package of about 10 amendments that have been cleared on both sides and are being analyzed from the point of view of the budget. It would be my hope we could proceed with that matter now.

Mr. WARNER. Would the Senator allow me to make a unanimous consent request?

Mr. STEVENS. Yes. I am not saying I might not object to it, though.

Mr. WARNER. I am trying to put a record together for the benefit of all Senators. I simply ask unanimous consent to have printed in the RECORD the letter that President Bush sent the Senate in 1991, so each Senator can compare them.

Mr. STEVENS. Reserving the right to object, so long as the Senator also has printed at the same time for the RECORD the joint resolution that was adopted by a vote of 52–47, following President Bush's letter.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I shall not object because I drew up the resolution, if the Senator will look at the first name on it.

There being no objection, the letter and joint resolution were ordered to be printed in the RECORD, as follows:

[Letter dated January 8, 1991 from President George Bush to Hon. Thomas S. Foley, Speaker of the House of Representatives, requesting that the House of Representatives and the Senate adopt a resolution stating that Congress supports the use of all necessary means to implement U.N. Security Council Resolution 678]

THE WHITE HOUSE,
Washington, January 8, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The current situation in the Persian Gulf, brought about by Iraq's unprovoked invasion and subsequent brutal occupation of Kuwait, threatens vital U.S. interests. The situation also threatens the peace. It would, however, greatly enhance the chances for peace if Congress were now to go on record supporting the position adopted by the UN Security Council on twelve separate occasions. Such an action would underline that the United States stands with the international community and on the side of law and decency; it also would help dispel any belief that may exist in the minds of Iraq's leaders that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression against Kuwait.

Secretary of State Baker is meeting with Iraq's Foreign Minister on January 9. It would have been most constructive if he could have presented the Iraqi government a Resolution passed by both houses of Congress supporting the UN position and in particular Security Council Resolution 678. As you know, I have frequently stated my desire for such a Resolution. Nevertheless, there is still opportunity for Congress to act to strengthen the prospects for peace and safeguard this country's vital interests.

I therefore request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Such action would send the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. Anything less would only encourage Iraqi intransigence; anything less would risk detracting from the international coalition arrayed against Iraq's aggression.

Mr. Speaker, I am determined to do whatever is necessary to protect America's security. I ask Congress to join me in this task. I can think of no better way than for Congress to express its support for the President

at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

JOINT RESOLUTION

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990;

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression;

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace;

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored;

Whereas the United Nations Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the United Nations Charter;

Whereas, in the absence of full compliance by Iraq with its resolutions, the United Nations Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for Use of Military Force Against Iraq Resolution''.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Approved January 14, 1991.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. REID. Will the chairman yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. REID. I wonder if the chairman could attempt to get clearance from the two leaders—maybe one way to move this along is to vote on the underlying motion to table that will be made shortly.

Mr. STEVENS. I am pleased to do that, but we have to check with both sides to see about the timing. I hope the Senator will help me on that. I will check, also, to see if we can get an agreement as to when that should be.

At the present time, am I correct, Mr. President, the pending business is the Murkowski amendment?

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas is recognized for a parliamentary inquiry.

Mrs. HUTCHISON. Where in the line is the Hutchison amendment?

Mr. STEVENS. The Hutchison amendment was put aside. It is my understanding, I say to the Senator from Texas, it was put aside so we could proceed with the balance of the supplemental. It will be the last amendment to be considered. It could be called up by requesting the regular order by either the majority leader or myself.

Mrs. HUTCHISON. At some point following the Murkowski amendment, I would like the opportunity to address my amendment and set it aside.

Mr. STEVENS. Is my understanding correct that the amendment of the Senator from Texas is set aside?

The PRESIDING OFFICER. It is set aside, subject to being called back by the Senator from Texas or the Senator from Alaska.

Mr. STEVENS. Very well. Then the Senator has that right. It was not my understanding at the time, but I am prepared—I am not prepared to yield this floor until I can find out how we can get back to getting some votes and get these matters resolved and finish this bill tonight.

I know my colleague is seeking to be recognized. There was a Senator who was supposed to come over and make a motion to table the amendment of my colleague. As my colleague knows, I don't do that.

Mr. MURKOWSKI. Will the floor manager yield for a question?

The PRESIDING OFFICER. Will the Senator from Alaska yield to the Senator from Alaska?

Mr. STEVENS. Mr. President, it would be my pleasure at this time to yield briefly to my colleague for a question.

Mr. MURKOWSKI. What I am attempting to do is accommodate the floor manager by advising him that we are certainly ready for a vote on a tabling motion, so that you can advise Members of the scheduled for the balance of the evening. Maybe we can get a time certain.

Mr. STEVENS. I say to my friend and colleague that we are checking out the time of 6:45. I hope that clears. It is my understanding that Senator REID will make the motion to table the amendment of the Senator from Alaska. I could at this time start with the process of reviewing some of these amendments in my manager's package.

Mr. MURKOWSKI. I wonder if I could pretty much count on that. I would like to leave for about 20 minutes.

Mr. STEVENS. My friend can be assured that it won't happen before 6:45. Mr. President, I yield to the Senator from Nevada for the purpose of making a motion to table.

Mr. REID. Mr. President, on behalf of the Senator from Montana, Senator BAUCUS, I move to table the Murkowski amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur at 6:45.

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

AMENDMENT NO. 113 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to vitiate Senate action on amendment No. 113 and ask that the amendment be withdrawn.

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

Mr. STEVENS. Mr. President, I have the manager's package that I mentioned, which includes 10 amendments. As I have said, we tried our best to clear these amendments throughout the Senate. I hope the Senate will agree to this package. It has been cleared on both sides.

First is an amendment by Senator HELMS to appropriate, with a corresponding rescission, funds for the U.S. Commission on International Religious Freedom. Second is an amendment by Senator GRASSLEY to appropriate, with a corresponding rescission, funds for regional applications programs, consistent with the direction and the report to accompany Public Law 105–277. Third is an amendment by myself to allow military technicians, while deployed, to receive per diem expenses. Fourth is an amendment by myself clarifying the intent of the fiscal year 1998 and 1999 Interior and related agency appropriations bills in relation to Pike's Peak Summit House. Fifth is an amendment by Senator GREGG in relation to an issue for renewal of fishing permits and fishing

vessel operations. Sixth is an amendment on behalf of the minority leader dealing with reprogramming of funds by the Corps of Engineers. Seventh is an amendment by myself dealing with the authority to release aircraft by the Department of Defense. Eighth is an amendment on behalf of Senators ENZI and BINGAMAN providing funds and appropriate rescission for the Livestock Assistance Program. Ninth is an amendment on behalf of Senators BINGAMAN and ENZI providing emergency relief to the domestic oil and gas industry. Tenth is an amendment by Senator DOMENICI and others establishing an emergency oil and gas guaranteed loan program.

AMENDMENTS NOS. 132 THROUGH 141, EN BLOC

Mr. STEVENS. Mr. President, I send these 10 amendments to the desk and ask that they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 132 through 141, en bloc.

The amendments are as follows:

AMENDMENT NO. 132

(Purpose: To appropriate, with a rescission, funds for the United States Commission on International Religious Freedom)

On page 30, between lines 10 and 11, insert the following:

CHAPTER 7

DEPARTMENT OF STATE RELATED AGENCY

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–282), $3,000,000, to remain available until expended: *Provided,* That the amount of the rescission under chapter 2 of title III of this Act under the heading ''CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS'' is hereby increased by $3,000,000.

AMENDMENT NO. 133

(Purpose: Climate research)

At the appropriate place, insert the following:

On page 24, line 2, after ''expended.'' insert the following:

''*Provided further,* That from unobligated balances in this account available under the heading 'climate and global change research', $2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105–277.''

On page 38, line 13, strike ''$2,000,000'' and insert ''$1,000,000''.

AMENDMENT NO. 134

(Purpose: To allow military technicians while deployed to receive per diem expenses)

On page 27, line 12, insert the following:

SEC. . Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5 may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in Section 1002(b) of title 37, United States Code.

AMENDMENT NO. 135

At the end of Title II of the bill insert the following:

''SEC. . A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, P.L. 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in Division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.''

AMENDMENT NO. 136

At the appropriate place in title II insert:

SEC. . Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

''(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)''; and

(2) in subsection (b), by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

AMENDMENT NO. 137

At the appropriate place at the end of Title II, insert:

SEC. . The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in Fiscal Year 1999 for the operation of The Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and state of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

AMENDMENT NO. 138

(Purpose: To provide limited operational leasing authority to the Secretary of the Air Force)

In the appropriate place in the bill, insert the following new section:

''SEC. . OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT.

''(a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

''(b) MAXIMUM LEASE TERM FOR MULTI-YEAR LEASE.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

''(c) COMMERCIAL TERMS.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a non-governmental lessor to a non-governmental lessee.

''(d) TERMINATION PAYMENTS.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

''(e) OBLIGATION AND EXPENDITURE OF FUNDS.—Nothwithstanding any other provision of law—

''(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d) above, and

''(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d) above, may be made from—

''(A) appropriations available for the performance of the lease at the time the lease takes effect;

''(B) appropriations for the operation and maintenance available at the time which the payment is due; and

''(C) funds appropriated for those payments.

''(f) OTHER AUTHORITY PRESERVED.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.''.

AMENDMENT NO. 139

(Purpose: To provide emergency relief to the livestock industry)

At the appropriate place in title II of the bill, insert the following:

''SEC. . For an additional amount for the Livestock Assistance Program under Public Law 105–277, $70,000,000. *Provided,* That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

And:

An additional amount of $250,000,000 is rescinded as provided in Section 3002 of this Act.

AMENDMENT NO. 140

(Purpose: To provide emergency relief to the domestic oil and gas industry)

At the appropriate place in title II of the bill, insert the following:

''SEC. . DEDUCTION FOR OIL AND GAS PRODUCTION.

''(a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

''(A) increase oil or gas production from existing wells on public land;

''(B) drill new oil or gas wells on existing leases on public land; or

''(C) explore for oil or gas on public land.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'lessee' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

''(2) the term 'public land' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

''(3) the term 'qualifying well' means any well for the production of natural gas, crude oil, or both that is on public land and—

''(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

''(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

''(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

''(1) September 30, 2000;

''(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes about $18 per barrel; or

''(3) lessees have deducted a total of $123,000,000 under this section—whichever occurs first.

''(d) ADMINISTRATIVE COSTS.—For necessary expenses of the Department of the Interior under this section, $2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

''(e) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

''(1) shall be available only to the extent an official budget request for $125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, and

''(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; and

An additional amount of $125,000,000 is rescinded as provided in Section 3002 of this Act.

AMENDMENT NO. 141

(Purpose: To establish an emergency oil and gas guaranteed loan program)

On page 23, between lines 8 and 9, insert the following:

SEC. ___. PETROLEUM DEVELOPMENT MANAGEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Oil and Gas Guaranteed Loan Program Act''.

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term ''Program'' means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term ''qualified oil and gas company'' means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their by-products as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed $500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office, before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain

available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, again, I say to the Senate that I appreciate the consideration of all concerned for having not objected in areas where they might have objected. The bulk of these amendments are amendments we will consider at length with the House. I hope we will be able to convince the House of their merit. We will also consider some of the objections that may be raised from Members of the Senate individually, from the administration, or from the Congressional Budget Office. We will do our best to have a bill that warrants the approval of the Senate.

Mr. REID. Will the manager yield for an inquiry?

Mr. STEVENS. Yes.

Mr. REID. It is my understanding that, other than the Kosovo amendment, there are no other amendments in order; is that true?

Mr. STEVENS. That is not quite true. We still have many amendments on the list. We are led to believe that no other amendments will be raised from that list based on the negotiations we have had so far, with one exception, and I have it in my hand. It is the majority leader's amendment.

AMENDMENT NO. 142

Mr. STEVENS. Mr. President, 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 Alaska [Mr. STEVENS], for Mr. LOTT, proposes an amendment numbered 142.

At the appropriate place, insert the following:

''that the presiding officer of the Senate should apply all precedents of the Senate under Rule 16, in effect at the conclusion of the 103rd Congress.''

Mr. LOTT. This amendment is a very simple one. In March 1995, the beginning of the 104th Congress, the Senate overturned a ruling of the Chair with respect to legislation on an appropriations bill. Ever since that March day, Senators have not been able to raise a point of order against certain amendments offered to appropriations bills. Any amendment dealing with matters not addressed in the specific appropriations bill would no longer be subject to a point of order and therefore are always in order, regardless of the subject matter.

In this Senator's opinion, once that prohibition was lifted, the appropriations process was weakened by Senators on both sides of the aisle offering nonrelated amendments to very vital and time-sensitive appropriations bills. Having said that, I, along with the chairman of the Appropriations Committee, the ranking minority member and the Democratic leader have been attempting to resolve this and other issues we believe weaken the appropriations process. There are several resolutions pending in the Rules Committee that address some of these issues. However, final committee disposition has not been reached with respect to those resolutions.

Therefore, I think it is time for the Senate to take this first step toward strengthening the appropriations process and reinstating what had been a part of the Senate Rules for well over 100 years. The time is now and I hope all Senators will be able to support this initial but important step to a more responsible legislative process.

Mr. STEVENS. Mr. President, I might say to the Senate that I made the statement that the managers would object to any amendments that were not agreed to on both sides. We made an exception in that case for the leaders' amendments. We have taken the amendments from the distinguished minority leader. This is the last one of the majority leader. I understand there will be objection on the other side. Therefore, I will ask that it be set aside temporarily awaiting the majority leader's return, so he can decide what he wants to do with his amendment. He asked me to offer it.

I also state for the RECORD that although I did agree to make a motion to table on any amendments that were not agreed to on both sides, I made an exception in that situation for my colleague from Alaska, which I had cosponsored. That has been taken care of. My friend from Nevada made a motion to table that. We will let the Senate decide that issue. Other than that, as I understand it, we are in the situation that the last remaining matter is the amendment of the Senator from Texas.

I ask unanimous consent that the amendment of the majority leader be temporarily laid aside.

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

Mr. STEVENS. Mr. President, I give notice to the Senate that following the vote on the tabling motion offered by the Senator from Nevada, I shall ask unanimous consent to vitiate the remainder of the amendments on the list, and the only remaining amendments will be Senator LOTT's amendment and the amendment of the Senator from Texas, the Kosovo amendment, which has to be disposed of one way or another for us to finish this evening. So at this time, does any Member have an amendment they wish to offer?

Mr. President, if not, let me take a couple minutes for myself on the Kosovo question. I am glad the Senator from Virginia has given me this. I was one of those that was invited to the White House this morning. As I approached the problem of listening again to the question of what we should do in Kosovo, I listened to a President that I think has made up his mind to initiate the air war.

I am a very pragmatic Senator. My feeling was that if that was going to go forward, the people who were going to carry out that order deserve the support of this Congress. But I also had the feeling that we should assure ourselves that none of the funds that we have made available to the Department of Defense in the past, or through this bill we are considering now, could be used for initiating a ground war in this area. I so stated to the President that while I had severe reservations about the air war, he is the Commander in Chief, and if he has made the decision that it is going to take place, we have no way to stop that. But we do have a way to signal to the men and women of the Armed Forces that we do understand they are subject to the commands of their Commander in Chief, and when they undertake fulfilling those commands by going outside the United States in particular to carry out the policies of this country, I think they deserve to know that the Congress supports them.

I therefore came back thinking we would have a joint resolution that the President would be asked to sign setting forth those two conditions which were ably set forth by Senator BYRD. Senator BYRD spoke ahead of me at that meeting, and he, strangely enough, made the statement that I had determined I was going to make at the meeting. The situation was that I returned thinking we would have a joint resolution.

We now will have before us a Senate concurrent resolution, which is a form that we all know does not require the signature of the President. I understand that is being done for reasons beyond our control. But we no longer have the resolution Senator BYRD originally discussed, and it is my understanding from talking to Senator BYRD that he has consented to consolidating that into a direct statement of one sentence. I expect that to be offered soon.

The second version I had intended to propose and Senator BYRD did propose

was about the introduction of the Armed Forces of the United States into this area that I understand was to be deleted.

I am now informed by Senators BIDEN and WARNER that there is an agreement that that section will be put back into this concurrent resolution, which will once again contain the prohibition against funds to introduce ground forces of the United States into this area in a nonpermissive environment, meaning in terms of combat or in terms of imminent combat. They could go into a nonpermissive environment to carry out the procedure we thought we might be involved in, in terms of introducing 4,000 troops along with NATO in a peacekeeping effort. Section 2 of this resolution does not address that from the point of view of the intent of this Senator.

But I do want to make it clear that I believe this is probably the most dangerous area of the world for our Armed Forces to be involved. I know really of no place in the world I would fear more, as a pilot flying over those mountains with the ground-to-air defenses that I know exist there, as much as this area of the former Yugoslavia. It is, beyond question, the most complicated area for military activity, far beyond Bosnia and far beyond what we might have contemplated in World War II in Europe in terms of where we operated with American Armed Forces.

This area consumed several Nazi divisions—21. Is that correct, Mr. President? It consumed them, destroyed them, in terms of the action of the partisans in that area.

If this bombing does not bring about a cessation of the genocide we believe is going to take place or is taking place, then it is going to be a very, very difficult problem to decide what to do. And I think the Congress has to be involved before that plan is agreed to by the U.S. representatives and NATO.

Above all, I hope the message will go out to the people who represent this country in connection to NATO, they are not to make agreements about injection of Armed Forces of this country in a ground war before approval of the Congress. That, to me, would be unconscionable. And I am delighted my friends have agreed to put this section 2 in.

Mr. President, I just want to close with this. There is no other word. I used it with the President. I have a ''gut feeling,'' a ''deep gut feeling,'' that we have initiated something which will be very hard to control from now on. This will require the consideration and really the absolute concentration of every American to try to get out of this place without severe loss of life.

I urge the Members of Congress to understand that the President has made this decision. And it is not ''if.'' It is ''when.'' And when it happens, we have to be united behind our Armed Forces. That is all there is to it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank our colleague from Alaska.

There is an important provision we have incorporated in the draft resolution which Senator BIDEN and I have circulated among our colleagues. I think it is important, since it is not at the desk, that I just read it so that it can be reviewed by Senators.

Section 1 remains as I read it.

Section 2, which is a derivative of, again, work by the Senator from Alaska and, indeed, the distinguished Senator from West Virginia—the original concept of this was in drafts prepared by Senator BYRD earlier today. And I shall read it.

None of the funds available to the Department of Defense (including funds appropriated for fiscal year 1999 or prior years) may be used for the introduction of ground forces of the Armed Forces of the United States into the Federal Republic of Yugoslavia (Serbia and Montenegro) in a non-permissive environment, with the exception of (1) any intelligence or intelligence-related activities or surveillance or the provision of logistical support or (2) any measures necessary to defend the Armed Forces of the United States or NATO allies against an immediate threat or to defend United States citizens in the area described in this resolution.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. WARNER. Yes.

Mr. STEVENS. Mr. President, I believe Senator BYRD is correct that there should be a reporting requirement added to this. But I leave that for us to determine at a later time.

I thank the Senators involved, and, with the reinsertion of section 2, I ask that I be made a cosponsor of the resolution.

Mr. BIDEN. Mr. President, will the Senator yield for a brief comment? Because I know the Senator from West Virginia wishes to speak on this.

I want to be clear. I think the recommendation and the suggestion of the Senator from Alaska, which is consistent with what the Senator from West Virginia and he both said today to the President, is a good idea. I personally am prepared to accept that.

I just add one caveat. I need another 3 or 4 minutes to run the traps. I want to make it clear, I accept this. I accept this personally. I think it makes sense. But I have calls in to several of our colleagues as to whether or not, since they were part of this on our side, they will go with this. I am confident. I believe they will. But I just want to be absolutely clear, and I think we should proceed. But I see the Senator from West Virginia who wishes to speak. I think it is a great and significant commitment that he has made with regard to the nonpermissive piece of this. I think it makes sense.

Mr. STEVENS. Mr. President, I withhold my request to cosponsor until I know the section 2 is in the resolution.

The PRESIDING OFFICER. The Senator from Virginia holds the floor.

Mr. WARNER. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, may I inquire of the Senator how long he thinks it might be before we may be voting?

Mr. STEVENS. Mr. President, the Senator has inquired of me, and I am pleased to say by previous order we shall vote at 6:45 on a motion to table the Murkowski amendment. Following that, we hope to get back to the two other amendments. One is the amendment of the Senator from Texas on Kosovo, and the other one is the distinguished majority leader's amendment. I think we will dispose of them rather quickly and vote on the bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business until the time of the vote.

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

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I also ask unanimous consent that Brendan O'Donnell of my staff be permitted the privilege of the floor.

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

''STORM IN MY MIND''

Mr. KERRY. Mr. President, I want to speak for a few minutes today about a very special young man who has been working in my office as an intern over the last months and someone who has shared endless enthusiasm with me personally and with my staff, and who has taught a great many of us in my office in the extended Kerry political family a very important lesson about the ability of individuals to overcome learning disabilities and about the power of the human spirit.

Brendan O'Donnell has a terrific story to tell. He comes from a wonderful and loving family that has always encouraged him to set his goals high, to pursue his aspirations to the very best of his ability, and to refuse to allow any label or characterization of his potential to stop him. He is a young man who literally does not give up. Brendan's character, his determination, his terrific attitude and positive energy that drive his efforts are really something to behold, Mr. President. They are, in so many ways, the lasting imprint of his father, my friend and the friend of many of us on this side of the aisle, the late Kirk O'Donnell, and of his mother, Kathy Holland O'Donnell.

Kirk O'Donnell, many people may recall, was taken from us far too young, last year. I think all of us would agree that he left a lasting legacy, an imprint on all of our lives. Brendan, of course, will also tell you that one of the people who encourages him and

gives him such a huge amount of confidence is his sister, Holly O'Donnell.

We have been very lucky to have Brendan on our team these past months, and I look forward to continuing for a long time to get to know this young man even better.

Brendan has written a speech for me about a subject that he believes is very important, and I agree with him it is. He thinks it is important that here in the Senate, and all across the country, in our homes, in our schools, that we start talking about the efforts we can make together, in partnership with one another, to help those with learning disabilities make the most of their own lives.

Brendan's remarkable achievements are testimony enough to what individuals with learning disabilities can achieve. His words on this subject, though, are really something special. I would like to share with you what Brendan wrote. He said:

This is an important topic for kids today, kids like me. We should try to talk about learning disabilities and really get the point across—we can all be teachers about this subject. And we should all try to make a difference.

I think that there should be a different name for learning disabilities. My Mom and I have thought a lot about this, and to me it's not a disability—it's just that I have something which causes a storm in my mind. When I look at something—I have to take my time and take it all in. People need to be understanding and make things clear to me. To do that, though, people need to know more about learning disabilities, whether they're kids or adults.

People need to know that they should not look down at us. They should try extra hard to be nice to us and not make fun of us. We are the same as everyone else—and if someone takes the time to teach us, to work with us to help us understand, we can do whatever we want.

Right now I don't think we do enough to help kids with learning disabilities. You don't see enough people with learning disabilities in the best jobs—even though they are bright enough, even though they are talented enough. This needs to change.

It can happen, I think, if we have really good schools. I went to a high school called RiverView School. When you had a problem, when you needed special attention, they were willing to help.

Our school did not believe in the kind of tests you put on paper—they thought it was best for us to push and test ourselves, That's what I do every day. I test myself.

That's why I love to play sports. At our school anyone could play a sport. We had a cross country team, and a basketball team and swimming team and tennis team. And I learned a lot about swimming and trying my best when I played basketball and football.

And now I want to push myself again. I want to go to cooking school, and learn to be a chef so that some day I can have a restaurant of my own in Massachusetts, in Scituate. It'll be hard to do—but I'll do it.

I think there needs to be a program where kids with learning disabilities can learn how to do jobs in the real world, like cooking programs and art programs—progams so more kids can be like me. We can all try our best—and we can all do our best—if we help each other and if we care about each other. That's something I think we also need to take about in this country.

Those are Brendan's words, but I think he speaks for a lot of Americans, Americans who don't let anyone put limits on their potential, Americans who have dreams and do not give up. I agree with Brendan—each of us, in our own personal way, should do all we can to help those Americans who get up every day and do their best to overcome learning disabilities. And I thank Brendan for making that case better than any scientific study ever could.

I have been lucky to know Brendan O'Donnell, to be inspired by his strong will, his good nature, and his work ethic. I am proud of the work he has done in my office. I want to offer him my warmest wishes as he leaves us to pursue his ambitions. I am looking forward to the day when I can go to a restaurant in Scituate and know that Brendan O'Donnell is at once the owner and the chef, cooking up lobster and oyster for everyone. And I know that day will come because Brendan O'Donnell never gives up.

I yield the floor.

Mr. KENNEDY. Mr. President, I ask consent for 30 seconds?

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

Mr. KENNEDY. Mr. President, I commend my friend and colleague for sharing with all of the Senate the really enormously sensitive, informed, and wonderful comments of Brendan. I, too, have known this young, extraordinary man, and know what a difference he has made in so many different lives. He really ought to be commended.

Brendan shared with the Senate, with all of us, these very eloquent words. I thank my friend and colleague, and join with him in commending Brendan and for all he has done, not only for my friend and colleague, but for all of those who are facing challenges in the area of learning disabilities.

Mr. KERRY. Mr. President, I thank my colleague, Senator KENNEDY. I particularly want to point out Brendan has just enjoyed his first floor privileges and has been able to listen to his own words on the floor of the Senate. I think that is a great accomplishment and great thrill for him.

I thank my colleagues, and I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 130

The PRESIDING OFFICER. It is now 6:45. By unanimous consent, the vote occurs on the tabling of the Murkowski amendment.

The yeas and nays have been ordered.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HARKIN. There is a vote now. What is the sequence of the votes that will take place?

The PRESIDING OFFICER. That is the only vote ordered, the motion to table the Murkowski amendment.

Mr. HARKIN. Further parliamentary inquiry. After that vote is taken, then the floor will be open for further discussion on the Kosovo issue?

Mr. STEVENS. We still have pending amendments, Mr. President.

The PRESIDING OFFICER. After that vote is taken, we will be on the Lott amendment, amendment No. 142.

Mr. HARKIN. Which is open for discussion?

The PRESIDING OFFICER. It is debatable.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—40

Baucus	Graham	Murray
Biden	Harkin	Reed
Bingaman	Jeffords	Reid
Boxer	Johnson	Robb
Bryan	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Collins	Kohl	Snowe
Daschle	Lautenberg	Torricelli
Dodd	Leahy	Warner
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden
Feingold	Lugar	
Feinstein	Mikulski	

NAYS—59

Abraham	Enzi	Mack
Akaka	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Conrad	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Inouye	Thomas
Crapo	Kyl	Thompson
DeWine	Landrieu	Thurmond
Domenici	Lincoln	Voinovich
Dorgan	Lott	

NOT VOTING—1

Cochran

The motion to lay on the table the amendment (No. 130) was rejected.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 130) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. There is a pending motion to reconsider.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. If the Senate will give us just a few minutes here, I ask unanimous consent that I may be allowed to yield to the Senator from Texas for 3 minutes to discuss her amendment.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized for 3 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

AMENDMENT NO. 81 WITHDRAWN

Mrs. HUTCHISON. Mr. President, the amendment that is the regular order is my amendment on Kosovo. A lot has happened since I offered this amendment early last week, because my amendment actually asks the President to come forward and tell us what he was going to do in Kosovo. This assumed a peace agreement. It assumes that we would have a plan put in place before we would take action in Kosovo.

Unfortunately, time has bypassed this amendment. Unfortunately, the President made up his mind, I think, before he ever talked to Members of Congress that we would bomb Kosovo. I think we are taking a very important step and one that I hope everyone will take seriously.

Bombing a sovereign country that has not threatened the United States of America is a very serious step. I think we also need to look at the NATO mission. We are changing the mission of NATO without debate, without a vote of Congress. We are turning NATO from a defense alliance to an alliance that has now decided it is going to take an offensive action against a country that is not in NATO. This is unprecedented.

So I do think the President needs to come to Congress with a plan. If we are going to take step 1, we need to know what step 2, 3, and 4 are. We need to know what could happen and what circumstances would cause us to have more commitments in the Balkans.

Mr. President, I think it is premature for us to be doing what we apparently are going to be doing. But I think my amendment has been bypassed by time. So I am going to withdraw my amendment and let the supplemental appropriations bill go forward on the promise from our leadership that we will take up a bill on Kosovo that will have teeth, that will have an up-or-down vote, as Congress is required to do when we have this kind of action by our military forces.

So, Mr. President, I withdraw my amendment. I look forward to the debate. I look forward to Congress exercising its responsibility under the Constitution that if there is going to be a war declared, that it will be Congress that will declare it.

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

The amendment (No. 81) was withdrawn.

AMENDMENT NO. 142 WITHDRAWN

Mr. STEVENS. Mr. President, I now ask unanimous consent to withdraw amendment No. 142 that I submitted on behalf of the leader.

The PRESIDING OFFICER. Without objection, it is so ordered. That amendment is withdrawn.

The amendment (No. 142) was withdrawn.

Mr. STEVENS. Mr. President, third reading.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 544), as amended, was passed.

(The bill will be printed in a subsequent edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Is there not an order already entered that holds this bill now for the receipt of the bill from the House on the same subject?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Therefore, we are finished with the supplemental, correct?

The PRESIDING OFFICER. That is correct.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I send an amendment to the desk.

Mr. WARNER. Will the Senator yield so I can speak on behalf of the majority leader?

Mr. BIDEN. Sure. I withhold.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 21

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to the concurrent resolution sent to the desk regarding Kosovo and there be a time period, of which I think we will have a discussion first, for debate equally divided between the two leaders, no amendments or motions be in order. Further, I ask that following the time constraints the Senate proceed to vote on agreeing to the resolution, with no intervening action or debate.

Mr. President, for the convenience of Senators, I have—

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I have not put anything to the Chair yet. If I could just—

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. WARNER. Thank you. I will just place on the desks copies of it so Senators can have an opportunity to read it. We have now dropped the second section. We have gone back to the original provision, and I shall read it, and then Senators can have copies. ''Concurrent Resolution, Authorizing''—

The PRESIDING OFFICER. The Senator has made a unanimous consent request. Is there objection?

Mr. WARNER. I am still in the process of making it, if I may, Mr. President, if that is agreeable.

Mr. WELLSTONE. Reserving the right to object. I am not clear what the request is.

Mr. WARNER. If I could just finish my comments, then I will be happy to entertain any objections or otherwise.

It is a concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia and Montenegro.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The reason I have not formally proposed the UC is we are trying to determine the time that would be required by both sides.

Might I suggest a period of, say, 2 hours for purposes of debate?

Mr. BIDEN. Mr. President, I suggest that we need a lot less time than that. I suggest 30 minutes equally divided.

Mr. WARNER. Thirty minutes equally divided is fine.

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

Mr. BYRD. Mr. President, my objection is still standing but I withdraw it.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. BIDEN. Parliamentary inquiry: Is the Senate concurrent resolution at the desk?

The PRESIDING OFFICER. It is at the desk.

Mr. BIDEN. It is at the desk.

The PRESIDING OFFICER. It has not been reported, however.

Mr. BIDEN. I suggest that it be reported.

AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading be dispensed with.

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

Mr. STEVENS. Parliamentary inquiry: How much time is involved?

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. STEVENS. Who is handling the opposition?

The PRESIDING OFFICER. The two leaders or their designees.

Mr. WARNER. I am, of course, in favor, as the cosponsor with Mr. BIDEN, so I suggest that the Senator from Idaho, Mr. CRAIG, be a manager.

Mr. BIDEN. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, this is a very straightforward concurrent resolution, but I think it bears reading again.

It says,

Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

It is straightforward and simple. It is a clear up-or-down vote on whether or not we support the action that is contemplated by the President, that NATO, through its action order—so-called action order—has authorized Solana to call for at his discretion and concurrence with the leaders of the 19 NATO countries.

I think we have debated this a lot. There are very strong views on this. I happen to think this is an authority that Congress should be giving the President, but at a minimum I think most of us agree that the President needs to hear from the Congress as to what our position is.

I strongly urge my colleagues to support this resolution.

I reserve the remainder of the time.

Mr. WELLSTONE. May I ask the Senator a question?

Mr. BIDEN. I am happy to respond to a question.

Mr. WELLSTONE. I thank my colleague.

Could my colleague, for the purposes of the legislative record, spell out the objective? The President is authorized to ''conduct military operations.'' Could my colleague spell out what his understanding is?

Mr. BIDEN. My understanding of the objective stated by the President is that his objective is to end the ethnic cleansing in Kosovo and the persecution of the Albanian minority population in Kosovo and to maintain security and stability in the Balkans as a consequence of slowing up, stopping, or curtailing the ability of Milosevic and the Serbian VJ and the MUP to be able to go in and cause circumstances which provide for the likelihood of a half-million refugees to destabilize the region.

The objective at the end of the day: Hopefully, this will bring Milosevic back to the table. Hopefully, he will agree to what all of NATO said they wanted him to agree to, and hopefully that will occur. In the event that it does not occur, the objective will be to degrade his military capability so significantly that he will not be able to impose his will upon Kosovo, as he is doing now.

Mr. WELLSTONE. Mr. President, I thank my colleague for his response and would like to make it clear that I believe my support would be based upon these kinds of objectives.

Mr. BIDEN. I thank the Senator.

Does the opposition wish more time?

Mr. CRAIG. Mr. President, I stand in opposition to the Senate concurrent resolution and yield 2 minutes to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President. I appreciate our colleague from Idaho recognizing me to speak briefly on this amendment.

I rise in opposition to this amendment to this resolution. I think this is an ill-advised, ill-timed, inappropriate action to take, given the situation that we have, given the potential and the actual probable loss of U.S. lives, the lack of involving the entire United States in this and saying to the American people: Why are we doing this? We don't know where it is going on step 2, step 3, and step 4.

This is step 1. We go in and we bomb a sovereign nation involved in a civil war. What if he doesn't fall back? What if Milosevic doesn't say: OK, I give up, and you can have autonomy in Kosovo? What if we go ahead into Montenegro and say we want to split off. Will the United States bomb and support Montenegro in that process?

This is a very, very serious step we are taking of such foreign policy, and we have not had sufficient debate about what the U.S. position is. This is not in our strategic and vital interest of what is taking place. Yet we are going to go forward and start a bombing campaign. We need to have a thorough, extensive debate here, involving the American people, as to whether or not this is in our vital and strategic interests. I submit that has not taken place to date. The administration has not brought the Congress along, and this is an inappropriate, ill-timed event and action for us to take and is not being supported by the American people.

For those reasons, I will be opposing this resolution.

Mr. BIDEN. Mr. President, I yield 2 minutes to the distinguished Senator from Massachusetts, Senator KERRY.

Mr. KERRY. Mr. President, I believe that the way we have arrived here is less than ideal. However, the choices we have are also not ideal. The choice of doing nothing is absolutely unacceptable.

While I will have more to say about the process by which we got here, there are powerful strategic, humanitarian, and historical reasons that the United States, in a broad-based, NATO-based effort, ought to be doing what it is engaged in.

I think it is important for all of our colleagues to reflect on the fact, this is not the United States acting unilaterally; this is all of the allies, all together, all of them coming together, with a preponderance ultimately of European involvement if there ever is a peace process to enforce.

I want to emphasize one thing with respect to the goals and objectives. I view these as very limited in their current structure. I view it as essentially an effort to try to minimize Milosevic's capacity militarily to ethnically cleanse. It is hoped that you might also secure the peace. It is hoped that you might also be able to move to a more broad-based enforcement process. But I don't view that as the essential objective. The essential objective is to minimize his capacity to work his will without any contravening forces that would equalize the battlefield, if you will, and minimize the capacity for ethnic cleansing. That is the overpowering strategic and, I think also, humanitarian interest here, and I think it is important for the Senate to stay focused on the limitations.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are in this situation because sometime last year the administration authorized our representatives of NATO to enter into an agreement that would allow NATO forces to conduct strike operations against the Serbs if they did not sign an agreement that was sought—the ''peace agreement'' so-called. That did not occur. Suddenly, we find that now here we are with one sentence, one sentence approving the concept of sending in airstrikes against that nation. We do not have a prohibition against the use of ground forces, and I told the President this morning I would support this resolution if it did.

But beyond that, I am constrained to say that I remember standing here on the floor in 1991 when Iraq invaded Kuwait, when racial cleansing was not

only taking place, they were murdering people in public. They had taken over a nation and they were obviously going to go into Saudi Arabia. We were in the minority and we sought to support our President, and we got very little support. I put in the RECORD already the letter that President Bush sent. He said if the Congress did not agree, he would not dispatch forces. Today, I looked in the eye of a President that had already made up his mind on the air war. I seriously regret that we have not put a parameter around this war so it will prevent the use of our forces on the ground. I believe we are coming close to starting World War III. At least I know we are starting a process that is almost going to be never-ending, unless it never starts.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I cosponsor this resolution because, year after year, we have asked Europe to take the lead before we are leading in their own back yard, to become united, to take care of troubles before they spread. They have done so. They are now waiting for us. It has been asked, will our European allies stay with us? That is not the question. The question is whether we will now join our European allies who are waiting for us to sound a clear call that we will not permit ethnic cleansing to spread to destabilize a region and to destabilize Europe.

The stakes here are huge. The objective here, we should be very clear, is to reduce the military capability of Milosevic to ''ethnically cleanse'' Kosovo and thereby touch off a broader war and massive instability in Europe. That is our military objective—to reduce that military capability to ethnically cleanse Kosovo.

If we had acted earlier in Bosnia, we could have avoided that genocide. We did not act. NATO has now decided to act, and it is the future stability of Europe which we are going to help determine here tonight, as well as the support for our troops. It was asked of the President, ''Request our support, Mr. President.'' We heard that at the White House over and over again. The President has now requested our support. Our military leaders have set forth a clear military objective. They have done so before the Armed Services Committee. They have done so before other committees and each of us. So now it is up to us to decide whether or not we will support our troops, and whether we will support NATO. The risks of not acting are greater than the risks of acting.

Mr. President, I believe it is important for the United States to participate in NATO air and missile strikes. NATO is ready to act because of the threat that the conflict in Kosovo could spread to the neighboring countries of Macedonia, Albania, and Bosnia and could involve nations such as Greece, Turkey, Bulgaria, Romania, and Hungary, and to prevent a humanitarian disaster.

I believe the military mission for our forces should be clearly and carefully stated as to reduce the military capability of the Serbian special police and Yugoslav Army to ethnically cleanse Kosovo and touch off a broader war and major instability in Europe.

It is tempting and would be easy to justify NATO action against the Serbian police and Yugoslav Army forces as a way to punish Milosevic. He has destroyed the economy of former Yugoslavia; shut down its independent media; ousted all democracy-learning professors from its universities and substituted his cronies; has threatened President Djukanovic of the Yugoslav Republic of Montenegro, who favors democracy and a free market economy; has seized privately-owned property, including property owned by an American citizen; and has violated every agreement he has ever made, including, in particular, the Dayton Peace Accords and the October 12, 1998 agreement with Richard Holbrooke.

But it is the threat to regional peace and security that justifies NATO air strikes.

The United States is the leader of NATO and the credibility of NATO is on the line; the future stability of Europe is on the line; and the ethnic cleansing of the population of Kosovo is on the line. With all of these important interests on the line, I believe the United States must do its part, in cooperation with our NATO allies, to carry out air operations and missile strikes to reduce the military capability of the Serbian special police and Yugoslav Army to ethnically cleanse Kosovo and touch off a broader war and create major instability in Europe.

I have been a strong supporter of the development of the European Security and Defense Identity within NATO and I want to take particular note of the role that our NATO allies have been and are playing with respect to Kosovo. First of all, the Organization for Security and Cooperation in Europe or OSCE—a European dominated Organization of 55 nations—stepped up to the plate and established the Kosovo Verification Mission or KVM. The KVM has as its mission the monitoring of compliance with the October 1998 agreement negotiated between Ambassador Holbrooke and President Milosevic.

Because the OSCEs KVM is unarmed, NATO established an Extraction Force, which, as the name implies, is designed to come to the aid of KVM personnel and to remove them from situations in which their safety might be imperiled. The Extraction Force is led by a French general and is made up entirely of forces provided by our NATO allies. The United States has provided 2 military personnel to serve in the Extraction Force headquarters, but no combat forces. Once again, our NATO allies delivered.

When NATO was planning for a ground force to implement an interim peace agreement in Kosovo with the consent of the parties, it was decided that approximately 28,000 troops would be needed. Our NATO allies agreed to provide more than 24,000 troops. The United States would contribute less than 4,000 troops to that force. The on-scene commander for the force would have been a British general. The force contribution of our NATO allies would dominate the force. Once again, our NATO allies delivered. And the foreign ministers of Great Britian and France co-chaired the negotiations that provided the opportunity for a peaceful settlement of this crisis.

Finally, Mr. President, I want to describe my visit to Kosovo in November. In the course of that visit, I accompanied a U.S. Kosovo Diplomatic Observer Mission team on its daily tour that stopped in the village of Malisevo. Malisevo was a ghost town. The Kosovar Albanians who had previously lived there were afraid to return because of the damage that had been caused by the Serbian special police and Yugoslav Army and the continuing presence of Serbian police forces in the village. In order to conceal the extent of the destruction they had wrought, the Serbian forces had bulldozed a large square block of the village and carted off the debris. The bullet and shell holes in the remaining structures bore silent witness to the cruel way in which President Slobodan Milosevic's forces punished the civilian population in response to the resistance of the Kosovo Liberation Army or KLA.

Kosovo is the scene of a horrendous humanitarian disaster. The United Nations High Commissioner for Refugees estimated last week that at least 230,000 persons were displaced within Kosovo as a result of the conflict and a further 170,000 have fled from Kosovo in the past year. That adds up to a total of about 400,000 people who had fled their homes. That number increases on a daily basis as Milosevic's forces continue their rampage.

During my visit to Kosovo, I met with the political representative of the KLA, Adem Demaci, with the elected President of the Kosovo shadow government, Dr. Ibrahim Rugova, and with the editor of the Albanian language newspaper Koha Ditore, Veton Surroi.

My meeting with Adem Demaci, the then political representative of the KLA, who was first arrested in 1958 and, by his own admission has been fighting for Kosovo independence, ever since, had spent 28 years in Yugoslav jails for his campaign for independence for Kosovo, involved a friendly and occasionally heated discussion. He stated that he could not endorse any agreement that did not have a guarantee that the ethnic Albanians could decide their own future after three years. Mr. Demaci resigned his position in protest when Kosovar Albanian negotiators' agreed in principle to the agreement at Rambouillet.

Dr. Rugova, who has consistently espoused a policy of peaceful resistance, stated his preference for the agreement to provide a mechanism for the people to express their will at the end of three years but was flexible on that point since he was committed to reaching an agreement that would stablize the situation. Dr. Rugova and a number of his lieutenants participated as part of the ethnic Albanian negotiating team that went to Rambouillet.

Veton Surroi, who has courageously published an independent newspaper in Pristina, the capitol of Kosovo, expressed his concern about achieving an agreement in view of the difficulty he anticipated in reconciling the positions of the KLA and the Rugova camp. He was not optimistic. He also participated in the Rambouillet negotiations as a member of the ethnic Albanian team.

Mr. President, despite the Kosovar Albanians strong desire for independence, a goal which is supported by the international community and is not provided for by the Interim Peace Agreement, they signed that Agreement. The Yugoslav delegation, by contrast, has stonewalled and, as characterized by Mr. Verdine and Mr. Cook as co-chairmen of the negotiations, ''has tried to unravel the Rambouillet Accords.'' And Slobodan Milosevic, when given a final chance to avoid NATO air and missile attacks, stubbornly continued his ethnic cleaning of Kosovo.

I will support the resolution, of which I am an original cosponsor, and I urge my colleagues to support it as well.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, we have heard the debate on this floor. Now what is at hand? How many questions have we asked ourselves? Are we crossing international boundaries to inflict heavy damage or to destroy the ability to make war in a sovereign nation? Are we not making war? Are we not using a treaty organization to participate in a civil war? Is there a possibility that we are being used to deal with a very acute and serious problem in the stability of a region?

No one should question the motive of any vote on this issue. Every Member of this body is capable of casting the hard vote. One cannot clear his or her conscience of the atrocities that have been committed, and one can see the desperation on the faces of those who are being displaced. But I say to you, the nations that are most affected must now assume the responsibility that confronts them. To ask us to participate in a civil war, which is not our character, is a lot to ask. Can we help? Yes, we can. We can do it in different ways. But to ask us to place our men and women in harm's way, to force submission of a people with deep resolve in an area where not very many folks have ever been beaten into submission, that is asking of us a great deal.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank my friend from Delaware. Mr. President, on Christmas Eve, 1992, President George Bush issued what is known as his ''Christmas warning'' to President Milosevic that if he attacked Kosovo, NATO would have to respond. We had President Clinton reinforce that threat as recently as last October. Milosevic signed a cease-fire agreement in which we again said to him, if you attack Kosovo, we will have to respond with force. What has happened? He is attacking Kosovo. The International Finnish Pathological Team said a massacre occurred there in January. Kosovar women and children were put on their knees and shot in the back of their heads.

Mr. President, if NATO does not act, and if the United States does not act to be consistent not just with the threats we have made to him, the warnings he has ignored, but the principles that underlie those warnings, it will be more than the Kosovars who will suffer irreparable damage at the hands of the Serbians; NATO will be irreparably damaged and so, too, will the credibility of the United States.

Mr. President, some of my colleagues say, ''What's the plan?'' There is a plan here and we have heard it. There is a response and we have options as we go along. But I ask, what will happen if we don't act? If we don't act, a massacre will occur. There is great danger of a wider war in Kosovo, wider even than the one that would have occurred if we left the conflict in Bosnia unattended. With all due respect to my friend and dear colleague from Alaska who suggested we may be beginning world war III—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LIEBERMAN. Mr. President, I ask the Senator for 30 seconds more.

Mr. BIDEN. I don't have it. I am sorry.

Mr. LIEBERMAN. I will finish by saying I think what we are doing in authorizing this action is making sure that world war III does not begin in the Balkans.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator. I rise in opposition to the resolution. I have all the confidence in the world in the capability of our military. But I think this is an ill-advised mission. I heard my good friend from Delaware, and I also heard the Senator from Massachusetts use the word ''hopefully.'' In fact, that word was used repeatedly. ''Hopefully,'' the airstrikes will work. ''Hopefully,'' the airstrikes will bring Milosevic to the bargaining table. ''Hopefully,'' there will be a peace agreement.

The question I ask is, What if our best hopes are not realized? What if it doesn't work? What happens then? I raised that question to Secretary of Defense Cohen. I don't believe the answers were sufficient or satisfactory. There were far more questions than answers. The President has not made the case to the American people or to the Congress. We all know the great limits there are on airstrikes, the capability of airstrikes in changing behavior. There will be limits on these airstrikes and how successful they can be. Our hearts go out to those who are suffering, and they should. But I remind my colleagues that there are massacres taking place in many places in this world, including Sudan, where the level of carnage is far greater than what we have seen in Kosovo.

I asked the Secretary this afternoon what will be the cost in financial terms? To my dismay, there is no estimate of what kind of dollars or costs, budgetary costs there will be. But the far greater cost will be in potential American casualties. We all know that the probability is high that there will be the loss of American lives. So this afternoon I did a lot of soul searching. I thought about my 20-year-old son, Joshua.

If it were him going in, could I in my mind justify sending him in, and the tens of thousands of Joshes who are 20 years old?

I believe stability in the Balkans is not a satisfactory answer.

Mr. BIDEN. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the resolution. I believe the danger of inaction—of doing nothing—greatly exceeds the dangers of action. What are the dangers of inaction? There are three, in my judgment.

First, disintegration of instability in a key part of Europe.

Second, the acceleration of existing humanitarian catastrophes, which we have all seen.

Third, the unloosening of bombs that tie us to NATO, bombs that cannot easily be renewed in the days ahead when the need for NATO cooperation will be ever greater than it now is.

So, for these three reasons, the dangers of inaction, I hope the resolution will be supported.

I thank the leader.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

Mr. President, first of all, let me declare that this is not a vote to support or not to support the troops. This is an authorization to the President to use military force against Serbia.

If this were an appropriations bill to support a mission already underway, a mission which the President had ordered American troops to engage in, there is no question that I assume all of us would have to support that and

would not vote against an appropriation of funds—at least I would not vote against an appropriation of funds—to support the troops. That is not what is involved here. This is an authorization for the President.

Second, this is a vote to tell the President two things, I believe: No. 1, before you send American troops in harm's way, you need to have a dialog with the Congress and with the American people to explain two things.

No. 1, you need to explain why there is a direct threat to the national security of the United States. And there isn't in this case. And, No. 2, you need to explain how your plan is going to achieve the goals.

There are two goals there: to repeal an attack by Serbia against Kosovo and to force the Serbs to enter into a peace agreement.

The particular kind of military campaign planned here cannot achieve either goal, in my opinion. The quasi-police forces going into Kosovo are not easily stopped or impeded in their progress by cruise missiles. And, second, I suggest that the kind of plan here of a 48-hour, or similar hour, campaign with cruise missiles against Milosevic is not going to force him to his knees to invite peacekeepers into Kosovo. My guess is that he will, in fact, rebel against it rather than succumb to it.

For both of those reasons, I will vote ''no'' on the resolution.

Mr. BIDEN. Mr. President, parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. BIDEN. I yield 1 minute to the Senator from Minnesota, and then 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. Mr. President, as a member of the Senate Foreign Relations Committee, I have for months been closely monitoring the situation in Kosovo, hoping and praying for a peaceful resolution to the crisis. I traveled there about 5 years ago, and have seen for myself the conditions under which millions of ethnic Albanians have struggled under increasing Serb repression. I have seen and visited with U.S. military personnel posted along the Macedonian border—including some very young men from my home State—and I am well aware of the stakes involved in this debate.

I and some of my colleagues have been briefed by Secretary Cohen, National Security Advisor Berger, Secretary Albright, Joint Chiefs of Staff Chairman Shelton and others recently about the very fluid and violent situation there.

Now that the Albanian Kosovars have signed the Rambouillet agreement, and the Serbs have forcefully rejected it, it is clear that the crisis has moved into a new phase. And now that the Serbs have in the last few days begun—slowly, brutally, methodically—to expand their grip on Kosovo with a massive force of an estimated over 40,000 Serb police and army regulars, the situation becomes more urgent with every passing hour. Those Serb forces have been burning homes, taking the lives of innocent civilians along with KLA insurgents, and forcing tens of thousands of innocent civilians to flee their homes without food and shelter. Just in the last few days, tens of thousands more civilians have been forced from their homes, with Serbian forces leaving their villages smoldering and in ruins behind them in what appears to be their brutal final offensive. While reports have been barred from many areas by Serb forces, it is clear what is going on there. Atrocities of various kinds have become the signature of Serb military forces in Kosovo, just as it was for years in parts of Bosnia.

In recent days, including in his press conference last Friday, the President has begun to articulate more clearly to Americans what he believes to be at stake there. The humanitarian disaster that's been unfolding of months, and has now been accelerated by the recent Serb onslaught, coupled with the serious concern that increased violence in Kosovo could spread throughout the region, must be addressed forcefully. While I know some of my colleagues believe strongly that the administration has not articulated forcefully, consistently and clearly the mission and goals of this use of force, and I still have some unanswered questions about the administration's military plans—including the precise timing and strategy for withdrawing U.S. and NATO forces from the region once their mission is accomplished, provisions made to protect United States forces against sophisticated Serb air defense systems, and likely casualties expected from any military action—I believe there is little alternative for us but to intervene with airstrikes as part of a NATO force.

I come to this conclusion, as I think many Americans have in recent days, reluctantly, and recognizing that all of the possible courses of action open to the United States in Kosovo present very serious risks.

But I am pleased that we are finally having a real debate on this question on the Senate floor. As Senators, I believe we should make it clear on the record what we believe our policy should be in Kosovo.

I have agonized over this decision, and consulted widely with those in Minnesota whom I represent, with regional political and military experts, and with others, and have tried to place in historical perspective what is at stake here for our Nation. I have tried, as I know my colleagues have, to weigh carefully the costs of military action in Kosovo against the dangers of inaction.

Mr. President, one thing that is clear is that the situation on the ground in Kosovo today is unacceptable and likely to worsen considerably in the coming weeks. The ongoing exodus as refugees flee this latest major military operation mounted by the Yugoslav Army over the last 3 weeks must be contained.

This conflict has created, by some estimates, more than 400,000 refugees. A spokesman for the United Nations High Commission for Refugees estimated that 20,000 have been displaced just in the last week by military operations, most of them in the mountain range just northwest of Pristina. As we all know, Milosevic has already carried out numerous massacres and other atrocities in Kosovo, including the killing of more than 40 ethnic Albanian civilians in the village of Racak in January.

Right now, there are tens of thousands of refugees on the move in Kosovo. These refugees are facing very basic problems of survival. They lack shelter. They need blankets and stoves. The fighting has knocked out the electricity and water supplies. There are people right now huddling in cellars, and in unfinished houses, with their families. According to an account in the New York Times, people who are refugees themselves are giving shelter to refugees. One family is giving shelter to 80 people.

Serbian forces that have been massed on the border of Kosovo are on the march, and it is widely believed that they are planning to accelerate their advance west into the heartland of the rebel resistance and the base of its command headquarters. The people of Kosovo are terrified of such a massive offensive. It is almost certain that we will soon be hearing more stories of massacres and displacements, of women and children and elderly men being summarily executed, and of further atrocities.

I have called for months for tougher action by NATO to avert the humanitarian catastrophe that has now been re-ignited by the latest Serb attacks. I find it hard to stand by and let Milosevic continue with his relentless campaign of destruction. But I also recognize the grave consequences which may follow if the U.S. leads a military intervention into this complicated situation.

The airstrikes proposed by NATO, if Milosevic does not relent and sign on to the peace agreement, will represent a very serious commitment. If NATO carries out these airstrikes, U.S. pilots will confront a well-trained and motivated air defense force that is capable of shooting down NATO aircraft. Serbian air defense troops are knowledgeable about U.S. tactics from their experience in Bosnia, are protected by mountainous terrain and difficult weather conditions, and are well-prepared and equipped to endure a sustained bombardment.

Air Force Chief of Staff Gen. Michael Ryan told the Senate Armed Services Committee last week that casualties are a ''distinct possibility,'' and Marine

Commandant Gen. Charles Krulak said. ''It is going to be tremendously dangerous.''

We not only risk losing our own pilots, but, even if our attacks are carefully circumscribed, we run the risk of killing innocent Serb civilians.

Before we decide to send our pilots into harm's way we must be certain that we have exhausted all diplomatic options and that we essentially have no other choice.

As I have grappled with this decision, I have tried to reduce it to its simplest form: Will action now save more lives and prevent more suffering than no action.

Despite the dangers, I have concluded that the NATO airstrikes which may soon be underway will save more lives in the long run than they will cost. I hope and pray that we do not suffer any American casualties in these air operations, and that innocent civilian casualties on both sides are kept to a minimum, but I fear that if we do not act now thousands will lose their lives in the coming months and years.

A decision to use force is also justified by reasons that go beyond humanitarian concerns. It has been argued by the Administration that an intense and sustained conflict in Kosovo could sent tens of thousands of refugees across borders and, potentially, draw Albania, Macedonia, Greece, and Turkey into the war. We will not be able to contain such a wider Balkan war without far greater risk and cost. And we could well face a greater humanitarian catastrophe than we face now. I am not just talking about a geopolitical abstraction, the stability of the region. I am talking about the human cost of a wider Balkan conflict.

So as I see it, the immediate goal of NATO airstrikes would be to degrade Serbian military forces so that they could not seriously threaten the ethnic Albanians in Kosovo and also to force Milosevic into signing a peace agreement that could end the fighting in Kosovo and bring stability to the region.

I am not a Senator who supports military action lightly. I still hope this conflict can be settled without an actual military engagement. But I feel that we simply must act now to forestall a larger humanitarian crisis.

Mr. President, in the end my support for airstrikes in this situation arises from my deep conviction that we cannot let these kinds of atrocities and humanitarian disasters continue if we have ti in our power to stop them. I believe that it is our duty to act. In this case we cannot shirk our responsibility to act. We cannot stand idly by. That's why I intend to support the President's decision.

Mr. President, I have agonized over this vote. But I very honestly and truthfully believe that if we do not take this action as a part of the NATO force that we will see a massacre of innocent people—men, women, and children. I do not believe that we or the international community can turn our gaze away from that.

Therefore, I rise tonight with concern, but, nevertheless, I want to say it as honestly and as truthfully as I can as a Senator from Minnesota. I do support this resolution. I hope and pray that our forces will be safe. I hope and pray that there will be minimum loss of civilian life. And I hope and pray that by our actions we can prevent what I think otherwise will be an absolute catastrophe.

I yield the floor. I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BIDEN. Mr. President, I would suggest we alternate back and forth.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in opposition to the pending resolution.

NATO was formed to defend Europe against Soviet aggression, not to settle domestic problems. The NATO treaty was ratified with the advice and consent of the Senate. NATO's mission has clearly changed without congressional consultation. Whether for good or bad reasons, NATO combat power is being used to intimidate a sovereign country—Serbia—into signing a peace agreement on domestic problems.

What NATO has done in Bosnia should not be used as reasoning for U.S. action in Kosovo. President Clinton wrongly claims that NATO succeeded in Bosnia because of its air strikes and economic sanctions against Yugoslavia. In fact, it was the successful Croat ground offensive against Bosnian Serbs just before the 1995 Dayton agreement that forced Serbia's compliance with the peace agreement. Likewise, to resolve the problem NATO faces today, ground force will probably be required in Kosovo.

Today, the most important issue to the U.S. is our credibility in NATO. For NATO, it was credibility that pushed the majority of NATO members down the dangerous path toward military intervention. At home and abroad the President's problem is credibility. Likewise, it may be America's problem abroad. NATO has issued a clear ultimatum to a vicious aggressor. If Congress does not back U.S. efforts in NATO, will the credibility problem reflect on the United States? It may. However, these issues and questions come to us from the Administration's faulty policies. Such policies have resulted from timid piecemeal reasoning and lack tough-minded decision-making worthy of the problem at hand.

Bad national defense policy is about to get us into serious trouble—again. The list of the administration's failed peace missions is long and growing. I am unconvinced that trying to resuscitate these failed nation-states is in the U.S. vital interest. The costs of U.S. involvement in nation-building are not in our national interests and should be reduced. The price tag of the Bosnia mission, for example, has already hit $12 billion, with no end in sight. The question is simple: Is it in the United States' best interest to have our troops in imminent danger, preoccupied with defending themselves against people whom they have come to help, who have shown little inclination for reform at a great cost to America? This is the path down which the administration has taken the United States. We are now involved in a steady run of civil wars without clear solutions which involve failed nation-states. We will soon drown in this kind of foolishness. Stemming civil wars should not be the main strategic challenge for the United States. These kinds of misadventures do not really engage the strategic interest of the United States. Certainly, such ill-conceived adventures do arrogantly endanger our troops. I cannot support endangering our troops without good reason.

Mr. BYRD. Mr. President, our worst fears have been realized. Months of patient negotiations, bolstered by repeated threats of air strikes, have failed. Yugoslav President Slobodan Milosevic has defied the will and the prayers of the world and has turned his back on the prospect of peace in Kosovo. Indeed, he is intensifying his relentless assault on the ethnic Albanian population of the Serbian province of Kosovo. It was made clear to me and to many of us at the White House this morning that the question is no longer ''whether'' NATO will launch air strikes against Yugoslavia but ''when''. It is entirely possible that by the time these words are uttered, the machinery to launch an air offensive against Yugoslavia will have been put into motion.

This is a matter of immense importance and far-reaching consequence for the United States. Senior defense officials have warned that an air operation against Yugoslavia will be extremely dangerous for U.S. and allied forces. This is not Iraq. This is a rugged, mountainous region frequently shrouded in fog and protected by a sophisticated air defense system. If the United States sends aircraft into Yugoslav air space as part of a NATO strike force, we must understand—and accept—the risk of that operation. That risk includes the possibility of downed aircraft, American hostages, and American casualties.

An operation of this magnitude and risk should not be undertaken without the express support of Congress and the backing of the American people. We saw in Vietnam what happens when the will of the people is not taken into consideration.

Only the President can lead the way in this crisis. Only the President can rally the American people. Only the President can mobilize the troops. Only

the President can unite our NATO allies. Only the President can explain to the American people the reasoning for his intended action and the risks attendant to it. I urged him last week to make his case to the people as well as to the Congress.

Mr. President, I again urged the President at the White House this morning to seek the support of the Congress for air strikes against Yugoslavia. I asked him to make that request in writing to the Majority and Minority Leaders of the Senate. I am pleased that he has done so. I commend him for recognizing the need to seek the support of Congress when the use of force is contemplated.

We do not know where this conflict will lead. The winds of war are blowing over Kosovo today. Who knows what fires those winds might fan. Bosnia. Montenegro. Macedonia. Albania. All are in danger of being drawn into a conflagration in the Balkans. With enough sparks, Greece and Turkey could be drawn into the inferno. Although the conflict in Kosovo is far from our doorstep today, it could spread quickly, as wildfires are wont to do. Today our credibility as a world leader is threatened. If the conflict in Kosovo spreads, much more than our credibility will be at stake. If we are to act at all, the time to act is now.

All we know for certain is that Slobodan Milosevic is a ruthless and desperate leader. If anything, his defiance of NATO and his repression of the Kosovo Albanians are increasing as his options dwindle. Violence is mounting in Kosovo, and thousands of ethnic Albanian refugees have already fled their homes and villages. The bloodshed has begun. Let us pray to God that it will not turn into a bloodbath.

The United States cannot stand idly by and watch the catastrophe unfolding in the Balkans. It is in our national interest to support stability in this volatile region, to prevent the downward spiral into violence and chaos, and to stem the humanitarian disaster spreading out of Kosovo like a contagion. Having raised the stakes so high, a failure to act decisively could have untold consequences.

The President may have the primary responsibility in the formulation and execution of foreign policy, but the Congress has an equally weighty responsibility, which is to authorize or refuse to authorize military action.

The resolution that we are currently considering, which was drafted by a bipartisan group of Senators, endorses air strikes, and only air strikes, against the Federal Republic of Yugoslavia. The goal of this resolution is twofold: to stop the violence in Kosovo before it escalates into all-out carnage, and to convince President Milosevic in the only terms he understands—brute force—to abandon his campaign of terror against the Kosovars.

Mr. President, my thoughts and prayers today are with the brave men and women of the United States military who are willing to put their lives on the line in order to save the lives of countless strangers in a strange land. And my thoughts and prayers are with their families, the parents, spouses, and children who will wait at home, fearing the outcome of every air strike, until this madman Milosevic can be brought to his senses. These are the people to whom we have a duty to show courage in the execution of our responsibility. My prayers are also with the President. His is a heavy burden of responsibility. The decisions he makes in the coming days will affect the lives of many Americans. He is embarked on a somber, sober, and serious undertaking, and I pray that he will find the strength and guidance to bear the burdens of office that will weigh heavily on his shoulders as he faces this crisis.

Mr. LAUTENBERG. Mr. President, I rise today to express my strong support for President Clinton's decision to use United States Armed Forces, together with our NATO allies, to stop the killing in Kosovo and help bring peace and stability to a troubled region of Europe.

International intervention to stop the killing and atrocities in Kosovo is long overdue. The United States, as the world's sole remaining superpower, must lead that international effort.

Mr. President, I firmly believe NATO must follow through on threats of air strikes unless Milosevic immediately ends his assault on the people of Kosovo and accepts the Contact Group's interim agreement. If we do not, Milosevic will pursue his kind of peace in Kosovo—through ''ethnic cleansing.''

Air strikes are a means to an end. I hope Belgrade will agree to sign the Contact Group's interim peace agreement, as the Albanian side has done, without further revisions.

President Clinton has decided and the Pentagon has planned to deploy about four thousand U.S. troops to participate in a NATO-led peacekeeping force to help implement the interim agreement, once it has been signed by both sides. I support this plan because I stand behind its goals. United States armed forces should participate in a peacekeeping force in Kosovo.

I support the President's determination that this must be a NATO-led force, with sufficient forces and appropriate rules of engagement to minimize the risk of casualties and maximize prospects for success.

U.S. participation is essential to the credibility of NATO's presence in Kosovo.

NATO's peacekeeping role is essential to the implementation of a peace agreement for Kosovo. And implementation of a peace agreement is essential to stop the killing—and end the atrocities in Kosovo—and allow people to return to their homes and rebuild their shattered lives.

But today we face a more immediate question: whether NATO should launch air strikes to stop the killing and end the atrocities in Kosovo.

In my view we must end Milosevic's reign of terror.

Some in this body have argued that these atrocities are an internal matter, that we should not get involved.

Others have said U.S. national security interests in Kosovo do not rise to a level that warrants military intervention.

I strongly disagree with those assertions.

Allow me, therefore, to remind my colleagues of the fundamental United States interests which are at stake here:

The first is U.S. credibility, going all the way back to the Christmas warning issued by President Bush and reaffirmed by President Clinton.

If we fail to act, our threats in other parts of the world will not be taken seriously, and we may find ourselves having to actually use force more often.

The second is the credibility, cohesion, and future of NATO. As the 50th anniversary Summit approaches, I believe we need to strengthen the Euro-Atlantic partnership.

Particularly when a crisis arises in Europe, we need to be able to act in concert with allies who generally share our interests and values and who have the capability to undertake fully integrated military operations alongside U.S. armed forces.

Third, we need to prevent this conflict from spreading. How can we expect Albania to stay out of the conflict as their kin are being slaughtered? What is to prevent citizens of Macedonia from joining up with different sides along ethnic lines? Would Bulgaria, and NATO allies Greece and Turkey, be drawn into a widening conflagration?

I don't claim to be able to fully predict what will happen if we do not act, but it seems to me we're better off stopping the conflict now than risking another world war sparked in the Balkans.

Finally, I would remind my colleagues that Milosevic and his police and military forces are killing people and driving them from their homes on the basis of their ethnicity—they are committing genocide. We have an obligation and a responsibility to act to stop genocide.

How can we stand by and allow these massacres to continue and claim to stand for what is right in this world?

The time has come to stop threatening and start making good on our threats. There is too much at stake.

I thank the Chair and yield the floor.

Mr. KERREY. Mr. President, I rise to discuss the crisis in Kosovo. President Clinton and our NATO allies are at the point of having no other option except to conduct air attacks against Yugoslav forces operating in and near the Yugoslav province of Kosovo. I regret we are at this point, but that doesn't change the facts. At this crucial moment, Congress should not tie the President's hands or give Mr. Milosevic the slightest reason to believe the

United States will not join with its allies in airstrikes against the Yugoslav units that are burning and shooting their way through Kosovo as I speak. For this reason I will vote for the resolution.

A requirement to use military force often follows a failure of diplomacy. That is not the case in Kosovo; this Administration and our major European allies have worked hard to bring about a just and peaceful outcome in this Albanian-majority province which also has such powerful historic and emotional significance for Serbs. A just and peaceful outcome would have been possible, but for the unwillingness of the Milosevic regime to govern Kosovo on any basis other than force and fear. Common sense and appeals to higher motives did no good, and now force will meet overwhelming force in what can only be a tragic outcome for many Yugoslav soldiers.

The President is out of options, and we must support him and the aircrews who will carry out his orders. But I am under no illusions that airstrikes will fix the Kosovo problem. The best I hope for is that the airstrikes will bring Milosevic back to the table to accept a NATO-brokered agreement for a peaceful transition in Kosovo. Such an outcome would at least stop the killing and would accustom all in the region to the idea of an autonomous Kosovo. Even if we succeed to this extent—and it is by no means certain we will—the underlying instability in the region will persist.

The Kosovo problem is really the problem of a minority ethnic group, the Albanians of Serbia, who have not been fully accommodated. The Albanian minority in Macedonia has the same problem. Within Albania proper there is an ethnic Greek minority, and concern for that minority has created tension in the past between Greece and Albania. My point is not to induce despair about the complexities and complexes of this one small corner of the Balkans, but rather to encourage Congress and the Administration to see the region as a unity and work simultaneously in all the affected countries to promote solutions. Just fixing Kosovo won't do it, and I'm not confident we can do even that.

If airstrikes can begin a transition to a Kosovo settlement, the next step will be the insertion of a ground force to keep the transition peaceful. The Administration has proposed this force include about 4,000 American soldiers or Marines, and has promised to deploy this force only in a ''permissive'' environment—meaning a Kosovo in which at least the leaders of the various factions agree to the presence of our troops. Mr. President, the resolution before us does not deal with the question of ground troops. When that question does arise, I will oppose any deployment of U.S. personnel on the ground in Kosovo. The stability of the entire planet depends on the readiness and availability of the U.S. Armed Forces. We should not fritter them away in peacekeeping missions in countries which do not rise to the level of vital American interests. We should keep them ready for the contingencies that are truly in our league: Iraq and the Persian Gulf, the Koreas, Russian nuclear forces. Europe contains wealthy countries with the militaries that could take on local European missions like Kosovo. It is their problem, and they should step up to it.

Mr. President, several other reasons are raised to justify U.S. deployments to Kosovo. Some assert a ''domino effect'' from Kosovo will plunge Europe into war. After all, they say, World War I started in the Balkans. But the alliance systems, rival empires, and hair trigger mobilization plans of 1914 are nowhere apparent in today's Europe, so there is no need to fear a return of World War I. We are then told the instability could eventually cause war between Greece and Turkey. But Greece and Turkey could have fought over many things over the last forty years, most recently the Ocalan affair, and they did not. There are rational leaders in Athens and Ankara who know their own interests. Kosovo will not set them off.

As I said, the Administration should be praised for working for years on the thankless task of trying to bring peace to Kosovo. At this point, airstrikes are the last option available. The people of Kosovo, as well the Serbian people and all the people of the region, deserve a dignified, secure peace. Diplomacy, supported by U.S. and other NATO airpower and, when appropriate, European ground troops, should aim to bring this peace about. The United States should concentrate on the bigger problems which truly threaten us.

I yield the floor.

Ms. MIKULSKI. Mr. President, the Senate is now considering the gravest decision we are ever called upon to make. Do we send our troops into harm's way to defend America's values and interests? Do we use our military to seek to end the brutal repression in a faraway country?

After careful thought and serious discussions with our Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, I will support U.S. participation in strategic NATO air strikes against Serbian military targets. Our objective is to stop the killing and to weaken Yugoslav President Milosevic's ability to further hurt the people of Kosovo. These objectives are crucial to achieving durable peace and security in Europe.

There are two primary reasons that I support the limited use of force. First of all, we must prevent further Serbian acts of genocide and ethnic cleansing. Serbian actions have resulted in terrible human suffering. The Serbs abolished the Parliament and government of Kosovo in 1990. In response, the Kosovar Albanians maintained a policy of nonviolent resistance for seven years. During this time, Milosevic ethnically cleansed Kosovo—driving over 400,000 people out of their homes and destroying hundreds of villages. For those who wouldn't flee, Milosevic sought to starve them out—destroying farm land and blockading the shipment of food.

Reports from last night indicate that further humanitarian catastrophes are imminent. Serbia is moving aggressively to overrun and drive thousands more ethnic Albanians from their homes. The Serbs have deployed 40,000 army and police units in Kosovo. Over the past weekend, over 10,000 Kosovars were forced to flee their homes fearing for their lives. And for good reason: a brutal Serbian attack on the village of Racak in January resulted in the death of 45 civilians.

Some of my colleagues have argued that we should consider military action only if further humanitarian atrocities occur. We cannot wait for genocide to occur before we act.

Our second goal must be to stop this war from spreading and from threatening stability and our national interests throughout central Europe. The ethnic tensions in Kosovo could spread to Albania, Macedonia and even to our NATO allies, Greece and Turkey. Serb actions threaten the stability of the entire region.

I would not support the use of military force unless we had first exhausted all other options. There are three ways that America can best exert our leadership. First, through diplomacy. There is no question that we have done everything possible to resolve the Kosovo crisis peacefully through diplomacy. Second, we can apply sanctions or rewards. We have applied sanctions to Serbia for many years with little tangible result. And third, we can use our military to fight for our interests and our values. That is the decision we face today. After exhausting diplomatic and economic options, do we now use our military to force the Serbs to end their intransigence and repression?

The military action proposed by President Clinton meets three principles I consider before supporting military action.

First of all, whenever possible, military action should be multilateral. In Kosovo, we will be acting as part of NATO—with the nineteen allies sharing the burden.

Second, the military actions should be strategic and proportional. We are authorizing air strikes against military targets—like bases, military storage depots, and command and control centers—and against key infrastructure—like roads and bridges that Serbs use to reinforce Kosovo.

And third, military actions must be intended to achieve a specific goal. In this case, we are seeking to prevent further atrocities and to weaken Milosevic's ability to hurt the people of Kosovo.

Mr. President, I am disturbed by the process that was initially established

for this vote. The Senate should vote on whether or not to authorize the use of force. Plain and simple. Instead, we are asked to cast a cloture vote on a second degree amendment to an appropriations bill. That is not the way to conduct foreign policy in the Senate.

That is why I voted against cloture on this matter—and I will vote for a bipartisan resolution to authorize U.S. participation in NATO air strikes against Serbia.

Mr. President, I still hope that the Serbs will back down. But if they don't, the Senate must show that we back our troops one hundred percent. Our airmen have excellent training and the best equipment in the world. They will have the participation of our NATO allies. And they will have the prayers and support of the American people—who recognize their heroism.

Mr. BIDEN. Mr. President, I yield myself 1 minute. Of the 3 minutes remaining, I yield myself 1 minute, and I ask my friend from Virginia to close on behalf of the proponents.

There are a number of Senators who wished to speak today—Senator SPECTER, Senator HAGEL, Senator SMITH. There are a number of people who wanted to speak. In the interest of a limited time, we have been unable to do that. And I apologize for that.

But the reason why I think it is appropriate that the Senator from Virginia close the case for us is that no one has been more instrumental in bringing about the ability to vote up or down on this proposal as well as the outline of the proposal.

I thank him for his leadership.

I yield the remainder of the time under the control of the Senator from Delaware to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Thank you, Mr. President.

I thank my distinguished colleague from Delaware. We have joined together many times in our two decades-plus here to work on what we felt was absolutely essential in the best interests of the country. I respect every colleague and their votes, whichever way it goes. There has been, I think, a substantial debate—perhaps not as long as I hoped. But, nevertheless, we had the debate. And this is essential now. We could not have done it had it not been for the Senator from New Hampshire, Mr. SMITH, the Senator from Texas, Mrs. HUTCHISON, and the Senator from West Virginia, Mr. BYRD, and others who joined in to make this possible—and my good friend from Michigan, Mr. LEVIN. We made it happen.

But this started with this Senator last September when I made my second visit to Kosovo. Having come out of Bosnia and seeing that situation at that time, I have tirelessly worked on this issue ever since that period. And now I join my colleague from Delaware to make it happen.

But, Mr. President, my main concern has always been the investment of the American people through this Congress in Bosnia—8-plus years, $9-plus billion, which could be severely at risk if this area of the Balkans known as Kosovo and the environs thereto were to erupt and begin to take down what little progress we have achieved in Bosnia, and display before the world a magnitude of human suffering and ethnic cleansing and crimes of horrific nature.

So I know it has been a painful subject for many. But I honestly believe that by supporting this vote we are doing what is in the best interests of mankind.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 2 minutes to the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I spoke at length today, so I will try very hard to not even use the 2 minutes.

Mr. President, this President has decided that he doesn't need our approval. This vote tonight has nothing to do with whether we agree or disagree, and we are sending that message to him, because he has already told us he is going to do it. So it is a different request. It is a request saying, ''I am going to do this. Would you tonight concur that it is OK?''

What a difference a President makes. George Bush didn't do that when the United States had a far more serious problem dependent upon oil—oil in jeopardy in the Middle East, Iraq invades a sovereign country. And what does he do? He sends us a letter and says, ''Would you concur, and if you do not I will not do it.'' Now that is the kind of true, dedicated President that gives credit to the elected representatives of the American people.

We talk about this great Senate. Well, there is a great House, also. And they deserve the right to pass judgment on this. And for us to sit around here tonight saying we finally made the point, and we are going to get to decide whether he is or isn't, that is just a hoax. I do not believe we ought to meddle in civil wars that have been going on for 800 years. We are not going to solve it unless we commit to have a military force on the ground for perhaps 100 years, because we are going to get involved through NATO. In fact, I think we ought to begin to ask our NATO general, we ought to begin to wonder how in the world does he get in the middle of these negotiations and then he makes commitments through NATO and we say we have to live up to what has been committed through NATO? I think we ought to be able to commit that, too. It is our law. It is not the other countries. They are putting in very little.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as my good colleague from Virginia, I appreciate the conscientious nature of every vote that will be cast tonight. I was among those who visited with the President this morning and have struggled with this. I have concluded that I cannot vote for this resolution. It is a declaration of war. There are going to be casualties. This resolution will not bring about the adjusted behavior of Mr. Milosevic that is sought.

The lingering question throughout the day and throughout all the deliberations is: What is next? That question has not been answered and it will surely come upon us as a result of this vote tonight. This is a very grave decision we are making for which the prospects of a solution, as proposed in this resolution, are nil.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 30 seconds.

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

Mr. BIDEN. I ask unanimous consent the letter from President Clinton to the leaders be printed in the RECORD.

Mr. STEVENS. It is already in the RECORD.

Mr. BIDEN. I understand it is, but I want to point out again where he says, ''I ask for your legislative support as we address the crisis in Kosovo.''

I point out I was here, too, during the gulf crisis. I recall we were not even going to hold hearings in the Foreign Relations Committee. I recall the President said he would not send up a request for authority until it was clear that the Congress was going to revolt. Every President, of the six while I have been here, has been reluctant to do so.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I had the letter read to us this afternoon. There is nothing in that letter that says he will not do it if we do not agree. That is the difference. It says: I ask, but I am going to do it anyway.

Mr. BIDEN. If the Senator will yield, neither did President Bush; he didn't say I will not do it if you do not do this. Let's get that straight.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I reclaim my time and yield the remainder of it to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. SMITH of New Hampshire. Mr. President, that is not very much time, but this is a very serious matter. It is

a vote that I wanted. I have been asking for it for a number of days and weeks. Now we are here, and the President has already made up his mind. He didn't really care particularly one way or the other how the Congress felt, which is pretty much the way the foreign policy has been conducted. Thousands of people, hundreds of thousands have died in Rwanda. We are not firing missiles there. This is a mistake. This is a civil war. We are attacking a sovereign nation without a declaration of war and we are going to regret it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the concurrent resolution.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—FIRST CONCURRENT BUDGET RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the first concurrent budget resolution at 9:30 a.m. on Wednesday and there be 35 hours remaining for debate as provided under the Budget Act.

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

Mr. LOTT. In light of that agreement, the vote on the Kosovo resolution will be the last vote tonight. The Senate will start the budget resolution tomorrow. Obviously, hard work will be in order for the Senate to complete action on the budget resolution prior to the recess, but we must do that. Hopefully we could get it completed by Friday.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. BOND. 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. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—58

Abraham	Dorgan	Landrieu
Akaka	Durbin	Lautenberg
Baucus	Edwards	Leahy
Bayh	Feinstein	Levin
Biden	Graham	Lieberman
Boxer	Hagel	Lincoln
Breaux	Harkin	Lugar
Bryan	Hatch	Mack
Byrd	Inouye	McCain
Chafee	Jeffords	McConnell
Cleland	Johnson	Mikulski
Conrad	Kennedy	Moynihan
Daschle	Kerrey	Murray
DeWine	Kerry	Reed
Dodd	Kohl	Reid
Robb	Shelby	Warner
Rockefeller	Smith (OR)	Wellstone
Roth	Snowe	Wyden
Sarbanes	Specter	
Schumer	Torricelli	

NAYS—41

Allard	Enzi	Kyl
Ashcroft	Feingold	Lott
Bennett	Fitzgerald	Murkowski
Bingaman	Frist	Nickles
Bond	Gorton	Roberts
Brownback	Gramm	Santorum
Bunning	Grams	Sessions
Burns	Grassley	Smith (NH)
Campbell	Gregg	Stevens
Collins	Helms	Thomas
Coverdell	Hollings	Thompson
Craig	Hutchinson	Thurmond
Crapo	Hutchison	Voinovich
Domenici	Inhofe	

NOT VOTING—1

Cochran

The concurrent resolution (S. Con. Res. 21) was agreed to as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I referenced earlier the significant help and leadership of the Senator from Virginia, but what I did not mention was the person who carried the ball on this side of the aisle, the Senator from Michigan, Senator LEVIN.

You know that old expression, success has a thousand fathers and mothers and failure is an orphan. Hopefully, I am not going to be praising him and others and it turns out that what we have done tonight is a mistake. I think it is not a mistake. I think it is necessary. I think it is going to make for the possibility of some peace in the region.

I want to tell the Senator from Michigan how much a pleasure it is to work with him. I mean with him. As my grandfather used to say, he is the horse that carried the sleigh. He is the guy who maneuvered us through all this to get to the resolution. I personally thank him and tell him how much I enjoyed working with him.

Mr. LEVIN. Will the Senator yield?

Mr. BIDEN. I yield the floor.

Mr. LEVIN. Madam President, I thank my friend from Delaware. His leadership is what carried this resolution to a bipartisan conclusion, along with the Senator from Virginia. I pay particular, really, homage to both of them. This is a very difficult vote for all of us, whichever side of this resolution we voted on. It is very important it be a bipartisan vote. It is important to our troops, first and foremost. It is important we send a bipartisan message to Milosevic so there not be any misunderstanding or miscalculation. The leaders in the effort to do that were the first two names on that resolution, and they are Senators BIDEN and WARNER.

I commend them for their leadership.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, while I opposed the concurrent resolution which was adopted this evening, I think it is very important that it be said, once again, that this resolution does in no way authorize the commitment of ground troops and that the President certainly—I think this Senator believes as many others do—needs to seek the counsel of the Congress if that day should become necessary, in at least the eyes of our Commander in Chief, that he consult fully with us on that issue.

Mr. BIDEN. Madam President, I concur with the Senator from Idaho on that score. I want to say just one more thing. This was a very difficult vote, and I echo the words that were stated by several people here. On these matters—and I give credit to Senator NICKLES, who is the No. 2 man on the Republican side—when we were negotiating, I asked him how many votes are for this. He said, ''I did not whip this.'' In our jargon, we know that to mean: ''I did not go out and count votes. This is not a partisan matter. This is something that should be left to the conscience of each Senator.''

The fact of the matter is, when my colleagues came up to me before the vote started and said, ''How many votes do you have?'' I said to them, ''I did not do it.''

I did not know how many votes were here for this resolution, but I thought it was important that the Senate go on record exercising its responsibility in this area. I do not think the President has the authority to use force in this nature without our approval, a concurrent resolution, or any statement by us, assuming the House makes a similar statement, and meets the constitutional criteria that he has the authority.

But again I want to make it clear that I respect those who voted against it. There are very strong reasons to vote no. I think the reasons to vote yes are stronger. And no one, particularly the Senator from Delaware, can tell this Senate where this action is going to lead. It is a very tough call.

I am confident, in my view, that there is more of a danger in not acting than in acting, both constitutionally and practically. But I just want the record to reflect that everyone in this debate, including the discussion at the White House—the Presiding Officer is younger than the Senator from Delaware, as is the Senator from Louisiana, who is on the floor, is younger than the Senator from Delaware. I came here in 1973 as a Senator. I was 29 years old.

I remember one of the things that I resented the most keenly was that at the time, for those of us who opposed the Vietnam war, at least in some quarters on this floor, and at times with the then-sitting President, we were told we were giving, by our opposition, this great deal of help to the

North Vietnamese; we were hurting our troops who were overseas; we were basically un-American for objecting to the war.

One of the generational changes that has taken place—I want the record to show this—sitting with a number of Senators and Congresspersons—I am guessing the number at 20—in the private residence this morning, the President of the United States said to us assembled he wanted to make one thing clear, that he respected the Congress voting. He knew some who opposed were going to be told that Milosevic is listening and he is going to take some confidence from this; he is going to somehow be emboldened by the opposition.

He said, ''I want you to know I think you have an absolute right and obligation, if you believe that way, to object. I will never be one who will tell you that, notwithstanding he is watching this on CNN in Belgrade, that somehow you're undermining our effort. Were we to apply that standard,'' he said, ''we would never be able to debate in this society the important issues.''

So the reason I mention that is not to give particular credit to the President, although in this case he deserves it, but he came from that same generation. I think we have moved to a position here where we have debated, in the last several years, the major contentious issues relating to our peace and security, and that when the debate has been finished, when it has gone on, it has been cordial and it has not been partisan.

When it has been finished, there has been unanimity and support of American forces. The same occurred in the gulf. After the gulf, many of us voted no. I was one who voted no. And at the end of the day, we all said, once the Senate spoke, once the President spoke, once the Congress spoke, we would stay the course.

So I thank my friend from Idaho who was in opposition, my friend, the Presiding Officer, who had a different view on this to tell you. And I am not being solicitous. It is important for the American people to know we do not always disagree based on our partisan instincts here.

The judgments made by every Senator on this floor today were made with their intellect and their heart, on the direction that they thought was in the best interest of the country. I think the right outcome occurred, but I do not in any way—in any way—question the motivation, or am I so certain of my own position that I would be willing to guarantee either of my colleagues that they are wrong. I think they were wrong. I think I am right. But we are approaching this in the way we should, openly and in a nonpartisan way. I want to thank the Republican leadership for proceeding this way and thank my colleagues for the way in which we conducted this debate earlier.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Delaware for those remarks.

MORNING BUSINESS

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Monday, March 22, 1999, the federal debt stood at $5,642,227,279,510.37 (Five trillion, six hundred forty-two billion, two hundred twenty-seven million, two hundred seventy-nine thousand, five hundred ten dollars and thirty-seven cents).

Five years ago, March 22, 1994, the federal debt stood at $4,557,220,000,000 (Four trillion, five hundred fifty-seven billion, two hundred twenty million).

Ten years ago, March 22, 1989, the federal debt stood at $2,736,549,000,000 (Two trillion, seven hundred thirty-six billion, five hundred forty-nine million).

Fifteen years ago, March 22, 1984, the federal debt stood at $1,465,629,000,000 (One trillion, four hundred sixty-five billion, six hundred twenty-nine million).

Twenty-five years ago, March 22, 1974, the federal debt stood at $471,830,000,000 (Four hundred seventy-one billion, eight hundred thirty million) which reflects a debt increase of more than $5 trillion—$5,170,397,279,510.37 (Five trillion, one hundred seventy billion, three hundred ninety-seven million, two hundred seventy-nine thousand, five hundred ten dollars and thirty-seven cents) during the past 25 years.

GEORGE MITCHELL'S MEDAL OF FREEDOM

Mr. KENNEDY. Madam President, few individuals have made a greater contribution to the cause of peace in Northern Ireland than our friend and former Senate colleague, Senator George Mitchell. His leadership was indispensable in helping the political leaders of Northern Ireland achieve the historic Good Friday Peace Agreement of 1998.

Last Wednesday, on St. Patrick's Day, President Clinton presented Senator Mitchell with the nation's highest civilian honor, the Presidential Medal of Freedom. In accepting the award, Senator Mitchell demonstrated again why he has been so vital to the peace process. He spoke directly and movingly to the political leaders on both sides of Northern Ireland, many of whom were in the White House audience. He reminded them of how far they had come in their search for peace. He urged them to resolve the current difficulties and enable the peace agreement to continue to be implemented.

As he said so eloquently, ''History might have forgiven failure to reach an agreement, since no one thought it possible. But once the agreement was reached, history will never forgive the failure to carry it forward.''

SIXTIETH ANNIVERSARY OF BOONVILLE, MO, LIONS CLUB

Mr. ASHCROFT. Madam President, I am pleased to offer my enthusiastic congratulations to the Boonville, Missouri Lions Club which celebrates its 60th anniversary on April 17, 1999.

Long before President Bush spoke of a ''thousand points of light,'' the Lions sparkled in Boonville. Over the years they have been recognized for their tireless work to aid both research and victims of sight and hearing impairments, diabetes, and other maladies. Always a strong force in local charities, they truly embody their moto: ''We Serve.''

The Lions Club of Boonville has enjoyed sixty years of achievement through good deeds and good fellowships. I salute them.

THE TENTH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. SPECTER. Madam President, I congratulate the Department of Veterans Affairs on its 10th anniversary of becoming a cabinet level department of the federal government. On March 15, 1989, the new Department of Veterans Affairs was established, headed by a Secretary of Veterans Affairs.

Over the past ten years, VA has worked hard to fulfill its commitments to our nation's veterans by providing benefits and health care to millions of Americans who have given so much to protect and defend our country and its liberties. Among VA's many contributions: VA research scientists and practitioners have led in the advancement of medical research and health care delivery; VA benefits such as home loans, life insurance and educational support have been immensely helpful in transitioning active duty military members back into civilian life; and VA disability payments aid veterans injured in the line of duty as partial compensation by a grateful nation for their many sacrifices.

As Chairman of the Committee on Veterans' Affairs, I will help ensure that VA sustains these many programs to meet the myriad needs of an aging veteran population. I am certain my colleagues share that commitment as well.

The mission of the VA, as enunciated by President Abraham Lincoln, is ''To care for him who shall have borne the

battle, and for his widow, and his orphan.'' Congratulations to the Department of Veterans Affairs, and may it continue to serve our nation well for years to come.

CONGRATULATIONS TO LIEUTENANT COLONEL ALLEN ESTES, P.E.

Mr. ASHCROFT. Madam President, congratulations to Lieutenant Colonel Allen Estes, P.E., for being selected as one of ten finalists for the National Society of Professional Engineers (NSPE) Federal Engineer of the Year Award. This is an intense engineering competition of highly trained and dedicated federal employees, both military and civilian. The candidates are accomplished in their education, service, and leadership to accomplish their agencies' missions. They have performed above and beyond their job descriptions and represent the best and the brightest among those who work for all the citizens of the United States.

Lieutenant Colonel Estes commands the 169th Engineer Battalion at Fort Leonard Wood, Missouri, where he oversees the training, discipline, and management of over 2,000 new soldiers a year in nine different military engineering occupational specialities. He contributes immeasurably to his community by teaching night courses to soldiers and donating that salary to charities and battalion activities. Lieutenant Colonel Estes is a pioneer in the application of system reliability and optimization techniques for engineering structures. His leadership, accomplishments, community service, and participation in professional organizations make him ideally suited for the Federal Engineer of the Year Award.

Other finalists for this award who deserve recognition are Gregory M. Cunningham, Gary M. Erickson, James D. Wood, George L. Sills, Georgine K. Glatz, Brent W. Mefford, Luis Javier Malvar, Lieutenant Kirsten Lea Nielsen, and Charles D. Wagner.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries, on March 22, 1999.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received yesterday were printed at the end of the Senate proceedings of March 22, 1999).

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MEASURE REFERRED

The Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following measure which was referred to the Committee on Foreign Relations:

S. Con. Res. 1. Concurrent resolution expressing the congressional support for the International Labor Organization's Declaration of Fundamental Principles and Rights at Work.

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–2261. A communication from the Director of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Program-Specific Guidance About Self-Shielded Irradiator Licenses'' (NIREG–1556) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2262. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard Review Plan on Foreign Ownership, Control, or Domination'' received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2263. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Policy and Procedure for NRC Enforcement Actions; Interim Enforcement Policy for Generally Licensed Devices Containing By-product Material'' (10 CFR 1.5) received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2264. 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 State Plans for Designated Facilities and Pollutants: Oklahoma'' (FRL6312–5) received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2265. 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; California State Implementation Plan Revision, Sacramento Metropolitan and South Coast Air Quality Management Districts and San Joaquin Valley Unified Air Pollution Control District'' (FRL6239–8) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2266. 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 ''Administrative Reporting Exemptions for Certain Radionuclide Releases'' (FRL6309–3) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2267. 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; State of Iowa'' (FRL6310–7) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2268. 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 State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills'' (FRL6311–3) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2269. 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 ''Transportation Conformity Rule Amendment for the Transportation Conformity pilot Program'' (FRL6309–6) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2270. 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; Georgia: Approval of Revisions to the Georgia State Implementation Plan'' (FRL6306–2) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2271. 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 ''Phase 2 Emission Standards for new Nonroad Spark-Ignition Nonhandheld Engines At or Below 19 Kilowatts'' (FRL6308–6) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2272. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Recourse Loan Regulations for Mohair'' (RIN0560–AF63) received on March 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2273. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Recourse Loan Regulations for Honey'' (RIN0560–AF62) received on March 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2274. 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 ''Azoxystrobin; Pesticide Tolerance'' (FRL6064–6) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2275. 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 ''Dicloran; Extension of Tolerance for Emergency Exemptions'' (FRL6065–6) received on March 11,

1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2276. 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 ''Maneb (manganous ethylenebisdithiocarbamate); Pesticide Tolerances for Emergency Exemptions'' (FRL6067–9) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2277. 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 ''Pendimethalin; Extension of Tolerances for Emergency Exemptions'' (FRL6063–9) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2278. 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 ''Propiconazole; Establishment of Time-Limited Pesticide Tolerances'' (FRL6068–4) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2279. 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 ''Propiconazole; Extension of Tolerances for Emergency Exemptions'' (FRL6064–2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2280. 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 ''Tebufenozide; Pesticide Tolerances for Emergency Exemptions'' (FRL6065–2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2281. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report entitled ''National Plan of Integrated Airport Systems, 1998–2002''; to the Committee on Commerce, Science, and Transportation.

EC–2282. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report on the Baldrige National Quality Program's first 10 years; to the Committee on Commerce, Science, and Transportation.

EC–2283. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on safety considerations for transporting hazardous materials via motor carriers in close proximity to Federal prisons; to the Committee on Commerce, Science, and Transportation.

EC–2284. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped With General Electric CF6–80C2 Engines'' (Docket 96–NM–66–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2285. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes'' (Docket 98–NM–375–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2286. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Oakdale, LA'' (Docket 94–ASW–03) received on March 04, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2287. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29475) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2288. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29474) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2289. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B–1 Helicopters'' (Docket 94–SW–23–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2290. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 98–NM–76–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2291. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The New Piper Aircraft, Inc. PA–23, PA–24, PA–28, PA–32, and PA–34 Series Airplanes'' (Docket 98–CE–110–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2292. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1 Series Turbofan Engines'' (Docket 98–ANE–76–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2293. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–100–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2294. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA. 315B, SA. 316B, SA. 316C, SA. 319B, and SE. 3160 Helicopters'' (Docket 97–SW–14–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2295. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200 Series Airplanes'' (Docket 98–NM–238–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2296. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters'' (Docket 98–SW–34–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2297. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 97–NM–254–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2298. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–99–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2299. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58P, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes'' (Docket 98–CE–61–AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2300. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Neosho, MO'' (Docket 99–ACE–11) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2301. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Crockett, TX'' (Docket 99–ASW–03) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 507: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 106–34).

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations'' (Rept. No. 106–35).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 432: A bill to designate the North/South Center as the Dante B. Fascell North-South Center.

S. Res. 54: A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

S. Res. 68: A resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

S. Res. 73: A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 688. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation.

EXECUTIVE REPORTS ON COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: Swing, William Lacy.

Post: Democratic Republic of the Congo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self, none.

2. Spouse, none.

3. Children and Spouses Names: Brian (son), Nicole (daughter-in-law), Gabrielle (daughter), none.

4. Parents Names: (all deceased).

Baxter Dermot Swing/Mary Frances (Barbee) Swing.

5. Grandparents Names: (all deceased).

James Ruffin Swing/Bessie (Sowers) Swing—Lacy Lee Barbee/Anna (Jones) Barbee.

6. Brothers and Spouses Names: James (brother), ca $400–$500 annually to Republican National Committee over each preceding year.

Arlene (spouse), none.

7. Sisters and Spouses Names: Anna (sister), Lawrence (spouse), none.

Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: Kent M. Wiedemann.

Post: Kingdom of Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Kent M. Wiedemann, None.

2. Spouse, Janice L. Wiedemann, None.

3. Children and Spouses Names: Conrad K. Wiedemann, None.

4. Parents Names: Jean Hyatt Wiedemann, None. Mansell H. Wiedemann—Deceased.

5. Grandparents Names: Niles Hyatt—Deceased. Frances Pauwels—Deceased. Thomas Wiedemann—Deceased. Harriet Wiedemann—Deceased.

6. Brothers and Spouses Names: Dean Hyatt Wiedemann—Deceased.

7. Sisters and Spouses Names: Harold and Sandra Schroeder, None.

Robert A. Seiple, of Washington, to be ambassador at Large for International Religious Freedom. (New Position).

Nominee: Robert A. Seiple.

Post: Washington, D.C.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me if the pertinent contributions made by them. To the best of knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, None.

2. Spouse, None.

3. Children and Spouses Names: Chris, Army (Donald B. Hebb), Jesse, None.

4. Parents Names: Gertrude Seiple, Chris Seiple, None.

5. Grandparents Names, Deceased.

6. Brothers and Spouses names: Bill (Didi), None.

7. Sisters and Spouses Names: Christina (Dabney Wooldrige), None. Nancy (Rob Zins), None. Mary (Kevin Earl), None. Carole (John Kenney), None.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Mary A. Ryan, of Texas.

The following-named Career Member of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Richard Lewis Baltimore III.

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Warren J. Child.

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Mary E. Revelt.

John H. Wyss.

The following-named Career Members of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service to the class indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Weyland M. Beeghly.

Larry M. Senger.

Randolph H. Zeitner.

The following-named Career Member of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Danny J. Sheesley.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. BRYAN):

S. 678. A bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMS:

S. 679. A bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GORTON, Mr. ROBB, Mr. ABRAHAM, Mr. ASHCROFT, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. GRAMM):

S. 680. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. LAUTENBERG, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. SARBANES, Mrs. MURRAY, and Mr. HOLLINGS):

S. 681. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS (for himself and Ms. LANDRIEU):

S. 682. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself and Mr. REID):

S. 683. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 684. A bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United

States Code, permanent; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 685. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. SCHUMER, and Mr. TORRICELLI):

S. 686. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufactures, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 687. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

By Mr. HELMS:

S. 688. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation; from the Committee on Foreign Relations; placed on the calendar.

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

S. 689. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY):

S. 690. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 691. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. KYL (for himself and Mr. BRYAN):

S. 692. A bill to prohibit Internet gambling, and for other purposes; 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. TORRICELLI:

S. Res. 72. A resolution designating the month of May in 1999 and 2000 as ''National ALS Awareness Month''; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, and Mr. DODD):

S. Res. 73. A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, Mr. MCCONNELL, Mr. HAGEL, Mr. STEVENS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. ROBB):

S. Con. Res. 21. A concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro); considered and agreed to.

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

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. BRYAN):

S. 678. A bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SALVAGED AND DAMAGED MOTOR VEHICLE INFORMATION DISCLOSURE ACT

• Mrs. FEINSTEIN. Mr. President, today I am introducing legislation on behalf of myself and Senators LEVIN and BRYAN that will offer consumers protection against unknowingly purchasing a vehicle that has been rebuilt after sustaining substantial damage in an accident.

The sale of rebuilt vehicles that have been wrecked in accidents has become a major national problem. According to the National Association of Independent Insurers, about 2.5 million vehicles are involved in accidents so severe that they are declared a total loss. Yet, more than a million of these vehicles are rebuilt and put back on the road.

In a report to the state Legislature, the California Department of Consumer Affairs found, with respect to California alone ''More than 700,000 structurally damaged and 150,000 salvaged vehicles are returned to streets and highways every year without a safety inspection, and they pose a potential hazard to all of California's twenty million unsuspecting motorists.''

In many cases, ''totaled'' cars are sold at auction, refurbished to conceal prior damage, then resold to consumers without disclosure of the previous condition of the car. The structural integrity of these vehicles has been so severely weakened that the potential for serious injury in an accident is greatly increased.

In one case, a teenage who purchased a rebuilt wreck was rendered quadriplegic after an accident in which her vehicle rolled 360 degrees at about five miles an hour. The vehicle had been in a previous accident. It had been badly repaired and then resold without disclosure of its previous condition. The vehicle's roof was replaced after the first accident, but in the subsequent accident, the roof collapsed when the substandard welds failed.

In another incident, a mother purchased a Honda Prelude for her daughter's high school graduation. Although only hail damage was reported at the time of sale, the car had actually been totaled in Texas and rebuilt in Arkansas. The repair shop acknowledged that they had spent only about $3,000 on repairs, despite an insurance company's estimate of over $10,000 worth of damage. The inadequate repair resulted in the collapse of the right front suspension inflicting a debilitating head injury on the driver.

In yet another case of fraud, Jimmy Dolan bought a used Toyota from a dealership in Clovis, California. The odometer had only 19,000 miles on it and he was told the car was like new and in original condition. In fact, that was untrue. The previous owner had been involved in a serious accident that required $8,700 in repairs. After a series of problems with the car, the original owner took it back to the dealership and traded it in. The dealership then resold the car to Jimmy Dolan for almost $14,000.

After only a minor accident, Mr. Dolan found out the truth about his car. He managed to trace the car back to the original owner who described the extent of the damage. Despite having full knowledge of the vehicle's history, the dealership refused to give Dolan a refund. Eventually, he had to file a civil lawsuit to recoup his losses.

These are just three cases in which serious physical and financial losses were inflicted on innocent victims who unknowingly purchased a vehicles that had sustained major damage.

The bill that I am introducing will address the problem of rebuilt wrecks by: providing nationwide written disclosure for every vehicle sale of previous salvage and major damage; providing widespread coverage for all vehicles including vehicles of any age or value, motor homes, pickups, and motorcycles; allowing states to maintain existing salvage laws; strengthening the Federal rebuilt vehicle database to promote instant access to vehicle accident histories for consumers, dealers, and law enforcement; requiring certification by a qualified repair facility of the proper repair of any salvage vehicle before it is returned to the road.

This bill has been endorsed by the Attorneys General of California, Connecticut, Iowa, and Michigan. In a letter of support, Attorneys General Blumenthal, Lockyer, and Miller state that this bill ''has strong disclosure requirements that will put consumers on notice before they agree to buy a car concerning any prior collision or flood damage.''

They also state ''We especially appreciate that this bill tracks the Resolution adopted in 1994 by the National Association of Attorneys General. That Resolution calls for the strong national standards and remedies that are provided for in this bill.''

Mr. President, I submit this letter for the RECORD.

This bill also has the support of a number of consumer advocates including: Center for Auto Safety, Consumer

Federation of America, Consumers for Auto Reliability and Safety, Consumers Union, National Association of Consumer Advocates, Public Interest, and U.S. Public Interest Research Group.

In a letter of support from the National Association of Consumer Advocates, Pat Sturdevant writes ''This bill is entirely consistent with views of the major national consumer groups in that it would require disclosure of major damage to vehicles. Provide broad coverage of most used vehicles, prevent laundering or washing of titles to conceal prior damage, provide for effective criminal and civil enforcement, and provide a minimum standard of consumer protection while allowing states to offer stronger protection to their citizens.''

I submit this letter for the RECORD.

The bill is also strongly supported by the Automotive Recyclers Association and the Auto Dismantlers Association.

Mr. President, there is no question that the sale of rebuilt vehicles is a major national problem. We need to insure that we provide the proper solution. I believe that this bill is that solution and I urge my colleagues to support it.

I want to thank the Senators from Michigan and Nevada for their assistance with this legislation. Their input and support has been invaluable to the development of this bill. I ask that letters in support of the bill be printed in the RECORD.

The material follows:

OFFICE OF THE ATTORNEY GENERAL,
STATE OF CONNECTICUT,
March 18, 1999.

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

Re: The Salvaged and Damaged Motor vehicle Information Disclosure Act

DEAR SENATOR FEINSTEIN: We are writing in order to express our support for the Salvaged and Damaged Motor Vehicle Information Disclosure Act, a bill which we understand you and Senators Levin and Bryan intend to offer.

We are very aware of the harm caused to consumers who unwittingly purchase used cars that had sustained major damage. They not only pay far more than the vehicle's market value, they may be placing themselves and their families in danger.

Despite state efforts to vigorously enforce state laws requiring car sellers to make salvage and damage disclosures, the problem continues to be our nation's top consumer compliant regarding used car sales. It is right for Congress to act. However, in acting, Congress must protect consumers, while permitting the states flexibility to deal with this growing problem.

Your draft bill achieves those two major goals. It has strong disclosure requirements that will put consumers on notice before they agree to buy a car concerning any prior collision or flood damage. It uses definitions that provide strong baselines of protection, while permitting individual states to impose tougher standards, if that is their choice. It effectively deals with the problem of ''title-washing'' by ensuring that information about prior collision or flood damage remains on vehicle titles, regardless of the state of titling. Finally, it provides strong remedies, by subjecting violations to criminal penalties, civil law enforcement actions by state attorneys general, and substantial private civil remedies.

We especially appreciate that this bill tracks the Resolution adopted in 1994 by the National Association of Attorneys General. That Resolution calls for the strong national standards and remedies that are provided for in this bill.

Another reason we support this bill is that it follows the successful mode of the federal odometer law, originally enacted in the 1970's. That law provided for the same types of strong national standards and remedies found in your bill. States have relied on the federal odometer law to file many civil and criminal law enforcement actions against odometer spinners and have recovered millions of dollars in restitution for consumers. Strong federal and state enforcement, plus the private actions brought under the odometer law, have put a real dent in odometer fraud. We look forward to similar results as we join forces to tackle auto salvage fraud.

Thank you for your leadership on this issue. We look forward to working with you in the fight to protect used car buyers.

Very truly yours,
RICHARD BLUMENTHAL,
Attorney General of Connecticut.
BILL LOCKYER,
Attorney General of California.
TOM MILLER,
Attorney General of Iowa.

NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES,
March 19, 1999.

DEAR SENATORS FEINSTEIN, LEVIN AND BRYAN: We are a consumer protection organization very concerned about the safety hazard posed by the resale of rebuilt wrecked cars. We strongly support the national salvage and damaged motor vehicle disclosure bill which you intend to offer because it will protect consumers against the unsuspecting purchase of a rebuilt wrecked car. This would require disclosure of major damage to vehicles, provide broad coverage of most used vehicles, prevent laundering or washing of titles to conceal prior damage, provide for effective criminal and civil enforcement, and establish a federal minimum standard of consumer protection while allowing states to offer stronger protection to their citizens. The bill is consistent with the recommendations embodied in the 1994 Resolution of the National Association of Attorneys General and adopted by the Attorneys General of all 50 states, so we anticipate that it will receive broad support from law enforcement.

We remain strongly opposed to competing legislation, which the Washington Post termed ''controversial'' and featured as a example of ''special interest'' legislation. That bill was opposed by the Attorneys General of 39 states, encountered major opposition in the House, and was removed from the Omnibus Appropriations package after objection by the White House. The current measure remains flawed, failing to cover more than half the used cars on the road, and eliminating many of the state law protections that consumers now have against unscrupulous sellers of rebuilt wrecks. Its definitions of ''flood'' and ''nonrepairable'' vehicles are extremely loose, and its standard of proof and weak and inadequate enforcement mechanism would do nothing to deter the fraudulent sale of dangerous rebuilt wrecks.

It can hardly be disputed that automobile salvage fraud is a serious problem which requires federal action. Each year, more than one million ''totalled'' cars are rebuilt and sold to unsuspecting consumers. These consumers need protection from salvage fraud. I am looking forward to continuing to work closely with leading state Attorneys General on this important public safety issue, and would welcome the opportunity to wok with you and your staffs in obtaining the genuine reform which your pro-consumer bill will provide.

Sincerely yours,
PATRICIA STURDEVANT.●

● Mr. LEVIN. Mr. President, today I am introducing legislation along with my colleagues, Senators FEINSTEIN and BRYAN, that will protect consumers from the unscrupulous practice known as ''title washing'' the current practice of selling rebuilt wrecks to unsuspecting buyers. The objective of this legislation is to make it more difficult for unscrupulous auto sellers to conceal the fact that a vehicle has been in an accident by transferring the vehicle's title in a state with lower standards than where the vehicle is ultimately sold.

In developing this bill, Senators FEINSTEIN and BRYAN and I worked closely with national consumer protection groups and a number of state Attorneys General. We have crafted a bill that is truly consumer protective and sets high national standards that did not previously exist. We took great care to ensure that our bill would not preempt the rights of states to retain or enact laws that exceed the minimum federal standards in this bill.

National automobile salvage title legislation is needed because there is no uniform standard for when a vehicle must be declared salvage or nonrepairable. About 2.5 million cars are severely damaged in auto accidents each year. More than half of them are returned to the road. Many of these rebuilt cars are sold to unsuspecting consumers without disclosure of the car's prior history, increasing the chance of serious injury to the drivers and passengers of these rebuilt cars. The National Association of Attorneys General estimates that the sale of rebuilt or salvaged motor vehicles as undamaged, costs the motor vehicle industry and consumers up to $4 billion annually.

Currently, some states, like Michigan and California and others, have tough consumer protection laws dictating when a vehicle's title must be branded as salvage or nonrepairable, but other states do not. Unfortunately, unscrupulous people now take advantage of this lack of uniformity and take wrecked vehicles to states with low or no standards to retitle them and thus wipe out the vehicle's prior damage history.

Our bill would provide for uniform standards of nationwide seller disclosure for every vehicle sale of previous salvage and major damage vehicles, and ensure these title brands are carried forward with all titles each time

the vehicle is sold. This proposal is consistent with the National Association of Attorneys General auto salvage resolution adopted in 1994.

This bill also has the support of Michigan's Attorney General, who wrote in a letter endorsing the bill,

This bill will further empower consumers to have more information available in making an informed decision about what is generally their second most costly purchase, motor vehicles used for personal transportation. I urge Congress to enact this bill.

The salvage title requirements in our bill are modeled after the successful 25 year old federal odometer law which requires the milage of a vehicle to be disclosed before a vehicle can be transferred. This law requires each seller to fill out a statement on the odometer reading that verifies its accuracy and a vehicle buyer cannot get a state title without this disclosure on the title. Our bill would work in a similar manner.

Our bill is basically a disclosure bill. It requires that whenever a vehicle's title is transferred, the seller must disclose in writing to the buyer any accident history of the vehicle which includes: salvage, flood, nonrepairable or major damage. Our bill defines ''salvage'', ''flood'', ''nonrepairable'' and ''major damage'' to provide broad disclosure and to protect consumer safety. These definitions are consistent with recommendations from the state Attorneys General.

Mr. President, in conclusion, the sale of rebuilt wrecks to unsuspecting buyers is a serous problem and should be stopped as soon as possible. The Feinstein, Levin, Bryan bill will do just that by establishing uniform disclosure standards for all vehicle sales and requiring all states to carry forward this disclosure on the vehicle's title. Simply put, our bill will put an end to title-washing.

I ask that additional materials be printed in the RECORD.

The material follows:

RESOLUTION ADOPTED BY NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, MARCH 20–22, 1994

MANDATORY DISCLOSURE OF SALVAGE HISTORY AND MAJOR DAMAGE TO MOTOR VEHICLES

Whereas, motor vehicles which are severely damaged or declared a ''total'' loss are often subsequently rebuilt or salvaged and then resold; and

Whereas, the fact that a vehicle is rebuilt or salvaged is material to any subsequent sale of the vehicle; and

Whereas, not all states require that a vehicle's salvage history be marked on the vehicle's title or that such a title brand be carried forward on new titles issued or that a vehicle's salvage history be disclosed to subsequent purchasers; and

Whereas, branding the title is an effective means of allowing dealers, subsequent purchasers and law enforcement authorities to track a vehicle's true history and has been supported by NAAG for tracking vehicles returned under state lemon laws; and

Whereas, it is estimated that the sale of rebuilt or salvaged motor vehicles as undamaged, costs the motor vehicle industry and consumers up to $4 billion annually;

Now, therefore be it

Resolved, That the National Association of Attorneys General:

1. Supports federal legislation that:

a. creates a uniform definition of a ''salvage vehicle'' as a vehicle declared a total loss by an insurance company or where the retail cost to repair the vehicle exceeds 65 percent of its fair market value immediately prior to being damaged; and

b. requires that each transferor of a motor vehicle disclose to the transferee orally and in writing at or before the time of sale, whether the vehicle is a salvage vehicle and whether the vehicle has suffered major damage; and

c. requires that each applicant for a motor vehicle title disclose, on the application, whether the motor vehicle is a salvage vehicle and whether the vehicle has suffered major damage; and

d. requires that each motor vehicle title issued, conspicuously show whether the motor vehicle is a salvage vehicle and whether the vehicle has suffered major damage, if that information is disclosed on the title application or on any title previously issued by that state or another state; and

e. provides for recovery of actual damages, minimum statutory damages of $5,000 and attorneys fees, where appropriate, by consumers injured by violation of the statute, and

f. provides the civil enforcement by state Attorneys General which includes injunctive relief, civil penalties and restitution; and

h. provides for criminal penalties of up to $50,000 and imprisonment for up to three years for each willful violation; and

i. does not preempt state laws which provide greater protection for consumers as long as state provisions are not inconsistent with the federal law; and

2. Authorizes its Executive Director and General Counsel to make these views known to all interested parties.

STATE OF MICHIGAN, DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, March 19, 1999.

Re Salvaged and Damaged Motor Vehicle Information Disclosure Act

Hon. CARL LEVIN, U.S. SENATE, WASHINGTON, DC.

DEAR SENATOR LEVIN: I am writing regarding your efforts to provide greater protection for American consumers who purchase used motor vehicles that have previously suffered major damage or been salvaged prior to being repaired, rebuilt and put back on the roadways. I believe that it is essential for consumers to be informed of the prior condition of their vehicle so that they may have all available material facts at their disposal in making an informed decision whether to purchase a motor vehicle.

Not only will your bill mandate disclosure of major damage or salvage conditions, but the bill will also provide an enforcement mechanism including damages and award of attorneys fees to victims, civil penalties and criminal sanctions. I also endorse the section of the bill that empowers state attorneys general to enforce this law through injunction relief or actions for damages.

This bill will further empower consumers to have more information available in making an informed decision about what is generally their second most costly purchase, motor vehicles used for personal transportation. I urge Congress to enact this bill.

Sincerely yours,

JENNIFER M. GRANHOLM,
Attorney General.

By Mr. GRAMS:

S. 679. A bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes; to the Committee on Foreign Relations.

SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

Mr. GRAMS. Mr. President, I rise this morning to introduce a bill dealing with the security of our embassies around the world.

Mr. President, we all remember the horrible day of August 17, 1998, when U.S. embassies in Dar Es Salaam, Tanzania and Nairobi, Kenya were destroyed by car bombs. We all mourn the passing of the 220 people who lost their lives to these heinous terrorist acts. But it is not enough to mourn. We in Congress have a separate responsibility—to conduct proper oversight to expose weaknesses in our embassy security requirements and to ensure the resources given to this Administration are being allocated in ways to maximize their effectiveness.

In reviewing the conclusions of the State Department Accountability Review Boards chaired by Admiral William J. Crowe, I was disturbed to find that they are strikingly similar to those reached by the Inman Commission which issued an extensive embassy security report 14 years ago. Clearly, the United States has devoted inadequate resources and placed too low a priority on security concerns.

And I regret to say, the President's response to the Crowe Report simply is not adequate. The Administration has asked the Congress to provide for an advance appropriation of $3 billion with no strings attached. That funding does not start next year, it starts in 2001. And the bulk of the money is proposed in the out years. Those kind of budget games shouldn't be played when the lives of U.S. government workers are at stake. It's wrong to state that embassy construction is a priority, while refusing to make funds available for that purpose.

As Chairman of the International Operations Subcommittee, which has oversight responsibilities for embassy security issues, I have looked into the mistakes that we made in the past, and I am committed to making sure they do not happen in the future. Our embassies are not vulnerable because we lack security requirements. They are vulnerable because over three-quarters of our embassies have those requirements waived. Now, I understand that when the Inman security standards were put forward in the 1980's, a number of existing embassies did not meet the criteria. But I was surprised to find many of the embassies built and purchased since that time do not meet the Inman standards either. While I do not want to micromanage the State Department's construction program, given State's record in this area, certain external constraints are warranted.

Unfortunately, under the Administration's plan, we are doomed to repeat some of the same mistakes that were made following the Inman recommendations. The funding structure makes it impossible to achieve efficiencies in embassy construction. There is just not enough funding in the next three years to permit a single contract to design and build an embassy or a single contract to build multiple embassies in a region. Furthermore, the back loading of the funding means it could be a decade before secure embassies are up and running. Clearly, that is not acceptable.

Mr. President, I am introducing a 5-year authorization bill that makes sure the money set aside for embassy construction and security is not used for other purposes. It provides $600 million a year, starting in fiscal year 2000. And the Secretary of State is going to have to certify these funds are being used to bring these embassies into compliance with specific security standards, because 14 years from now, I don't want any finger pointing. I don't want the Congress to revisit this matter and find that funds were diverted and U.S. personnel put at risk.

The security requirements in my bill reflect some of the lessons that we learned from Nairobi and Dar Es Salaam. While these requirements may not have prevented lives being lost in the bombings, they could prevent the loss of life in the future. For example, under my bill, the Emergency Action Plan for each mission will address threats from large vehicular bombs and transnational terrorism. And the ''Composite Threat List'' will have a section which emphasizes transnational terrorism and considers criteria such as the physical security environment, host government support, and cultural realities.

Furthermore, in selecting sites for new U.S. diplomatic facilities abroad, there will be a set back requirement of 100 feet and all U.S. government agencies will have be located on the same compound. State Department guidelines currently state that ''[a]ll U.S. Government offices and activities, subject to the authority of the chief of mission, are required to be collocated in chancery office buildings or on a chancery/consulate compound.'' Unfortunately, these guidelines are often ignored. Indeed, after the August terrorist bombings, in violation of State Department guidelines, A.I.D. headquarters decided not to move its missions in Kenya and Tanzania into the more secure embassy compounds that are going to be built. A.I.D. only reversed itself after hearing from the Congress and U.S. officials in Kenya and Tanzania.

Working abroad will never be risk free. But we can take a number of measures, like these, to make sure that safety is increased for U.S. government workers overseas. We can also put forward requirements to ensure we have an effective emergency response network in place to respond to a crisis should one arise. My bill requires crisis management training for State Department personnel; support for the Foreign Emergency Support Team; rapid response procedure for assistance from the Department of Defense; and off-site storage of emergency equipment and records. These are prudent steps which should be taken to ensure we have an effective crisis management system in place if our embassies are attacked in the future.

My bill also calls for the Secretary of State to submit three reports to Congress. The first report would be a classified report rating our diplomatic facilities in terms of their vulnerablity to terrorist attack. The second report would be a classified review of the findings of the Overseas Presence Advisory Panel which would recommend whether any U.S. missions should be closed due to high vulnerability to terrorist attacks and ways to maintain a U.S. presence if warranted. The third report would be submitted in classified and unclassified form on the projected role and function of each U.S. diplomatic facility through 2010. It would explore the potential of technology to decrease the number of U.S. personnel abroad; the balance between the cost of providing secure buildings and the benefit of a U.S. presence; the potential of regional facilities; and the upgrades necessary.

Finally, my bill enables the President to award the Overseas Service Star to any member of the Foreign Service or any civilian employee of thegovernment of the United States who—after August 1, 1998—was killed or wounded while performing official duties, while on the premises of a U.S. mission abroad, or as a result of such employee's status as a U.S. government employee. These sacrifices for our nation by U.S. government workers abroad no longer should go unrecognized.

Mr. President, I believe with the approach outlined in my bill we can better ensure that we are providing a safe environment for U.S. government workers abroad. We can also be confident that should another terrorist attack occur, we will be ready for the aftermath. I understand that there is a trade-off between security and accessibility. But there are obvious steps that we should be taking to provide a higher level of security in this age of transnational terrorist threats. I hope this bill will not just provide a blueprint for the steps we must take now, but guidance on how we should proceed in the future. We must acknowledge the world is changing and doing business as usual is not going to work. We need to think outside the box and explore new ways to confront new challenges. I hope the State Department sees my bill as an opportunity rather than a burden. I am committed to making sure that embassy security is treated as a priority, and this bill is a good first step.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GORTON, Mr. ROBB, Mr. ABRAHAM, Mr. ASHCROFT, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. GRAMM):

S. 680. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes; to the Committee on Finance.

EXTENSION OF THE RESEARCH AND EXPERIMENTATION TAX CREDIT

• Mr. HATCH. Mr. President, I am pleased to join with my friend Senator BAUCUS and many more of my esteemed colleagues in the Senate in introducing legislation that would permanently extend the research and experimentation tax credit.

As we enter the 21st century, we need to ensure that the United States remains the world's undisputed leader in technological and scientific innovation. The global economy is becoming increasingly competitive. We must move to ensure that our economy does not fall behind.

The research and experimentation tax credit is crucial to stimulating economic growth. The President emphasized the value of this credit by asking that it be extended in his budget. Additionally, Congress has recognized the importance of this tax credit by extending it nine times since 1981.

Now is the time to end the uncertainty surrounding whether or not the credit will continue to be extended or be allowed to lapse. We must guarantee to American business, our scientists, our engineers, and our citizens who depend on technological innovations every day, that we will make this tax credit permanent.

Mr. President, permanence is essential to the effectiveness of this credit. Research and development projects typically take a number of years and may even last longer than a decade. As our business leaders plan these projects, they need to know whether or not they can count on this tax credit. The current uncertainty surrounding the credit has induced businesses to allocate significantly less to research than they otherwise would if they knew the tax credit would be available. This uncertainty undermines the entire purpose of the credit. For the government and the American people to maximize the return on their investment in U.S. based research and development, this credit must be made permanent.

Studies have shown that the R&E tax credit significantly increases research

and development expenditures. The marginal effect of one dollar of the R&E credit stimulates approximately one dollar of additional private research and development spending over the short-run and as much as two dollars of extra investment over the long-run.

In the business community, the development of new products, technologies, medicines, and ideas can result in either success or failure. Investments carry a risk. The R&E tax credit helps ease the cost of incurring these risks. Whereas foreign nations heavily subsidize research with public dollars, the United States has typically relied less on direct public funds and more on private sector incentives. The R&E tax credit has potential to be an even more effective incentive if it were made permanent.

I am aware that not every company that incurs research and development expenditures in the U.S. can take advantage of the R&E tax credit. As the credit matures and business cycles change, the current credit may be out of reach for some companies. To help solve this problem Congress enacted the Alternative Incremental Research Credit to help businesses that do not qualify for the R&E tax credit. To improve the effectiveness of this alternative credit, we have included a proposal to increase it by 1 percent.

Mr. President, I am aware that a permanent extension of this credit will be costly. However, when you consider the value that this investment will create for our economy, it is a bargain. Making this credit permanent will encourage more companies to locate their research activities within the United States. This will lead to more jobs and higher wages for U.S. workers. We must recognize that international competition is fierce. Many other countries offer significant enticements to prompt companies to move research activities within their borders. If we fail to ensure at least a level playing field, many companies will move their research activities abroad and we will lose many precious high-paying jobs.

Findings from a study conducted by Coopers & Lybrand show that workers in every state will benefit from higher wages if the R & E tax credit is made permanent. Payroll increases as a result of gains in productivity stemming from the credit have been estimated to exceed $60 billion over the next 12 years. Furthermore, greater productivity from additional R&E will increase overall economic growth in every state in the Union.

Mr. President, my home state of Utah is a good example of how state economies will benefit from the R&E tax credit. Utah is home to a large number of firms who invest a high percentage of their revenue on research and development. For example, between Salt Lake City and Provo lies the world's biggest stretch of software and computer engineering firms. This area, which was named ''Software Valley'' by Business Week, is second only to California's Silicon Valley as a thriving high tech commercial area.

In addition, Utah is home to about 700 biotechnology and biomedical firms that employ nearly 9,000 workers. These companies were conceived in research and development and will not survive, much less grow, without continuously conducting R&D activities.

In all, Mr. President there are approximately 80,000 employees working in Utah's 1,400 plus and growing technology based companies. Research and development is the lifeblood of these firms and hundreds of thousands like them throughout the nation.

If the credit is allowed to lapse, businesses will not be able to factor the credit into their long-term plans. This uncertainty causes businesses to under-invest in research. This may slow the development of the next computer chip, the next household convenience, the next generation of heart monitoring equipment, or a new drug that stops cancer. We must ensure stability so that our business leaders can count on the credit as they decide how much to invest in research and development.

Research and development is essential for long-term economic growth. Innovations in science and technology have fueled the massive economic expansion we have witnessed over the course of the 20th century. These advancements have improved the standard of living for nearly every American. Simply put, the R&E tax credit is an investment in economic growth, new jobs, and important new products and processes.

In conclusion Mr. President, if we decide not to make the R&E tax credit permanent, we are limiting the potential growth of our economy. How can we expect the American economy to hold the lead in the global economic race if we allow other countries to offer faster tracks than we do? Making the tax credit permanent will keep American business ahead of the pack. It will speed economic growth. Innovations resulting from American research and development will continue to improve the standard of living for every person in the U.S. and also worldwide.

Mr. President, simply put, the costs of not making the R&E tax credit permanent are far greater than the costs of making it permanent. As the next millennium closes in on us, we cannot afford to let the American economy slow down. Now is the time to send a strong message to to the world that America intends to retain its position as the world's foremost innovator.

I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 680

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

SECTION 1. EXTENSION OF RESEARCH CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(b) INCREASE IN ALTERNATIVE INCREMENTAL CREDIT RATES.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i), by striking ''1.65 percent'' and inserting ''2.65 percent'',

(2) in clause (ii), by striking ''2.2 percent'' and inserting ''3.2 percent'', and

(3) in clause (iii), by striking ''2.75 percent'' and inserting ''3.75 percent''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to amounts paid or incurred after June 30, 1999.●

● Mr. BAUCUS. Mr. President, it is with great pleasure that I join with my colleague from Utah, Senator HATCH, and my other colleagues to introduce this bill, which is so critical to the ability of American businesses to effectively compete in the global marketplace. I am particularly pleased that this bill includes as original co-sponsors one-third of the members of this body. This bill is bi-partisan and bi-cameral. Companion legislation, introduced in the House by Representatives NANCY JOHNSON and ROBERT MATSUI, is co-sponsored by over one-quarter of the Members of the House.

Our Nation is the world's undisputed leader in technological innovation, a position that would not be possible absent U.S. companies' commitment to research and development. Investment in research is an investment in our Nation's economic future, and it is appropriate that both the public and private sector share the costs involved, as we share in the benefits. The credit provided through the tax code for research expenses provides a modest but crucial incentive for companies to conduct their research in the United States, thus creating high-skilled, high-paying jobs for U.S. workers.

The R&D credit has played a key role in placing the United States ahead of its competition in developing and marketing new products. Every dollar that the federal government spends on the R&D credit is matched by another dollar of spending on research over the short run by private companies, and $2 of spending over the long run. Our global competitors are well aware of the importance of providing incentives for research, and many provide more generous tax treatment for research and experimentation expenses than does the United States. As a result, while spending on non-defense R&D in the United States as a percentage of GDP has remained relatively flat since 1985, Japan's and Germany's has grown.

The benefits of the credit, though certainly significant, have been limited over the years by the fact that the credit has been temporary. In addition to the numerous times that the credit has been allowed to lapse only to be extended retroactively, the 1996 extension left a 12-month gap during which the credit was not available. This unprecedented lapse sent a troubling signal to

the U.S. companies and universities that have come to rely on the government's longstanding commitment to the credit.

Much research and development takes years to mature. The more uncertain the long-term future of the credit is, the smaller its potential to stimulate increased research. If companies evaluating research projects cannot rely on the seamless continuation of the credit, they are less likely to invest in research in this country, less likely to put money into cutting-edge technological innovation that is critical to keeping us in the forefront of global competition.

Our country is locked in a fierce battle for high-paying technological jobs in the global economy. As more nations succeed in creating educationally advanced workforces and join the U.S. as high-technologically manufacturing centers, they become more attractive to companies trying to penetrate foreign markets. Multinational companies sometimes find that moving both manufacturing and basic research activities overseas is necessary if they are to remain competitive. The uncertainty of the R&D credit factors into their economic calculations, and makes keeping these jobs in the U.S. more difficult.

According to a study conducted by Coopers & Lybrand last year, making the R&D credit permanent will provide a substantial positive stimulus to investment, wage-growth, productivity, and overall economic activity for this country. Payroll increases from gains in productivity are estimated to total $64 billion over the period 1998 through 2010. In the year 2010 alone, the payroll increase is estimated to total nearly $12 billion.

Also according to the study, gross State Product, which is the basic measure of economic activity in a state, will rise overall by nearly $58 billion between 1998 and 2010 as a result of a permanent credit. Nearly three-fifths of this increase nationally is attributable to additional value added by industries that generally do not perform R&D themselves, but benefit from the R&D done by companies in other industries.

Gains in payroll and in Gross State Produce are not limited to states regarded as centers for technological innovation. Although such regions of the country certainly benefit from the credit, each and every state will profit in some measurable way from the credit since all sectors of the economy—agriculture, mining, basic manufacturing, and high-tech services—benefit from productivity improvements resulting from the additional research and development caused by the credit.

My own State of Montana is an excellent example of this economic activity. The total increase in payroll due to the R&D credit for the years 1998–2010 is estimated to be just over $250 million. The total increase in Gross State Product during this same period is expected to be $150 million. Neither of these increases place Montana in the top tier of States benefiting from the credit. However, looking beyond those numbers, the impact of the credit in Montana is substantial. In 1995, 12 of every 1,000 private sector workers were employed directly by high-tech firms in Montana. Almost 400 establishments provided high-technology services, at an average wage of $34,500 per year. These jobs paid 77 percent more than the average private sector wage in 1995 of $19,500 per year. Many of these jobs would never have been created without the assistance of the R&D credit. And many more jobs in Montana are dependent upon the growth and stability of the high-tech sector. Although the cumulative numbers may not be high in comparison with other States, the impact of the R&D credit on Montana's economy is clear.

Senator HATCH and I are not newcomers to this issue. We have jointly introduced bills to make the R&D credit permanent in numerous previous Congresses only to end up with extensions of one year or less. But I like to think that this year will be different. The hard work we have done to bring our budget into balance is finally beginning to pay off, and the projected budget surpluses gives us an opportunity to think carefully about how best to allocate our resources. We believe making the R&D credit permanent is a wise use of budget dollars because of the direct positive impact on economic growth and productivity. This is not just a corporate issue. This is a use of tax dollars that benefits all of us who are working to expand employment, increase wages and keep our Nation at the cutting edge of technological development. I sincerely hope we can make this year the year that the R&D credit becomes a permanent part of our tax code.

I urge my colleagues to support this legislation.●

● Mr. GORTON. Mr. President, technology is the driving force behind the U.S. economy, and investment in research and development is the driving force behind technology. Without research and development, the Internet would not exist. Without research and development, bone marrow transplants would not be saving lives. Without research and development, global satellite networks would not bring instantaneous news from around the world into our living rooms.

Quite simply, Mr. President, research and development encourages economic growth, creates jobs, and gives U.S. businesses an edge in today's competitive world marketplace.

That is why I am proud to be an original cosponsor of legislation introduced today by my colleagues Senator HATCH and Senator BAUCUS. This bill to make permanent the R&D tax credit will enable private businesses large and small to spend more of their resources on research and development. I have long been a strong supporter of the R&D tax credit and am delighted to join the effort to make it permanent.

As my colleagues know, the credit was first created in 1981 as a way to encourage the development of new and innovative commercial technologies and has been renewed nine times. Unfortunately, Congress has never made the tax credit permanent. Such a year to year uncertainty prohibits companies from making long-term R&D plans that take the tax credit into account. This lack of permanency leads inevitably to a lower rate of investment in research and development. That, Mr. President, slows U.S. innovation and economic growth, results in fewer jobs for Americans, and places U.S. firms at a competitive disadvantage to foreign companies.

Making the R&D tax credit permanent is one of the easiest and most effective measures we can take to boost the effectiveness and efficiency of the high tech industry.

The credit spurs economic growth. A recent study by Coopers & Lybrand found that every dollar of tax benefit generates as much as one dollar of additional private R and D spending in the short term and as much as two dollars of long-term R and D investment. The study concluded that over the 1998–2010 period, U.S. companies would spend 41 billion dollars more on research and development if the credit were made permanent. Further, innovations from that additional R and D investment would add more than 13 billion dollars a year to the economy's productive capacity by the year 2010.

The credit creates jobs. Because it is targeted primarily at salaries and wages of employees directly involved in research and experimentation, it is an incentive for companies to create and sustain high-skilled, high-paying jobs.

The credit helps U.S. companies compete. The R and D Tax Credit Coalition, a group of over 1000 American companies and 52 trade associations dedicated to making the tax credit permanent, argues that the credit is an essential tool for U.S. companies competing against foreign firms. Foreign companies often benefit from research and development subsidies from their governments. Such incentives lower the cost of R and D in foreign countries and give companies receiving the subsidies a competitive advantage over U.S. firms. According to the Coalition, U.S. corporate research and development spending lags far behind Germany and Japan as a percentage of sales. Making the tax credit permanent will go a long way to eliminate this disadvantage.

In my home state of Washington, hundreds of businesses, both large and small, use the R&D tax credit to develop new and innovative products and create jobs. In fact, Washington is making a name for itself as the home of a large and growing high technology industry. Last year, the American Electronics Association named Washington a ''cyber state'' and found that 45 out of every 1,000 private sector

workers in the state are employed by high-tech firms. According to AEA, Washington leads the nation in high-tech wages with an average high-tech salary in the state of over 66 thousand dollars a year.

Not surprisingly then, we in Washington view the R&D credit as a valued complement to our state's economic development policies. In fact, the Coopers and Lybrand study estimates that the credit will increase Washington's Gross State Product by $1.4 billion and the state's payroll by $1.6 billion over the next decade.

The Hatch-Baucus legislation to make the R&D tax credit permanent will benefit Washington and every other state in the nation. It is a smart and effective piece of legislation. It spurs economic growth, creates jobs, and helps U.S. companies compete more effectively.

I am proud to be a cosponsor, and I urge my colleagues to join me in supporting innovation in America.●

● Mrs. FEINSTEIN. Mr. President, I rise today in support of the Research and Experimentation Tax Credit, introduced by the Senators from Utah and Montana. This bill addresses what is in my opinion a long-standing oversight in the tax code, and will create a permanent extension for the Research and Experimentation Tax Credit.

Indeed, this legislation is necessary because, despite a remarkable record of spurring innovation and success—it is regarded by many in the business world as the single most effective tool government has to help business—the 18 year old research and experimentation tax credit inexplicably remains a temporary provision of the tax code.

Economists have linked the tax credit to steady economic growth and productivity. Industry leaders have credited it with spawning private enterprise investments. It is especially important to high tech and emerging growth industries that are driving our economy. And, because it creates jobs and spurs economic activity, the research and experimentation tax credit helps to increase the tax base, paying back the benefit of the credit.

Yet, despite its many benefits, for 18 years the research and experimentation tax credit has remained a temporary tax provision requiring regular renewal. The President's budget request for FY2000 has, once again, only requested a one year extension of the credit.

In fact, since 1981, when it was first enacted, the Research and Experimentation Tax Credit has been extended nine times. In four instances the research credit had expired before being renewed retroactively and, in one instance, it was renewed for a mere six months.

This is not a process which is conducive to encouraging business investment in the innovative industries—high technology, electronics, computers, software, and biotechnology, among others—which will provide future strength and growth for the U.S. economy.

Earlier in this decade California was faced with its severest economic downturn since the Great Depression. Today, the California economy is healthy and vibrant, and it is so in no small part because of the critical role played by innovative research and development efforts in nurturing new ''high tech'' industries.

Today the 150 largest Silicon Valley companies are valued at well-over $500 billion, $500 billion which did not exist two decades ago. Much of this growth is a result of ability of companies to undertake long-rage and sustained research in cutting-edge technologies.

To give just one example: Pericom Semiconductor, located in San Jose, California, has expanded from a start-up company in 1990 to a company with over $50 million in revenue and 175 employees by the end of last year. Pericom is ranked by Deloitte Touche as one of the fastest growing companies in Silicon Valley. And, according to a letter I received from the Vice President of Finance and administration at Pericom, utilization of the research credit has been key to their success, enabling them to add engineers, conduct research, and expand their technology base.

I will enter into the RECORD letters I have received from several California companies regarding the benefits of the research and experimentation tax credit.

The new jobs created at companies like Pericom, Genetech, Intel, Lam, and Xylinx, along with a host of others, through utilization of the research and experimentation tax credit also create additional tax revenue, paying back the benefit of the tax credit.

Research and experimentation is the lifeblood of high technology development, and if we want to replicate the success of companies like Pericom across the country it is crucial that we create a permanent research and experimentation tax credit.

According to a 1988 study conducted by the national accounting firm Coopers & Lybrand, a permanent credit will increase GDP by nearly $58 billion (in 1998 dollars) over the next decade. The productivity gains from a permanent extension will allow workers throughout the nation to earn higher wages.

Whether it is advances in health care, information technology, or environmental design, research and development are critical ingredients for fueling the process of economic growth.

Moreover, aggressive research and experimentation is essential for U.S. industries fighting to be competitive in the world marketplace.

Right now American biotechnology is the world leader in developing effective treatments and biotech is considered one of the critical technologies for the twenty-first century. With other countries heavily-subsidizing research and development, it is critical that U.S. companies also receive incentive to invest the necessary resources to stay on top of breakthrough developments.

Most biotech research and development efforts are long term projects spanning five to ten years, sometimes more. The uncertainty created by the temporary and sporadic extensions is incompatible with the basic needs of biotech innovation—providing companies with a stable time frame to plan, launch, and conduct research activities. In the case of a promising but financially intensive research project, such unpredictability can make the difference as to whether the project is completed or abandoned.

Anyone who has watched the growth of America's high tech sector in the past two decades—much of it in California—has seen first hand how research and development investment leads to new jobs, new businesses, and even entire new industries. And anyone who has benefitted from breakthrough products—from new treatments for genetic disorders to cleansing contaminated groundwater—has felt the effect of this tax credit.

Mr. President, I believe that the research and experimentation tax credit has proven its worth in creating new technologies and jobs, and in growing tax revenues for this country. It should not be imperilled by remaining a temporary credit, subject to termination because of the uncertainty of a given political moment. I urge my colleagues to support this bill and to create a permanent extension for the Research and Experimentation Tax Credit.

I ask that letter in support of the bill be printed in the RECORD.

The material follows:

PERICOM,
October 13, 1998.

Sen. DIANNE FEINSTEIN,
Washington, DC.

This is a letter to let you know how we are able to utilize the benefits of the Research and Development Tax Credit.

Pericom Semiconductor—located in San Jose, California—has expanded from a start-up in 1990 to $50M in revenue with 175 people as of September 1998. The savings that we obtain through the utilization of the research credit have enabled us to add engineers to help us expand our technology base. We were ranked as one of the fastest growing companies in Silicon Valley as a result of a Deloitte Touche survey.

The benefit to our country is that we export about 50% of our revenue to Asia Pacific and Europe. This helps with the balance of trade.

The engineers that we hire also pay their fair share of taxes so the benefit of the tax credit is paid back and I'm sure are more than revenue neutral. It enables them to buy goods and services which has the spiral effect of making our country that much stronger.

We respect your efforts on our behalf and view the extension as a must for us. There is no known reason not to pass it.

Sincerely,

PATRICK B. BRENNAN,
Vice President, Finance and Administration.

TEXAS INSTRUMENTS,
SILICON SYSTEMS, INC.,
Santa Cruz, CA, March 9, 1999.

Hon. DIANE FEINSTEIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC

DEAR SENATOR FEINSTEIN: I write to you in my capacity as Santa Cruz Fab Director of Texas Instruments. Although we have operations throughout the United States, especially in Texas, we have significant operations in Santa Cruz, San Jose, Tustin and Santa Barbara, California. Thank you for your support for the Research and Development (R&D) tax credit and your efforts to make the credit permanent. We support the bill recently introduced by Reps. Johnson and Matsui. Making the R&D tax credit permanent is our top tax priority for 1999.

Texas Instruments is a global semiconductor company employing over 34,000 people worldwide. We are the world's leading designer and supplier of digital signal processing (DSP) and analog technologies, the engines driving the digitization of electronics. DSP is the enabler of products and processes yet to be imagined. It is a 3.9 billion dollar market today. It should hit 13 billion dollars within the next five years. If one adds mixed signal and analog products, the total market could be in excess of 60 billion dollars by the year 2002.

The R&D tax credit provides a significant incentive for companies to perform additional amounts of R&D activity. Given the inherent riskiness of this type of investment, the credit makes for sound tax policy. Because the R&D credit is primarily a wage credit, most of this additional investment is directly connected to the creation and maintenance of high-wage professional jobs.

Additionally, the creation of new products and broadening the scope of technical knowledge benefits Americans generally. We specialize in digital signal processing solutions, enabling the nation to be more efficient and more productive. Ultimately, the nation's employees will earn higher wages and pay more taxes because Texas Instruments and other California companies are investing in the future through research.

To best harness the incentive nature of the R&D tax credit, we believe that Congress should make the credit permanent. Texas Instruments and the entire high tech community would like to be able to rely upon the existence of the credit beyond the average six months to 1½ year extension that has characterized the treatment of the credit since 1986. This would allow us to devote even more resources to R&D activities, and quite possibly hire even more Californians.

There is another way to look at this: Congress and the Administration need to take steps to ensure that U.S. companies are equipped to compete in the international marketplace. In the semiconductor industry, we have always faced a continuing threat from foreign competitors such as those in Japan, Korea or Taiwan. The R&D tax credit is a step that helps U.S. companies as they compete in the global marketplace. It does this by encouraging R&D activities, which in turn result in greater employment opportunities.

As you know, high-technology firms have a critical role to play in the future of the nation, and we all need to work to keep businesses like ours here in the U.S. As the world quickly shifts to a service economy, high salary jobs that can sustain the American standard of living are becoming increasingly linked to high value-added, high-tech professions. Future economic growth and high employment require us to continue to nourish innovation while encouraging our employees to be as productive and creative as possible. Our nation has the potential to lead the world into a prosperous new century of growth, given appropriate federal policy—such as making permanent the R&D tax credit.

Again, thank you for all your previous efforts in support of the R&D tax credit. If there is any additional information that we can provide to you in support of this important provision, please feel free to contact me.

Sincerely,

JAMES D. JENSEN,
Santa Cruz Fab Director.●

● Mr. LIEBERMAN. Mr. President, I am pleased to join Senators HATCH and BAUCUS today in cosponsoring a bill to make the Research and Experimentation Tax Credit permanent. Technological innovation is the major factor driving economic and income growth in America today. A one percent increase in our nation's investment in research results in a productivity increase of 0.23 percent. Productivity increases are what allow us to increase wages and standards of living. The R&D undertaken by our companies today is too important to our economy and our wages to allow its encouragement through tax credits to be an unstable, haphazard effort varying from one year to the next.

Moreover, R&D has a significantly higher rate of return at the societal level than at the company level. There is a huge spillover effect from one person's or one company's innovation to other firms, other industries, and benefits to consumers. That is why government has a role in supporting R&D both directly through government funded research and through tax credits to private industry. All of society benefits from increased R&D. I strongly support making the R&D tax credit permanent so that our companies can engage confidently in long-term planning for sustained research investment.

I believe making the R&D tax credit permanent is a priority. I also feel we must strengthen the United States investment in R&D through other means as well. Senators FRIST, ROCKEFELLER, DOMENICI, GRAMM and I are sponsoring a bill, S. 296—with 29 cosponsors—to double federal investment in research over the next decade. Government labs and University labs undertake much of the basic research in this country. We need to nurture these incubators of basic research not only by increasing government support for them, but to encourage private sector support and financing of them. That is why Senators DOMENICI, BINGAMAN, FRIST and I support some reforms to the R&D tax credit that will encourage the private sector to partner with Government and University labs. We will shortly be introducing a bill to increase the benefits of the R&D credit to all companies, encourage research consortia, and give special attention to research investment by small businesses.

The reason we have been unable to make the R&D tax credit permanent is because it requires that the expenditures be scored for five years, thereby raising the budget costs. Extending the credit each year, sometimes at the last minute and sometimes retroactively, does not lower the cost to government, but increases the costs to industry by increasing its risk and uncertainty. Let's stop this charade and do what's right. Let's make it permanent.●

● Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues Senator HATCH and Senator BAUCUS in introducing legislation to permanently extend the research and experimentation (R&E) tax credit. This credit provides a major incentive to the private sector to invest in long-range, high-risk research. It has played, and continues to play an important role in fostering private-sector investment in research, driving innovation in our technology-based industries.

Economic studies have shown that for each dollar of lost tax revenue, the tax credit stimulates an additional dollar of R&E in the short term and two additional dollars in the long term. These research investments promote technological innovation, enhance job growth, and increase productivity, helping to maintain our nation's quality of life and economic strength and well-being.

The R&E tax credit was enacted in 1981, and since then has been temporarily extended nine times, for periods as brief as six months, and has been allowed to lapse at least three times before being renewed retroactively. This is simply not an acceptable situation, especially if we mean to create a business climate which encourages the private sector to fund as much R&E as possible in the U.S., and not to move these activities off shore to countries that offer more substantial tax and financial incentives. This is a particularly critical concern for our high-growth, research-intensive industries, such as those in the computer, telecommunications, and biotechnology sectors. These companies depend on the R&E tax credit to undertake and continue long-term research projects. To ensure the success of such projects it is essential that our support for industry research is both continuous and predictable—our future competitiveness in the world marketplace depends upon it.

The federal government is reducing its commitment to research and development. We therefore need to encourage the private sector to expand its investment in this area. By making the R&E tax credit permanent, so that companies can count on its availability from year to year in planning their research investments, we create an environment conducive to promoting investment in R&E. We must not allow a system characterized by the uncertainty of frequent expirations and renewals to continue. I therefore urge my colleagues to join me in support of this legislation to make the R&E tax credit permanent.●

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. LAUTENBERG, Mr. CLELAND, Mr. JOHNSON, Ms.

MIKULSKI, Mr. SARBANES, Mrs. MURRAY, and Mr. HOLLINGS):

S. 681. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer, to the Committee on Health, Education, Labor, and Pensions.

BREAST CANCER PATIENT PROTECTION ACT

Mr. DASCHLE. Mr. President, today I am introducing the Breast Cancer Patient Protection Act of 1999, which requires health insurance plans to provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed to treat breast cancer.

This bill would prevent insurance companies and health maintenance organizations (HMOs) from forcing women to leave the hospital prematurely following a mastectomy or lymph node dissection or to have these treatments on an outpatient basis. Insurance company accountants should not make medical decisions without considering a doctor's judgments or a patient's needs. This legislation is part of my ongoing effort to protect patients and require that insurance companies deliver necessary, promised coverage. The Patients' Bill of Rights Act, S.6, also addresses these types of abuses, while providing a range of other important protections.

The Breast Cancer Patient Protection Act would guarantee women at least 48 hours of inpatient care following a mastectomy and at least 24 hours following lymph node dissection. These standards were designed in consultation with surgeons who specialize in this area and reflect the minimum amount of inpatient care necessary following these procedures. Patients, in consultation with their physicians, would be able to leave the hospital earlier if their situation warrants. The bottom line is still that insurers should allow coverage for the time necessary to ensure a proper recovery.

Over the last several years, the average length of hospitalization following a mastectomy has fallen from 4–6 to 2–3 days. Patients undergoing lymph node dissections in the past were hospitalized for 2–3 days. While some of the reductions in length of care may be the result of better medical practices, hospitalization is still critical for pain control, to manage fluid drainage, and to provide support and reassurance for women who have just undergone major surgery.

Nevertheless, some patients have been told that their health maintenance organization (HMO) will cover their major surgery only on an outpatient basis. These determinations have been made on the basis of studies by their own actuarial consulting firms. However, both American College of Surgeons and the American Medical Association have concluded that inpatient stays are recommended in many cases. Women suffering from breast cancer deserve to know that their insurance will cover care based on their medical needs rather than the coverage recommendations made by HMO actuaries.

My bill is a companion to H.R. 116, which was introduced in the House of Representatives by Congresswoman DeLauro. I would like to express appreciation to Congresswoman DeLauro, and to Senators FEINSTEIN, MIKULSKI and MURRAY, for their tireless efforts on behalf of breast cancer patients. All have been invaluable leaders who have inspired and challenged us to address the very real need for breast cancer treatment reform.

As we discuss the importance of ensuring quality care for breast cancer sufferers who have health insurance, it is also important to note that many women in the United States must fight this life-threatening disease without any health insurance at all. The Centers for Disease Control (CDC) funds breast and cervical cancer screening—in South Dakota, 1300 low-income women have been screened during the past 18 months—but there is no funding for actual treatment when that screening detects cancer. While the CDC effort is a critical part of the fight against cancer, it is ironic that those women who test positive for breast and cervical cancer may have no way to pay for the treatment they need.

With one in eight women expected to develop breast cancer, it is increasingly likely that all of our families will be affected by this devastating disease in some way. In South Dakota, 500 women will be diagnosed with, and 100 will die of, breast cancer in the next 12 months. Let us take this small step to ensure the experience is not complicated by insecurity and confusion over health insurance coverage. Let us put critical health care decisions back in the hands of breast cancer patients and their physicians.

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 printed in the RECORD, as follows:

S. 681

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 ''Breast Cancer Patient Protection Act of 1999''.

SEC. 2. COVERAGE OF MINIMUM HOSPITAL STAY FOR CERTAIN BREAST CANCER TREATMENT.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

''(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

''(A) except as provided in paragraph (2)—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

''(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by an attending provider in consultation with the woman.

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

''(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

''(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

''(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

''(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

''(c) RULES OF CONSTRUCTION.—

''(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

''(A) to undergo a mastectomy or lymph node dissection in a hospital; or

''(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

''(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

''(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or

other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

''(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(e) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(f) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

''(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

''(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

''(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

''(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking ''section 2704'' and inserting ''sections 2704 and 2707''.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

''SEC. 714. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

''(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

''(A) except as provided in paragraph (2)—

''(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

''(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

''(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by an attending provider in consultation with the woman.

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

''(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

''(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

''(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

''(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

''(c) RULES OF CONSTRUCTION.—

''(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

''(A) to undergo a mastectomy or lymph node dissection in a hospital; or

''(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

''(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

''(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

''(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(e) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(f) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

''(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 731(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

''(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

''(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

''(2) CONSTRUCTION.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).''.

(B) CONFORMING AMENDMENT.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104–204, is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104–204, is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(C) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Standards relating to benefits for certain breast cancer treatment.''.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following new section:

''SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

''(a) IN GENERAL.—The provisions of section 2707 (other than subsection (d)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

''(c) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

''(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

''(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

''(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital

length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

''(2) CONSTRUCTION.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).''.

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH INSURANCE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) INDIVIDUAL HEALTH INSURANCE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

By Mr. HELMS (for himself and Ms. LANDRIEU):

S. 682. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes; to the Committee on Foreign Relations.

Mr. HELMS. Mr. President, I send to the desk legislation that the distinguished Senator from Louisiana, Ms. LANDRIEU and I are introducing today, its purpose being to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption—a treaty pending before the Foreign Relations Committee.

Senator LANDRIEU and I have worked together on issues of adoption since her arrival in the Senate in 1997. I am genuinely grateful for her leadership on this issue.

According to the most recent statistics, in 1998 almost 15,774 children were adopted by Americans from abroad. The majority of the children were brought to the United States from Russia, China, Korea, and Central and South American countries. In my state of North Carolina, 175 children were adopted in 1996 from outside the United States.

The Intercountry Adoption Implementation Act will provide for the first time a rational structure for intercountry adoption. The act is intended to bring some accountability to agencies that provide intercountry adoption services in the United States, and strengthen the hand of the Secretary of State in ensuring that U.S. adoption agencies engage in efforts to find homes for children in an ethical manner.

Mr. President, I strongly support adoption. It is in the best interest of every child—regardless of his or her age, race or special need—to be raised by a family who will provide a safe, permanent, and nurturing home. However, it is also a process that can leave parents and children vulnerable to fraud and abuse.

For this reason, the legislation that Senator LANDRIEU and I are introducing today includes a requirement that agencies be accredited to provide intercountry adoption. Mandatory standards for accreditation will include ensuring that a child's medical records be available in English to the prospective parents prior to their traveling to the foreign country to finalize an adoption. (We are also requiring that agencies be transparent, especially in their rate of disrupted adoption and their fee scales.)

This legislation also places the requirements of implementing the Hague Convention with the U.S. Secretary of State. Some have advocated a role for various government agencies, but I believe that spreading responsibility among various agencies will undermine the effective implementation of the Hague Convention.

During hearings last year in the Foreign Relations Committee regarding international parental kidnaping, the Committee heard testimony regarding the difficulties of coordination among agencies in implementing the Hague Convention on the Civil Aspects of Parental Abduction. This situation provides a valuable lesson. As a result, our legislation tasks the Secretary of State with establishing accreditation criteria for adoption agencies.

The Foreign Relations Committee soon will schedule hearings to consider both the treaty and this legislation. I hope that these hearings will emphasize both the many benefits of intercountry adoption, but also several of the abuses that have resulted during this decade.

Ms. LANDRIEU. Mr. President, I am very proud to join with my friend and colleague, the senior Senator from North Carolina, in introducing the implementing legislation for the Hague Convention on Intercountry Adoption. As many Members know, Senator HELMS cares deeply about the welfare of children and knows personally of the joy of building a family through adoption. I commend him for his strong commitment, his leadership, and the very thoughtful work that he has put into this important piece of legislation.

In my office, I have a large black and white poster of a smiling infant crawling only in a diaper. On the baby's bottom, on the diaper, is a huge bull's eye. The text says simply, ''Children always make the easiest targets.''

Unfortunately, Madam President, that seems to be true in our legislative and budgetary process. They don't move very quickly, they are not very strong, they don't have very loud voices and they can't protect themselves. We need to help them do that.

It would have been easy for the chairman of the Senate Foreign Relations Committee to come to this floor on one of the dozens of other important treaties that he has pending before his committee. It would have required no effort to leave this relatively obscure treaty languishing in limbo for months or even years. Instead, Senator HELMS made this treaty a priority. I am very proud to join him as a lead democratic sponsor of its implementing legislation, which will benefit millions of children throughout the world, and families around the globe.

I have had the opportunity to meet with many foreign dignitaries on the subject of intercountry adoption, from China to Russia, to Romania. Many countries have indicated that the United States ratification of the Hague Convention is the single most important thing we can do to strengthen the process of intercountry adoption. The United States adopts more children than any other country in the world. Unfortunately, this Nation and other large receiving nations have been sending the wrong message about our intentions regarding adoption.

A nation like Romania, for instance, which has had a tortured history in the field of child welfare indicated the importance of this treaty by being the first nation to ratify. For that, they should be commended.

Other sending countries have similarly stepped up to the plate, while receiving nations remain inactive. We must change that.

Today, in the Senate, we send a new message to the world. The United States is serious about the Hague convention. We are serious about improving and reforming the intercountry adoption system, and we will encourage other nations of the world to join us in that effort.

Habitat for Humanity's Millard Fuller, a man who has accomplished a great deal in the last few years, has a credo for his organization. He says everyone deserves a decent place to live. He is right. With that simple, but bold vision, Habitat for Humanity has been an incredible success story, building homes around the world for millions of families.

This is another simple but bold idea. Every child deserves a nurturing family. This treaty doesn't guarantee that, but it will give millions of children their best chance for a family to call their own. Furthermore, it will give millions of would-be parents a better chance at the joy of parenthood. We cannot let arbitrary borders and national pride get in the way of this simple but powerful idea, that every child should have parents who can love and care for them. No child should have to be raised alone.

The Hague Convention, by normalizing the process of intercountry adoption, brings this bold idea a step closer to reality.

I will briefly touch upon several important pieces of this legislation. First, let me say that this treaty is not a Federal endeavor to take control of the adoption process. This system is working for the most, and in many parts of the country it works very well. The philosophy throughout has been to address the real need for reform of intercountry adoptions and leave the other debate to another day.

This bill, however, does make several changes which will revolutionize the status quo. First, the State Department will finally be given legislative authority to track, monitor and report on intercountry adoptions. We will have hard figures on disruptions, adoption fees, and most importantly, the number of American children who are adopted by people abroad.

Second, accredited agencies will need to provide some minimum services to continue operating in the intercountry field. Among these services are translated medical reports, 6 weeks of preadoption counseling, liability insurance and open examination of practices and records. By allowing public scrutiny in this area, we believe the Hague implementing legislation provides some basic consumer protection and will help eliminate the few bad actors who occasionally grab headlines in the arena of international adoption.

Another significant feature of this treaty is the adoption certificate which will be provided by the Secretary of State. With the certificate, INS procedures and State court finalizations will become routine and quick rather than involved and costly. This will be a welcome relief for many families across this country waiting for children to come home.

Americans provide loving families for nearly 15,000 children from around the world. If we pass this convention, those numbers are most certainly likely to increase, which will be an opportunity for families here in the United States, as well as many children who desperately need homes.

Every day, my colleagues speak eloquently from this floor about ways to help our children and families grow and become stronger, but rarely do we have an opportunity to do something which can have a significant impact on actually creating loving homes for children who have no one. This is such an occasion. We should not miss this historic opportunity.

I look forward to working with our chairman from North Carolina as this bill and treaty progress through the Senate in the months ahead. It is with high hopes that we proceed, hoping that we can pass a strong, bipartisan piece of legislation before the end of the year.

Madame President, the need to help children find loving homes, is as old as human history. You can look all the way back to Muhammad who stated that ''the best house is the house in which an orphan receives care.'' I hope we can create many such houses with this bill. I would like to conclude with a quote I read in preparation for this speech that I found quite moving. It says that ''orphans, other than their innocence, have no sin, and other than their tears, they have no way of communication. They cannot explain the wars, the struggles, the political disputes, or the geographical disputes which have all made them homeless, helpless, fearful, and alone. Human history has never seen such a large number of orphan children in this world. Mankind has never seen such a large number of people in comfort. If you follow any religion, it is your religious duty to take care of orphans. If you do not follow any religion, it is your observation toward humanity that should convince you to support them.''

I ask unanimous consent that documents involving those nations that have signed the treaty be printed in the RECORD as well as those that have ratified the treaty.

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

The Following States Have Ratified The Hague Convention of 29 May 1993 On Protection of Children and Co-Operation In Respect of Intercountry:

Entry Into Force

Mexico, September 14, 1994, May 1, 1995
Romania, December 28, 1994, May 1, 1995
Sri Lanka, January 23, 1995, May 1, 1995
Cyprus, February 20, 1995, June 1, 1995
Poland, June 12, 1995, October 1, 1995
Spain, July 11, 1995, November 1, 1995
Ecuador, September 7, 1995, January 1, 1996
Peru, September 14, 1995, January 1, 1996
Costa Rica, October 30, 1995, February 1, 1996
Burkina Faso, January 11, 1996, May 1, 1996
Philippines, July 2, 1996, November 1, 1996
Canada, December 19, 1996, April 1, 1997
Venezuela, January 10, 1997, May 1, 1997
Finland, March 27, 1997, July 1, 1997
Sweden, May 28, 1997, September 1, 1997
Denmark, July 2, 1997, November 1, 1997
Total number of ratifications: 16,

The Following States Have Signed The Hague Convention Of 29 May 1993 On Protection of Children and Co-Operation In Respect of Intercountry Adoption:

Costa Rica, 29 May 1993
Mexico, 29 May 1993
Romania, 29 May 1993
Brazil, 29 May 1993
Colombia, 1 September 1993
Uruguay, 1 September 1993
Israel, 2 November 1993
Netherlands, 5 December 1993
United Kingdom, 12 January 1994
United States, 31 March 1994
Canada, 12 April 1994
Finland, 19 April 1994
Burkina Faso, 19 April 1994
Equador, 3 May 1994
Sri Lanka, 24 May 1994
Peru, 16 November 1994
Cyprus, 17 November 1994
Switzerland, 16 January 1995
Spain, 27 March 1995
France, 5 April 1995
Luxembourg, 6 June 1995
Poland, 12 June 1995
Philippines, 17 July 1995
Italy, 11 December 1995
Norway, 20 May 1996
Ireland, 19 June 1996
Sweden, 10 October 1996
El Salvador, 21 November 1996
Venezuela, 10 January 1997
Denmark, 2 July 1997

Ms. LANDRIEU. It is my hope that we can work under the great leadership of Senator HELMS on this issue to pass this implementing legislation and the treaty to provide hope to millions of children in families that would welcome it.

By Ms. COLLINS:

S. 684. A bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent; to the Committee on the Judiciary.

THE FISHERMEN'S BANKRUPTCY PROTECTION ACT

• Ms. COLLINS. Mr. President, today I am introducing a bill to make reorganization under Chapter 12 of the Bankruptcy Code applicable to family fishermen. In brief, the bill would allow family fishermen the opportunity to apply for the protections of reorganization in bankruptcy and provide to them the same protections and terms as those granted the family farmer who enters bankruptcy.

Like many Americans, I'm appalled by those who live beyond their means, and use the bankruptcy code as a tool to cure their self-induced financial ills. I have supported and will continue to support alterations to the bankruptcy code that ensure the responsible use of its provisions. All consumers bear the burden of irresponsible debtors who abuse the system. Therefore, I believe bankruptcy should remain a tool of last resort for those in severe financial distress.

As those familiar with the bankruptcy code know, business reorganization in bankruptcy is a different creature than the forgiveness of debt traditionally associated with bankruptcy. Reorganization embodies the hope that by providing business a break from creditors, and allowing debt to be adjusted, the business will have an opportunity to get back on sound financial footing and thrive. In that vein, Chapter 12 was added to the bankruptcy code in 1986 by the Senator from Iowa, Mr. GRASSLEY, to provide for bankruptcy reorganization of the family farm and to give family farmers a ''fighting chance to reorganize their debts and keep their land''.

To provide the ''fighting chance'' envisioned by the authors of Chapter 12, Congress provided a distinctive set of substantive and procedural rules to govern effective reorganization of the family farm. In essence, Chapter 12 was a recognition of the unique situation of family owned businesses and the enormous value of the family farmer to the American economy and our cultural heritage.

Chapter 12 was modeled on bankruptcy Chapter 13 which governs the reorganization of individual debt. However, to address the unique problems encountered by farmers, Chapter 12 provided for significant advantages over the standard Chapter 13 filer. These advantages include a longer period of time to file a plan for relief, greater flexibility for the debtor to modify the debts secured by their assets, and alteration of the statutory time limit to repay secured debts. The Chapter 12 debtor is also given the freedom to sell off parts of his or her property as part of a reorganization plan.

Unlike Chapter 13, which applies solely to individuals, Chapter 12 can

apply to individuals, partnerships or corporations which fall under a $1.5 million debt threshold—a recognition of the common use of incorporation even among small family held farms.

Without getting too technical, I should also mention that Chapter 12 also contains significant advantages over corporate reorganization which is governed by Chapter 11 of the Bankruptcy Code. For example, Chapter 12 creditors generally may not challenge a payment plan that is approved by the Court.

Chapter 12 has been considered an enormous success in the farm community. According to a recent University of Iowa study, 74 percent of family farmers who filed Chapter 12 bankruptcy are still farming, and 61 percent of farmers who went through Chapter 12 believe that Chapter 12 was helpful in getting them back on their feet.

Recognizing its effectiveness, my bill proposes that Chapter 12 should be made a permanent part of the bankruptcy code, and equally important, my bill would extend Chapter 12's protections to family fishermen.

In my own state of Maine, fishing is a vital part of our economy and our way of life. The commercial fishing industry is made up of proud and fiercely independent individuals whose goal is simply to preserve their business, family income and community.

In my opinion, for too long the fishing industry has been treated like an oddity, rather than a business through which courses the life's blood of families and communities. This bill attempts to bridge that gap and afford fishermen the protection of business reorganization as it is provided to family farmers.

There are many similarities between the family farmer and the family fisherman. Like the family farmer, the fisherman should not only be respected as a businessman, but for his or her independence in the best tradition of our democracy. Like farmers, fishermen face perennial threats from nature and the elements, as well as changes to laws which threaten their existence. Like family farmers, fishermen are not seeking special treatment or a handout from the federal government, they seek only ''the fighting chance'' to remain afloat so that they can continue in their way of life.

Although fishermen do not seek special treatment from the government, they play a special role in seafaring communities on our coasts, and they deserve protections granted others who face similar, often unavoidable, problems. Fishermen should not be denied the bankruptcy protections accorded to farmers solely because they harvest the sea and not the land.

I have proposed not only to make Chapter 12 a permanent part of the bankruptcy code, but also to apply its provisions to the family fisherman. The bill I have proposed mirrors Chapter 12 with very few exceptions. Its protections are restricted to those fishermen with regular income who have total debt less than $1.5 Million, the bulk of which, eighty percent, must stem from commercial fishing. Moreover, families must rely on fishing income for these provisions to apply.

Those same protections and flexibility we grant to farmers should also be granted to the family fisherman. By making this modest but important change to the bankruptcy code, we will express our respect for the business of fishing, and our shared wish that this unique way of life should continue.●

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 685. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

THE STATE WATER SOVEREIGNTY PROTECTION ACT

● Mr. CRAPO. Mr. President, I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal Water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and wilderness designations have all been vehicles used to erode State sovereignty over its water.

It is imperative that States maintain sovereignty over management and control of their water and river systems. All rights to water or reservations of rights for any purposes in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

The State Water Sovereignty Protection Act provides that whenever the United States seeks to appropriate water or acquire a water right, it will be subject to State procedural and substantive water law. The Act further holds that States control the water within their boundaries and that the Federal Government may exercise management or control over water only in compliance with State law. Finally, in any administrative or judicial proceeding in which the United States participates pursuant to the McCarran Amendment, the United States is subject to all costs and fees to the same extent as costs and fees may be imposed on a private party.●

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. SCHUMER, and Mr. TORRICELLI):

S. 686. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufactures, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

THE FIREARMS RIGHTS, RESPONSIBILITIES, AND REMEDIES ACT

Mrs. BOXER. Mr. President, I rise today to introduce legislation to protect the rights and interests of local communities in suing the gun industry. I am joined in this effort by Senators CHAFEE, LAUTENBERG, REED, SCHUMER, and TORRICELLI.

Frankly, I would prefer not to have to introduce legislation at all. But, it has become necessary because the gun industry has begun a concerted campaign to gag America's cities. In order to preserve local control and options, federal legislation is needed. The federal government must stand alongside our local communities to fight the gun violence plaguing too many of America's cities.

So far, five cities—New Orleans, Atlanta, Chicago, Miami-Dade County, and Bridgeport, Connecticut—have filed lawsuits against the gun industry. Many more are considering such lawsuits, including, in my State of California, San Francisco, Los Angeles, and Sacramento. These cities are suing because they are being invaded by guns.

Consider the city of Chicago. Chicago has one of the toughest handgun control ordinances in the country. And yet, this year, the Chicago police will confiscate some 17,000 illegal weapons. City officials acknowledge that's only a fraction of the guns on the streets. And there are now 242 million guns in America. That's almost one for every man, woman, and child in this country.

The result is that each year, guns cause the death of about 35,000 Americans. The number of handgun murders in this country far outpaces that of any other country—indeed, most other countries combined. Japan and Great Britain have fewer than one murder by a handgun per one million population. Canada has about three and a half per million people. But in the United States, there are over 35 handgun murders per year for every million people.

In my state of California alone, there are five times as many handgun murders as there are in New Zealand, Australia, Japan, Great Britain, Canada, and Germany combined. Yet those six countries together have ten times the population of California.

Over 11 years, nearly 400,000 Americans have been killed by gunfire. Compare that with the 11 years of the Vietnam War, where over 58,000 Americans died.

If this continues, the Centers for Disease Control estimates that in just four years, gun deaths will be the leading cause of injury-related death in America.

And for every American who dies, another three are injured and end up in an emergency room. The cost to our health care system is estimated to be between $1.5 billion and $4.5 billion per year. And 4 out of every 5 gunshot victims either have no health insurance or are on public assistance. U.S. News reported that one hospital in California—the University of California-Davis Medical Center—lost $2.2 million over three years on gunshot victims. That means you and I and all taxpayers are paying the bills.

That is why many cities want to sue. But, the NRA does not want to fight this in court. The gun industry wants to circumvent the legal process through special interest legislation—legislation imposed on our cities by big government.

To preserve local control and individual rights, federal legislation is needed. Today, I am introducing such legislation, known as the Firearms Rights, Responsibilities, and Remedies Act. This bill would ensure that individuals and entities harmed by gun violence—including our cities—have the right to sue gun manufacturers, dealers, and importers.

Specifically, my bill would create a federal cause of action—the right to sue—for harms resulting from gun violence. A gun manufacturer, dealer, or importer could be held liable if it ''knew or reasonably should have known'' that its design, manufacturing, marketing, importation, sales, or distribution practices would likely result in gun violence. But, this is not an open-ended proposition. The term ''gun violence'' is defined specifically as the unlawful use of a firearm or the unintentional discharge of a firearm. It would not be possible to sue for every gun sold—or even for all violence and deaths that result. A suit would only be possible if there is some negligence on the part of a manufacturer, dealer, or importer. I believe this language is broad enough to allow cities to pursue their claims, but not so broad as to open the floodgates for every gun-related death and injury.

Suits could be brought in federal or state court by States, units of local government—such as cities, towns, and counties—individuals, organizations, and businesses who were injured by or incurred costs because of gun violence. A prevailing plaintiff could recover actual damages, punitive damages, and attorneys fees.

I am not saying that the gun industry should be required to pay any particular amount of damages, and I am not advocating any particular theory that would hold the gun industry liable. What I am saying is that the gun industry should not be exempt from the normal course of business in America. The right to redress grievances in court is older than America itself—older than the Second Amendment to the Constitution. But the NRA is now pushing legislation in many states and here in Congress to say that the gun industry should get special rights and special protections. I believe that the gun industry should be treated like everyone else, and I believe that our cities should have their day in court.

My bill does not impose anything. It does not require anything. It is designed for one purpose: to preserve local control. As Jim Hahn, the City Attorney of Los Angeles, noted in a letter to me endorsing my bill, what many States are considering would ''represent a significant intrusion in to the authority of local governments.'' And my bill would, in the words of Alex Penelas, the Mayor of Miami-Dade County, ''preserve access to the courts for local governments and individual citizens.''

Now, Mr. President, there have been questions raised about the constitutionality of this measure. It was not easy drafting a constitutional measure, but in working with Kathleen Sullivan, the Dean of Stanford Law School, and Larry Tribe of Harvard, I believe we have a bill that is constitutional.

Finally, Mr. President, let me just note a bit of irony in this whole debate. Some of the legislation that the NRA has worked so hard to defeat over the years—such as mandatory safety locks, smart technology, and product safety legislation—is the basis of some of these suits by the cities. If the NRA had let us pass such laws, they wouldn't be facing so many lawsuits today. The NRA and the gun industry do not want to be regulated and then they do not want to be held accountable. The NRA and the gun industry want to escape their responsibilities for what they are doing to America's cities—and all too often, to America's children.

I sometimes wonder if N-R-A stands for ''No Responsibility or Accountability.''

It has been said that some Americans have a love affair with guns. But we should not stand idly by when that love affair turns violent. Today we stand with America's cities to say enough is enough.

I ask unanimous consent that the bill and the letters from Mr. Hahn—as well as other letters of support from the City Attorney of San Francisco, the Mayor of Bridgeport, Connecticut, a letter from Ms. Sullivan and Handgun Control—be inserted in the RECORD.

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

S. 686

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 ''Firearms Rights, Responsibilities, and Remedies Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the manufacture, distribution, and importation of firearms is inherently commercial in nature;

(2) firearms regularly move in interstate commerce;

(3) firearms trafficking is so prevalent and widespread in and among the States that it is usually impossible to distinguish between intrastate trafficking and interstate trafficking;

(4) to the extent firearms trafficking is intrastate in nature, it arises out of and is substantially connected with a commercial transaction, which, when viewed in the aggregate, substantially affects interstate commerce;

(5) gun violence results in great costs to society, including the costs of law enforcement, medical care, lost productivity, and loss of life;

(6) to the extent possible, the costs of gun violence should be borne by those liable for them, including manufacturers, dealers, and importers;

(7) in any action to recover the costs associated with gun violence to a particular entity or to a given community, it is usually impossible to trace the portion of costs attributable to intrastate versus interstate commerce;

(8) the law governing the liability of manufacturers, dealers, and importers for gun violence is evolving inconsistently within and among the States, resulting in a contradictory and uncertain regime that is inequitable and that unduly burdens interstate commerce;

(9) the inability to obtain adequate compensation for the costs of gun violence results in a serious commercial distortion to a single national market and a stable national economy, thereby creating a barrier to interstate commerce;

(10) it is an essential and appropriate role of the Federal Government, under the Constitution of the United States, to remove burdens and barriers to interstate commerce;

(11) because the intrastate and interstate trafficking of firearms are so commingled, full regulation of interstate commerce requires the incidental regulation of intrastate commerce; and

(12) it is in the national interest and within the role of the Federal Government to ensure that manufacturers, dealers, and importers can be held liable under Federal law for gun violence.

(b) PURPOSE.—Based on the power of Congress in clause 3 of section 8 of article I of the Constitution of the United States, the purpose of this Act is to regulate interstate commerce by—

(1) regulating the commercial activity of firearms trafficking;

(2) protecting States, units of local government, organizations, businesses, and other persons from the adverse effects of interstate commerce in firearms;

(3) establishing a uniform legal principle that manufacturers, dealers, and importers can be held liable for gun violence; and

(4) creating greater fairness, rationality, and predictability in the civil justice system.

SEC. 3. DEFINITIONS.

In this Act:

(1) GUN VIOLENCE.—The term ''gun violence'' means any—

(A) actual or threatened unlawful use of a firearm; and

(B) unintentional discharge of a firearm.

(2) INCORPORATED DEFINITIONS.—The terms ''firearm'', ''importer'', ''manufacturer'', and ''dealer'' have the meanings given those terms in section 921 of title 18, United States Code.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.

SEC. 4. FEDERAL CAUSE OF ACTION.

(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, a State, unit of local government, organization, business, or other person that has been injured by or incurred costs as a result of gun violence may bring a civil action in a Federal or State court of original jurisdiction against a manufacturer, dealer, or importer who knew or reasonably should have known that its design, manufacturing, marketing, importation, sales, or distribution practices would likely result in gun violence.

(b) REMEDIES.—In an action under subsection (a), the court may award appropriate relief, including—

(1) actual damages;

(2) punitive damages;

(3) reasonable attorneys' fees and other litigation costs reasonably incurred, including the costs of expert witnesses; and

(4) such other relief as the court determines to be appropriate.

CITY OF LOS ANGELES,
March 22, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR BARBARA: I write to express my strong support for the Firearms Rights, Responsibilities, and Remedies Act which will assure the ability of local governments to sue the gun industry by creating a federal cause of action for claims brought against the gun industry. In so doing, the act is critical to the goal of making the gun industry accountable for the toll of gun violence on cities nationwide.

The City of Los Angeles is exploring litigation against the gun industry in order to recoup the City's costs in addressing gun violence. Therefore, any attempt on the state level to preclude local gun lawsuits would subvert cities and counties' efforts in this regard and would also represent a significant intrusion in to the authority of local governments. The creation of a federal cause of action is invaluable to guaranteeing that litigation remains available to cities and counties.

The Firearms Rights, Responsibilities, and Remedies Act represents a common-sense and reasonable approach to any attempt to bar gun lawsuits by cities and counties. I am pleased to offer my support for this important legislation.

Very truly yours,

JAMES K. HAHN,
City Attorney.

OFFICE OF THE MAYOR,
Miami-Dade County, FL, March 23, 1999.

Hon. BARBARA BOXER,
U.S. Senator, Washington, DC.

DEAR SENATOR BOXER: Thank you for your invitation to join you today in Washington, DC, as you announce legislation which will assist local governments, like Miami-Dade County, on our legal efforts to compel the gun industry to manufacture childproof guns. I regret that I am unable to join you personally to offer my support and gratitude for your efforts. Unfortunately, County business requires me to be in our State Capitol today.

On January 21, 1999, Miami-Dade County filed a lawsuit against the gun industry seeking to compel gun manufacturers to make safer, childproof guns. To achieve our objective we are hitting the gun industry where it hurts—in their wallets. Every year, gun violence and accidental deaths costs our community hundreds of millions of dollars. Until now, taxpayers have borne the responsibility for many of these costs while the gun industry has washed its hands of the blood of countless victims, including many children and youths. However, our efforts are not about money. In fact, if the gun industry agrees to make childproof guns, install load indicators on guns and change its marketing practices my community will crop its lawsuit.

As you know, legislation has been filed in the Florida Legislature that would not only preempt Miami-Dade County's lawsuit, but would also make it a felony for any public official to pursue such litigation. This NRA sponsored legislation is undemocratic and hypocritical. If passed, preemption legislation will effectively slam shut the doors of justice and trample on the People's right to access the judiciary in the name of defending the Second Amendment. Additionally, while some Tallahassee and Washington legislators claim to favor returning power to local governments, they are the first to support legislation which takes away our right to access an independent branch of government.

Clearly, the gun lobby is out of touch with the will of the people. Flordia voters, like Americans nationwide, have repeatedly sent a strong message that they favor commonsense gun safety measures. For example:

In 1991, Florida voters overwhelmingly supported requiring criminal background checks and waiting periods on gun sales;

Last November, 72% of Floridians voted to close the Gunshow Loophole, by extending criminal background check and waiting period requirements to gunshows and flea markets;

Just last month a New York jury found the gun industry civilly liable for saturating the market with guns.

Unfortunately, our prospects for success in defeating this misguided state legislation are dim. However, I am confident that the pressure on the gun industry to reform increase with each passing day. Your legislation will add additional pressure by sending a message to the gun lobby that they cannot block access to the courts by strong-arming state legislatures.

If successful, your legislation will preserve access to the courts for local governments and individual citizens who are demanding that the gun industry be held accountable for callously favoring corporate profits over our children's safety. I commend you for putting the public's interest ahead of the powerful special interests that seek only to protect a negligent industry that has ignored commonsense pleas to make childproof guns. Be assured I stand ready to assist you in advancing this significant legislation.

Sincerely,

ALEX PENELAS,
Mayor.

OFFICE OF THE CITY ATTORNEY,
San Francisco, CA, March 22, 1999.

Re: Proposed legislation

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I write to endorse your proposed legislation that will allow local governments to sue gun manufacturers, dealers, and importers. Each year in San Francisco we admit numerous gunshot victims to our hospitals with staggering costs to the general public. Sadly enough, all too often these victims are children and young people. The gun industry must be held responsible for its role in the emotional and financial distress caused to anyone affected by gun violence—including local government.

Your legislation would ensure that the normal legal processes can be brought to bear upon a significant public problem and that the gun industry would not be exempt from the usual course of business in America. For these reasons, I support your proposed legislation and commend you for your ongoing efforts to stand with America's cities and its people.

Sincerely,

LOUISE H. RENNE,
City Attorney.

BRIDGEPORT CITY HALL,
MAYOR JOSEPH P. GANIM,
Bridgeport, CT, March 23, 1999.

GANIM SUPPORTS BOXER GUN BILL

The following is Bridgeport Mayor Joseph P. Ganim's statement of support for Sen. Barbara Boxer's proposed federal legislation:

I am in full support of the legislation drafted by Sen. Boxer to allow people, groups or governments to exercise their constitutional rights to seek redress through the courts, I regret that I am not able to be in Washington as the Senator makes this important announcement.

Bridgeport is one of five cities across the nation to file a lawsuit against handgun manufacturers. We are seeking damages to help lessen the financial burden Bridgeport must carry due to the effects of gun violence in our City.

A handgun is the most dangerous weapon placed into the stream of commerce in the United States. Surprisingly, there are more safety requirements and regulations regarding the manufacture of toy guns than for real handguns.

Sen. Boxer's bill will allow cities, states and individuals to seek retribution for the economic strain that handgun violence has caused. We are facing high medical and public safety costs, but we are also battling drops in property value in areas where handgun violence is most prevalent.

Because of measures taken by the Georgia State Legislature and attempts by Rep. Bob Barr of Georgia in the U.S. Congress, Sen. Boxer's bill becomes even more critical and its passage even more important. This bill ensures that everyone will have the right to fight back and hold the gun manufacturers accountable for the damage their products have caused.

STANFORD LAW SCHOOL,
Stanford, CA, March 23, 1999.

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: You have asked me to review a draft of a bill to enact the Firearms Rights, Responsibilities, and Remedies Act of 1999, and to comment briefly upon its constitutionality. I am happy to do so, with the caveat that I am not in a position to comment upon the bill as a matter of tort or product liability policy.

The bill appears to me to be within the authority of Congress to enact under the interstate commerce power set forth in the United States constitution, Article I, section 8. While the commerce power is not an unlimited one, Congress is empowered to regulate both the flow of interstate commerce

and any intrastate activity that substantially affects interstate commerce. *United States* v. *Lopez*, 514 U.S. 549 (1995). While one might fairly question whether any incident of gun violence in and of itself constitutes an activity substantially affecting interstate commerce, the bill does not regulate gun violence but rather provides a federal cause of action against the negligent ''design, manufacturing, marketing, importation, sales, or distribution'' of guns. Sec. 4(a). The ''design, manufacturing, marketing, importation, sales, or distribution'' of guns plainly amounts to economic activity that in the aggregate may in Congress's reasonable judgment substantially affect interstate commerce. Moreover, providing a uniform federal avenue of redress for gun violence may in Congress's reasonable judgment help to avert the diversion and distortion of interstate commerce that, in the aggregate, accompanies any patchwork of separate state regulations of firearm sales. Congress is entitled to consider the interstate efforts of commercial gun distribution in the aggregate without regard to whether any particular gun sale that might be the subject of a civil action is interstate or intrastate in nature. *See, e.g.*, *Wickard* v. *Filburn*, 317 U.S. 111 (1942) (regulation of home-grown wheat consumption); *Perez*, v. *United States*, 402 U.S. 146 (1971) (regulation of extortionate intrastate loan transactions).

Nor does the bill appear to intrude upon state sovereignty or the structural principles of federalism that are reflected in the United States Constitution, Amendment X. To be sure, one effect of the bill if enacted would be to allow cities or other local governments to sue for damages incurred as a result of gun violence, even if they are located in states that had sought, through state legislation, to bar such city-initiated lawsuits. But Congress remains free even within our federal system to regulate state and local governments under laws of general applicability, see *Garcia* v. *San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), and the proposed bill does just that. Rather than singling out state or city governments for special advantage or disadvantage, the bill simply confers upon states and cities the same civil litigation rights as it does upon any other ''organization, business, or other person that has been injured by or incurred costs as a result of gun violence.'' Sec. 4(a). Moreover, the proposed bill does not in any way ''commandeer'' the legislative or executive processes of state government in a way that might offend principles of federalism. *See Printz* v. *United States*, 117 S. Ct. 2365 (1997); *New York* v. *United States*, 505 U.S. 144 (1992). It does not require that any state adopt any federally authored law, but instead simply provides federal rights directly to individuals and entitites including but not limited to states and cities. To the extent that the proposed bill would permit civil actions to be brought in state as well as federal forums, it is entirely consistent with Congress's longstanding power to pass laws enforceable in state courts, *see Testa* v. *Katt*, 330 U.S. 386 (1947), a power that neither the *Printz* nor *New York* cases purported to disturb.

I hope these brief remarks are helpful in your deliberations.

Very Truly yours,

KATHLEEN M. SULLIVAN.

HANDGUN CONTROL INC.,
Washington, DC, March 23, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: On behalf of Handgun Control, I want to commend you for your continued leadership on gun violence prevention issues and to lend our support to the Frearms Rights, Responsibilities and Remedies Act of 1999.

Access to the courts is one of the most fundamental rights accorded our citizens and our communities. The legislation that is being introduced today will protect the right of cities and counties to seek redress in the courts for the gun violence that afflicts so many communities. Cities, like the citizens they represent, should be able to seek compensation for the damages that arise from the negligence or misconduct of the gun industry in the design, manufacture, sale and distribution of their product.

The gun lobby, of course, believes that manufacturers deserve special protection, that cities and counties should be legally prohibited from suing manufacturers so long as they don't knowingly and directly sell guns to convicted felons and other prohibited purchasers. Such a grant of immunity is not only unprecedented, it is wrong. The manufacture of firearms is not subject to consumer regulation. In fact, the Consumer Product Safety Commission is prohibited by law from overseeing the manufacture of guns. As an unregulated industry, gun manufacturers produce guns that all too often discharge when they are dropped. They design guns with a trigger resistance so low that a two-year old child can pull the trigger. Many guns lack essential safety features like a safety, a load indicator or a magazine disconnect safety. And, even though the technology for making guns unusable by children and strangers is readily available, virtually all guns are readily usable by unauthorized users. Time and time again, the gun industry has ignored legitimate concerns regarding consumer and public safety.

But, at the urgent request of the gun lobby, one state has already moved to prevent cities from filing complaints against gun manufacturers and similar bills have been introduced in at least ten states. A bill has even been introduced in Congress that would bar cities from filing any such action. Congress should move to ensure that the right of cities to seek redress in the courts will be preserved. The Firearms Rights, Responsibilities and Remedies Act of 1999 will do just that.

Sincerely,

SARAH BRADY,
Chair.

By Mr. HARKIN:

S. 687. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

ELIMINATING THE BACKLOG OF VETERANS REQUESTS FOR MILITARY MEDALS

Mr. HARKIN. Mr. President, I would like to take some time to address an unfulfilled obligation we have to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. Today, I have introduced a bill, the ''Veterans Expedited Military Medals Act of 1999,'' that would require the Department of Defense to end this backlog.

I first became aware of this issue a few years ago after dozens of Iowa veterans began contacting my State offices requesting assistance in obtaining medals and other military decorations they earned while serving the country. These veterans had tried in vain—usually for months, sometimes for years—to navigate the vast Pentagon bureaucracy to receive their military decorations. The wait for medals routinely exceeded more than a year, even after intervention by my staff. I believe this is unacceptable. Our nation must continue its commitment to recognize the sacrifices made by our veterans in a timely manner. Addressing this simple concern will fulfill an important and solemn promise to those who served to preserve democracy both here and abroad.

Let me briefly share the story of Mr. Dale Homes, a Korean War veteran. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years through the normal Department of Defense channels to get the medals her father deserved. Ms. Goff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve the issue favorably until September 1997.

Ms. Groff made a statement about the delays her father experienced that sum up my sentiments perfectly: ''I don't think it's fair. . .My dad deserves—everybody deserves—better treatment than that.'' Ms. Groff could not be more correct. Our veterans deserve better than that from the country they served so courageously.

Another example that came through my district offices is Mr. James Lunde, a Vietnam-era veteran. His brother in law contacted my Des Moines office last year for help in obtaining a Purple Heart and other medals Mr. Lunde earned. These medals have been held up since 1975. Unfortunately, there is still no determination as to when Mr. Lunde's medals will be sent.

The numbers are disheartening and can sound almost unbelievable. For example, a small Army Reserve staff at the St. Louis Office faces a backlog of tens of thousands of requests for medals. So why the lengthy delays?

The primary reason DOD officials cite for these unconscionable delays is personnel and other resource shortages resulting from budget cuts and hiring freezes. For example, the Navy Liaison Office has gone from 5 or more personnel to 3 within the last 3 years. Prior to this, the turnaround time was 4–5 months. Budget shortages have delayed the agencies ability to replace employees who have left, and in cases where they can be replaced, the ''learning curve'' in training new employees leads to further delays.

Last year, during the debate over the Defense Appropriations bill, I offered an amendment to move the Department of Defense to end the backlog of unfulfilled military medal requests. The amendment was accepted by unanimous consent. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to a recent communication from the Army, the problem has only worsened. The Army currently cites a backlog of 98,000 requests for medals.

So today, I am introducing a bill to fix the problem once and for all. My bill directs the Secretary of Defense to allocate resources necessary to eliminate the backlog of requests for military medals. Specifically, the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem. In addition, this reallocation of resources is only to be made in a way that ''does not detract from the performance of other personnel service and personnel support activities within the DOD.'' Representative Lane Evans of Illinois has introduced similar legislation in the House of Representatives.

Veterans organizations have long recognized the huge backlog of medal requests. The Veterans of Foreign Wars supports my legislation. I ask that a copy of the letter of support be included in the record.

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

Mr. President, I ask unanimous consent that the text of the bill and a letter in support be printed in the RECORD.

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

S. 687

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 ''Veterans Expedited Military Medals Act of 1999''.

SEC. 2. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''decoration'' means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

SEC. 3. REPORT.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in section 2(a). The report shall include a plan for eliminating the backlog.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, February 11, 1999.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW), I thank you for introducing a bill to eliminate the backlog in requests for the replacement of military medals and other decorations. This bill would address an unfilled obligation we have to our nation's veterans. The VFW realizes that the substantial backlog of requests by veterans for medals needs to be rectified in an auspicious manner.

If passed, the Secretary of Defense will make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to resolve the problem. The VFW believes that addressing this concern will fulfill an important and solemn promise to those who risked their lives serving their country.

The VFW thanks you for making veterans a number one priority. They deserve the best from the country they served so courageously.

Sincerely,

DENNIS CULLINAN,
Director, National Legislative Service.

By Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY):

S. 690. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

TRANSIT IN PARKS (TRIP) ACT

Mr. SARBANES. Mr. President, today I am introducing legislation, entitled the ''Transit in Parks Act'' or TRIP, to help ease the congestion, protect our nation's natural resources, and improve mobility and accessibility in our National Parks and Wildlife Refuges. I am pleased to be joined by Senators REID, MURKOWSKI, BOXER, KENNEDY, MOYNIHAN, SCHUMER, KERRY, and MURRAY who are cosponsors of this important legislation.

The TRIP legislation is a new federal transit grant initiative that is designed to provide mass transit and alternative transportation services for our national parks, our wildlife refuges, federal recreational areas, and other public lands managed by three agencies of the Department of the Interior. I first introduced similar legislation on Earth Day, 1998 and, during consideration of the Transportation Equity Act for the 21st Century, or TEA–21, part of my original bill was included as section 3039, authorizing a comprehensive study of alternative transportation needs in our national park lands. The objective of this study is to better identify those areas with existing and potential problems of congestion and pollution, or which can benefit from mass transportation services, and to identify and estimate the project costs for these sites. The fiscal year 1999 Transportation Appropriations bill included $2 million to help fund this important study. I am pleased to report that much important research that will more fully examine the park transportation and resource management needs and outline potential solutions and benefits is underway.

Before discussing the bill in greater detail, let me first provide some background on the management issues facing the National Park System.

When the national parks first opened in the second half of the nineteenth century, visitors arrived by stagecoach along dirt roads. Travel through parklands, such as Yosemite or Yellowstone, was difficult and long and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars has resulted in increasing damage to our parks. The Grand Canyon alone has five million visitors a year. It may surprise you to know that the average visitor stay is only three hours. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,000 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In the decade from 1984 to 1994, the number of visits to America's national parks increased 25 percent, rising from 208 million to 269 million a year. This is equal to more than one visit by every man, woman, and child in this country. This has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut-out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than four million visitors a year; Yellowstone, which has more than three million visitors a year

and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent damage to our nation's natural, cultural, and historical heritage.

My legislation builds upon two previous initiatives to address these problems. First is the study of alternative transportation strategies in our national parks that was mandated by the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This study, completed by the National Park Service nearly five years ago in May 1994, found that many of our most heavily visited national parks are experiencing the same problems of congestion and pollution that afflict our cities and metropolitan areas. Yet, overwhelmingly, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads primarily for private automobile access.

Second, in November 1997, Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt signed an agreement to work together to address transportation and resource management needs in and around national parks. The findings in the Memorandum of Understanding entered into by the two departments are especially revealing:

> Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.
>
> In many National Park units, the capacity of parking facilities at interpretive or science areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.
>
> On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

The challenge for park management is twofold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments.

The Transit in Parks Act will go far to meeting this challenge. The bill's objectives are to develop new and expanded mass transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources, to prevent adverse impact on those resources, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. This new federal transit grant program will provide funding to three Federal land management agencies in the Department of the Interior—the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management—that manage the 378 various parks within the National Park System, including National Battlefields, Monuments and National Seashores, as well as the National Wildlife Refuges and federal recreational areas. The program will allocate capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national park lands. The bill authorizes $50 million for this new program for each of the fiscal years 2000 through 2003. It is anticipated that other resources—both public and private—will be available to augment these amounts in the initial phase.

The bill formalizes the cooperative arrangement in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands. The projects eligible for funding would be developed through the TEA–21 planning process and selected in consultation and cooperation with the Secretary of the Interior. The bill provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. It is anticipated that the Secretary of Transportation would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. Project selection should include the following criteria: the historical and cultural significance of a project; safety; and the extent to which the project would conserve resources, prevent adverse impact, enhance the environment, improve mobility, and contribute to livable communities.

The bill also identifies projects of regional or national significance that more closely resemble the Federal transit program's New Starts projects. Where the project costs are $25 million or greater, the projects will comply with the transit New Starts requirements. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

I firmly believe that this program can create new opportunities for the Federal land management agency to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA–21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

Mr. President, the ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin the final countdown to a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the American Public Transit Association, the National Parks and Conservation Association, the Surface Transportation Policy Project, the Natural Resources Defense Council, the Community Transportation Association of America, the Environmental Defense Fund, American Planning Association, Bicycle Federation of America, Friends of the Earth, Izaak Walton League of America, National Association of Counties, National Trust for Historic Preservation, Rails-to-Trails Conservancy, Scenic America, The Wilderness Society, and the Environmental and Energy Study Institute, and I ask unanimous consent that the bill, and a section-by-section analysis, and letters of support be printed in the RECORD.

Mr. President, I urge my colleagues to support this important legislation and to recognize the enormous environmental and economic benefits that transit can bring to our national parks.

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

S. 690

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 ''Transit in Parks (TRIP) Act''.

SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''§ 5339. Mass transportation in national parks and related public lands

''(a) POLICIES, FINDINGS, AND PURPOSES.—

''(1) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United

States to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

''(2) GENERAL FINDINGS.—Congress finds that—

''(A) section 1050 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) authorized a study of alternatives for visitor transportation in the National Park System which was released by the National Park Service in May 1994;

''(B) the study found that—

''(i) increasing traffic congestion in the national parks requires alternative transportation strategies to enhance resource protection and the visitor experience and to reduce congestion;

''(ii) visitor use, National Park Service units, and concession facilities require integrated planning; and

''(iii) the transportation problems and visitor services require increased coordination with gateway communities;

''(C) on November 25, 1997, the Department of Transportation and the Department of the Interior entered into a Memorandum of Understanding to address transportation needs within and adjacent to national parks and to enhance cooperation between the departments on park transportation issues;

''(D) to initiate the Memorandum of Understanding, and to implement President Clinton's 'Parks for Tomorrow' initiative, outlined on Earth Day, 1996, the Department of Transportation and the Department of the Interior announced, in December 1997, the intention to implement mass transportation services in the Grand Canyon National Park, Zion National Park, and Yosemite National Park;

''(E) section 3039 of the Transportation Equity Act for the 21st Century authorized a comprehensive study, to be conducted by the Secretary of Transportation in coordination with the Secretary of the Interior, and submitted to Congress on January 1, 2000, of alternative transportation in national parks and related public lands, in order to—

''(i) identify the transportation strategies that improve the management of the national parks and related public lands;

''(ii) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

''(iii) assess the feasibility of alternative transportation modes; and

''(iv) identify and estimate the costs of those alternative transportation modes;

''(F) many of the national parks and related public lands are experiencing increased visitation and congestion and degradation of the natural, historical, and cultural resources;

''(G) there is a growing need for new and expanded mass transportation services throughout the national parks and related public lands to conserve and protect fragile natural, historical, and cultural resources, prevent adverse impact on those resources, and reduce pollution and congestion, while at the same time facilitating appropriate visitor mobility and accessibility and improving the visitor experience;

''(H) the Federal Transit Administration, through the Department of Transportation, can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals to enhance the environment, improve mobility, create more livable communities, conserve energy, and reduce pollution and congestion in all regions of the country; and

''(I) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated mass transportation systems within and adjacent to national parks and related public lands is essential to conserve natural, historical, and cultural resources, relieve congestion, reduce pollution, improve mobility, and enhance visitor accessibility and the visitor experience.

''(3) GENERAL PURPOSES.—The purposes of this section are—

''(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

''(B) to encourage the planning and establishment of mass transportation systems and nonmotorized transportation systems needed within and adjacent to national parks and related public lands, located in both urban and rural areas, that enhance resource protection, prevent adverse impacts on those resources, improve visitor mobility and accessibility and the visitor experience, reduce pollution and congestion, conserve energy, and increase coordination with gateway communities;

''(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

''(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

''(b) DEFINITIONS.—In this section—

''(1) the term 'Federal land management agency' means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

''(2) the term 'national parks and related public lands' means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

''(3) the term 'qualified participant' means a Federal land management agency, or a State or local governmental authority, acting alone, in partnership, or with another Governmental or nongovernmental participant;

''(4) the term 'qualified mass transportation project' means a project—

''(A) that is carried out within or adjacent to national parks and related public lands; and

''(B) that—

''(i) is a capital project, as defined in section 5302(a)(1) (other than preventive maintenance activities);

''(ii) is any activity described in section 5309(a)(1)(A);

''(iii) involves the purchase of rolling stock that incorporates clean fuel technology or the replacement of existing buses with clean fuel vehicles or the deployment of mass transportation vehicles that introduce new technology;

''(iv) relates to the capital costs of coordinating the Federal land management agency mass transportation systems with other mass transportation systems;

''(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

''(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

''(vii) is any transportation project that—

''(I) enhances the environment;

''(II) prevents adverse impact on natural resources;

''(III) improves Federal land management agency resources management;

''(IV) improves visitor mobility and accessibility and the visitor experience;

''(V) reduces congestion and pollution, including noise and visual pollution;

''(VI) conserves natural, historical, and cultural resources (other than through the rehabilitation or restoration of historic buildings); and

''(VII) incorporates private investment; and

''(5) the term 'Secretary' means the Secretary of Transportation.

''(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—

''(1) IN GENERAL.—The Secretary shall develop a cooperative relationship with the Secretary of the Interior, which shall provide for—

''(A) the exchange of technical assistance;

''(B) interagency and multidisciplinary teams to develop Federal land management agency transportation policy, procedures, and coordination; and

''(C) the development of procedures and criteria relating to the planning, selection, and funding of qualified mass transportation projects, and implementation and oversight of the project plan in accordance with the requirements of this section.

''(2) PROJECT SELECTION.—The Secretary, after consultation and in cooperation with the Secretary of the Interior, shall determine the final selection and funding of projects in accordance with this section.

''(d) TYPES OF ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may contract for or enter into grants, cooperative agreements, or other agreements with a qualified participant to carry out a qualified mass transportation project under this section.

''(2) OTHER USES.—A grant or cooperative agreement or other agreement for a qualified mass transportation project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant or cooperative arrangement or other agreement to leasing arrangements that are more cost effective than purchase or construction.

''(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—The Secretary may not use more than 5 percent of the amount made available for a fiscal year under section 5338(j) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified mass transportation project. Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

''(f) PLANNING PROCESS.—In undertaking a qualified mass transportation project under this section—

''(1) if the qualified participant is a Federal land management agency—

''(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are

consistent with sections 5303 through 5305; and

''(B) the General Management Plans of the units of the National Park System shall be incorporated into the planning process;

''(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall comply with sections 5303 through 5305;

''(3) if the national parks and related public lands at issue lie in multiple States, there shall be cooperation in the planning process under sections 5303 through 5305, to the maximum extent practicable, as determined by the Secretary, between those States and the Secretary of the Interior; and

''(4) the qualified participant shall comply with the public participation requirements of section 5307(c).

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) IN GENERAL.—The Secretary shall establish the Federal Government share of assistance to a qualified participant under this section.

''(2) CONSIDERATIONS.—In establishing the Government's share of the net costs of a qualified transportation project under paragraph (1), the Secretary shall consider—

''(A) visitation levels and the revenue derived from user fees in the national parks and related public lands at issue;

''(B) the extent to which the qualified participant coordinates with an existing public or private mass transportation authority;

''(C) private investment in the qualified mass transportation project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

''(D) the clear and direct benefit to a qualified participant assisted under this section; and

''(E) any other matters that the Secretary considers appropriate to carry out this section.

''(3) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-Federal share of the costs of any mass transportation project that is eligible for assistance under this section.

''(h) SELECTION OF QUALIFIED MASS TRANSPORTATION PROJECTS.—In awarding assistance for a qualified mass transportation project under this section, the Secretary shall consider—

''(1) project justification, including the extent to which the project would conserve the resources, prevent adverse impact, and enhance the environment;

''(2) the location of the qualified mass transportation project, to assure that the selection of projects—

''(A) is geographically diverse nationwide; and

''(B) encompasses both urban and rural areas;

''(3) the size of the qualified mass transportation project, to assure a balanced distribution;

''(4) historical and cultural significance of a project;

''(5) safety;

''(6) the extent to which the project would enhance livable communities;

''(7) the extent to which the project would reduce pollution, including noise and visual pollution;

''(8) the extent to which the project would reduce congestion and improve the mobility of people in the most efficient manner; and

''(9) any other matters that the Secretary considers appropriate to carry out this section.

''(i) PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—

''(1) GENERAL AUTHORITY.—In addition to other qualified mass transportation projects, the Secretary may select a qualified mass transportation project that is of regional or national significance, or that has significant visitation, or that can benefit from alternative transportation solutions to problems of resource management, pollution, congestion, mobility, and accessibility. Such projects shall meet the criteria set forth in paragraphs (1) through (4) of section 5309(e), as applicable.

''(2) PROJECT SELECTION CRITERIA.—

''(A) CONSIDERATIONS.—In selecting a qualified mass transportation project described in paragraph (1), the Secretary shall consider, as appropriate, in addition to the considerations set forth in subsection (h)—

''(i) visitation levels;

''(ii) the use of innovative financing or joint development strategies;

''(iii) coordination with the gateway communities; and

''(iv) any other matters that the Secretary considers appropriate to carry out this subsection.

''(B) CERTAIN LOCATIONS.—For fiscal years 2000 through 2003, projects described in paragraph (1) may include the following locations:

''(i) Grand Canyon National Park.

''(ii) Zion National Park.

''(iii) Yosemite National Park.

''(iv) Acadia National Park.

''(C) LIMIT.—No project assisted under this subsection shall receive more than 12 percent of the total amount made available under this section in any fiscal year.

''(D) FULL FUNDING GRANT AGREEMENTS.—A project assisted under this subsection whose net project cost is greater than $25,000,000 shall be carried out through a full funding grant agreement in accordance with section 5309(g).

''(j) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) IN GENERAL.—The Secretary may pay the Government's share of the net project cost to a qualified participant that carries out any part of a qualified mass transportation project without assistance under this section, and according to all applicable procedures and requirements, if—

''(A) the qualified participant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out that part of the project, the Secretary approves the plans and specifications in the same way as other projects assisted under this chapter.

''(2) INTEREST.—The cost of carrying out a part of a project referred to in paragraph (1) includes the amount of interest earned and payable on bonds issued by the State or local governmental authority, to the extent proceeds of the bond are expended in carrying out that part. However, the amount of interest under this paragraph may not exceed the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner that is satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) COST CHANGE CONSIDERATIONS.—The Secretary shall consider changes in project cost indices when determining the estimated cost under paragraph (2).

''(k) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may use not more than 0.5 percent of amounts made available under this section for a fiscal year to oversee projects and participants in accordance with section 5327.

''(l) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—Except as otherwise specifically provided in this section, but subject to paragraph (2) of this subsection, the Secretary shall require that all grants, contracts, cooperative agreements, or other agreements under this section shall be subject to the requirements of sections 5307(d), 5307(i), and any other terms, conditions, requirements, and provisions that the Secretary determines are necessary or appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from the project assisted under this section.

''(2) LABOR STANDARDS.—Sections 5323(a)(1)(D) and 5333(b) apply to assistance provided under this section.

''(m) STATE INFRASTRUCTURE BANKS.—A project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible mass transportation project under this chapter.

''(n) ASSET MANAGEMENT.—The Secretary may transfer the Department of Transportation interest in and control over all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with property management rules and regulations of the department, agency, or instrumentality of the Federal Government.

''(o) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—The Secretary may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies that will conserve resources and prevent adverse environmental impact, improve visitor mobility, accessibility and enjoyment, and reduce pollution, including noise and visual pollution, in the national parks and related public lands. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under any other provision of law.

''(p) REPORT.—The Secretary, in consultation with the Secretary of the Interior, shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate, on the allocation of amounts to be made available to assist qualified mass transportation projects under this section. Such reports shall be included in each report required under section 5309(p).''.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(j) SECTION 5339.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5339 $50,000,000 for each of fiscal years 2000 through 2003.

''(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''5339. Mass transportation in national parks and related public lands.''.

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356–357)) as subsection (p);

(2) in section 5328(a)(4), by striking ''5309(o)(1)'' and inserting ''5309(p)(1)''; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

SECTION-BY-SECTION OF THE TRANSIT IN PARKS ACT

I. Amends Federal Transit laws by adding new section 5339, ''Mass Transportation in National Parks and Related Public Lands.''

II. Statement of Policies, Findings, and Purposes:

To encourage and promote the development of transportation systems for the betterment of national parks and related public lands and to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution and enhance visitor mobility and accessibility and the visitor experience.

To that end, this program establishes federal assistance to certain Federal land management agencies and State and local governmental authorities to finance mass transportation capital projects, to encourage public-private partnerships, and to assist in the research and deployment of improved mass transportation equipment and methods.

III. Definitions:

(1) eligible ''Federal land management agencies'' are: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management (all under Department of the Interior).

(2) ''national parks and related public lands'': eligible areas under the management of these agencies

(3) ''qualified mass transportation project'': a capital mass transportation project carried out within or adjacent to national parks and related public lands, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the national parks and related public lands and increase visitor mobility and accessibility.

IV. Federal Agency Cooperative Arrangements:

Implements the Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance, the development of transportation policy and coordination, and the establishment of criteria for planning, selection and funding of capital projects under this section. The Secretary of Transportation selects the projects, after consultation with Secretary of the Interior.

V. Assistance:

To be provided through grants, cooperative agreements, or other agreements, including leasing under certain conditions, for an eligible capital project under this section. Not more than 5% of the amounts available can be used for planning, research and technical assistance, and these amounts can be supplemented from other sources.

VI. Planning Process:

The Departments of Transportation and Interior shall cooperatively develop a planning process consistent with the TEA–21 planning process in sections 5303 through 5305 of the Federal Transit laws.

VII. Government's Share of the Costs:

In determining the Federal Transit Administration share of the project costs, the Secretary of Transportation must consider certain factors, including visitation levels and user fee revenues, the coordination in the project development with a public or private transit authority, private investment, and whether there is a clear and direct financial benefit to the applicant. The intent is to establish criteria for a sliding scale of assistance, with a lower Government share for large projects that can attract outside investment, and a higher Government share for projects that may not have access to such outside resources. In addition, funds from the Federal land management agencies can be counted as the local share.

VIII. Selection of Projects:

The Secretary shall consider: (1) project justification, including the extent to which the project conserves the resources, prevents adverse impact and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities; (7) the reduction of pollution, including noise and visual pollution; (8) the reduction of congestion and the improvement of the mobility of people in the most efficient manner; and (9) any other considerations the Secretary deems appropriate. Projects funded under this section must meet certain transit law requirements.

IX. Projects of Regional or National Significance:

This is a special category that sets forth criteria for special, generally larger, projects or for those areas that may have problems of resource management, pollution, congestion, mobility, and accessibility that can be addressed by this program. Additional project selection criteria include: visitation levels; the use of innovative financing or joint development strategies; coordination with the gateway communities; and any other considerations the Secretary deems appropriate. Projects under this section must meet certain Federal Transit New Starts criteria. This section identifies some locations that may fit these criteria. Any project in this category that is $25 million or greater in cost will have a full funding grant agreement similar to Federal Transit New Starts projects. No project can receive more than 12% of the total amount available in any given year.

X. Undertaking Projects in Advance:

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted so the local share as long as certain conditions are met.

XI. Project Management Oversight:

This provision applies current transit law to this section, limiting oversight funds to 0.5% per year of the funds made available for this section.

XII. Relationship to Other Laws:

This provision applies certain transit laws to all projects funded under this section and permits the Secretary to apply any other terms or conditions he deems appropriate.

XIII. State Infrastructure Banks:

A project assisted under this section can also use funding from a State Infrastructure Bank or other innovative financing mechanism that funds eligible transit projects.

XIV. Asset Management:

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section in accord with certain Federal property management rules.

XV. Coordination of Research and Deployment of New Technologies:

This provision allows grants for research and deployment of new technologies to meet the special needs of the national park lands.

XVI. Report:

This requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

XVII. Authorization:

$50,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2000 through 2003.

XVIII. Technical Amendments:

Technical corrections to the transit title in TEA–21.

AMERICAN PUBLIC TRANSIT ASSOCIATION,
Washington, DC, January 25, 1999.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: Thank you for forwarding us a copy of the ''Transit in Parks (TRIP) Act'' which would amend federal transit law at chapter 53, title 49 U.S.C.

The Act would authorize federal assistance to certain federal agencies and state and local entities to finance mass transit projects generally for the purpose of addressing transportation congestion and mobility issues at national parks. Among other things, the bill would implement the Memorandum of Understanding between the Departments of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

We strongly supported that Memorandum of Understanding, and I am just as pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle APTA has been advocating for many years. In that regard, we will be reviewing your bill with APTA's legislative leadership.

We also look forward to participating in the study of these issues you were successful in including in TEA 21.

I applaud you for introducing the legislation, and look forward to continuing to work with you and your staff. Let us know what we can do to help your initiative!

Sincerely yours,

WILLIAM W. MILLAR,
President.

FEBRUARY 24, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: This letter expresses our support for the legislation you are introducing, the Transit in Parks Act, which provides a direct funding source for alternative transportation projects in our national parks and other federally-managed public lands. As you know, many of these areas are experiencing unprecedented numbers of visitors resulting in severe traffic

congestion and degradation of some of the country's most valuable and treasured natural, cultural and historic resources.

You bill's establishment of a new program within the Federal Transit Administration, dedicated to enhancing transit options in and adjacent to these park lands, can have a powerful, positive effect on the future integrity of the park lands and their resources by reducing the need for access by automobile, improving visitor access, and enhancing the visitor experience.

We appreciate your leadership, which has been critical in bringing attention to this emerging issue. The programs funded through TRIP will be a major building block in what we hope will be a broad effort to lessen the impacts of visitation on these most important natural areas. We look forward to working with you to move this legislation to enactment.

Sincerely,

American Planning Association; American Public Transit Association; Bicycle Federation of America; Community Transportation Association of America; Environmental Defense Fund; Environmental and Energy Study Institute; Friends of the Earth; Izaak Walton League of America; National Association of Counties; National Trust for Historic Preservation; Natural Resources Defense Council; Rails-to-Trails Conservancy; Scenic America; Surface Transportation Policy Project; The Wilderness Society.

NATIONAL PARKS AND CONSERVATION ASSOCIATION,
Washington, DC, March 9, 1999.

Hon. PAUL SARBANES,
Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Parks and Conservation Association (NPCA) and its nearly 400,000 members, I want to thank you for proposing a bill that will enhance transit options for access to and within our national parks. NPCA applauds your leadership and foresight in recognizing the critical role that mass transit can play in protecting our parks and improving the visitor experience.

Visitation to America's national parks has skyrocketed during the past two decades, from 190 million visitors in 1975 to approximately 270 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to the parks. As more and more individuals crowd into our national parks—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Federal Transit Administration dedicated to enhancing transit options in and adjacent to the national parks will have a powerful, positive effect on the future ecological and cultural integrity of the parks. Your initiative will boost the role of alternative transportation solutions for national parks, particularly those most heavily impacted by visitation such as Yellowstone, Yosemite, the Grand Canyon, Acadia, Zion, and the Great Smoky Mountains. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, would provide much more efficient means of handling the crush of visitation.

Equally important, the legislation will provide an excellent opportunity for the National Park Service (NPS) to enter into public/private partnerships with states, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that NPS currently has great difficulty accessing.

NPCA wholeheartedly endorses your bill as a creative new mechanism to fulfill the primary mission of the National Park System: ''to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.''

We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, February 2, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR PAUL SARBANES: On behalf of the 450,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in the degradation of national park natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks as your bill would do is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system in many of our national parks will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Improved transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze which too often obliterates park vistas. To reduce the reliance on automobiles your bill would authorize the funding so our national parks can provide efficient and convenient transit systems which cost money to build and operate.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish public transit in the national parks.

Sincerely

CHARLES M. CLUSEN,
Senior Policy Analyst.

ENVIRONMENTAL DEFENSE FUND,
New York, NY, February 3, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing on behalf of the Environmental Defense Fund and our 300,000 members to express support for your bill, the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Too many of our parks suffer from the consequences of poor transportation systems: traffic congestion, air and water pollution, and disturbance of natural ecosystems.

Increased funding for attractive and effective transit services to and within our national parks is essential to mitigating these growing problems. A good working transit system in a number of our national parks will make the park experience not only more enjoyable for the many families that travel there, it will help improve environmental conditions. Having had the chance to experience the excellent transit system in Denali National Park, I know how much of a difference these systems can make.

Air pollutants that exacerbate respiratory health problems, damage vegetation, and contribute to haze which too often obliterates the views at our parks, will be abated by decreasing the number of cars and congestion levels in the parks. Improved transit related to our parks is key to diversifying transportation choices and access for the benefit of all who might visit our national park system.

We appreciate your leadership on this issue and your dedication to the health of our national parks. We look forward to working with you to move your legislation forward.

Yours truly,

FRED KRUPP,
Executive Director.

COMMUNITY TRANSPORTATION ASSOCIATION OF AMERICA
Washington, DC, February 22, 1999.

Hon. PAUL SARBANES,
Committee on Banking and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: It is an honor to once again support your efforts to provide alternative transportation strategies in our national parks and other public lands. Our Association's over thirteen hundred members provide public and community transportation in many of the smaller communities which border these national treasures. We supported your proposal last year because we know as neighbors of these facilities how transportation alternatives will help keep these areas safe in the twenty-first century.

All of us know the danger that congestion and the increase in traffic pose for the future of these sites and locations. Your efforts in the past, and more importantly this year, are an important step forward to establish a dialogue on protecting these areas that help make America's natural beauty a continuous part of the nation's future. This work was urgent last year and it remains urgent today. We support your efforts because our need to begin is obviously overdue. Every day that we fail to protect these areas diminishes their future.

We will work with you any way we can to help make your proposed Transit in Parks legislation a reality. We look forward to helping you move this important work forward.

Sincerely,

DALE J. MARSICO,
Executive Director.

By Mr. KYL (for himself and Mr. BRYAN):

S. 692. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

INTERNET GAMBLING PROHIBITION ACT

• Mr. KYL. Mr. President, I rise to introduce the Internet Gambling Prohibition Act.

From the beginning of time, societies have sought to prohibit most forms of gambling. There are reasons for this—and they are especially applicable to gambling on the Internet today. Consider the following.

Youth. A recent New York Times article warned that ''Internet sports betting entices youthful gamblers into potentially costly losses.'' In the same

article, Kevin O'Neill, deputy director of the Council on Compulsive Gambling of New Jersey, said that ''Internet sports gambling appeals to college-age people who don't have immediate access to a neighborhood bookie. . . . It's on the Net and kids think it's credible, which is scary.''

Listen to the testimony of Jeff Pash, the Executive Vice President of the National Football League, before the Senate Judiciary Committee: ''Studies . . . indicate that sports betting is a growing problem for high school and college students. . . . As the Internet reaches more and more school children, Internet gambling is certain to promote even more gambling among young people.''

Families. Gambling often has terrible consequences for families and communities. According to the Council on Compulsive Gambling, five percent of all gamblers become addicted. Many of those turn to crime and commit suicide. We all pay for those tragedies.

Harm to Businesses and the Economy. Internet gambling is likely to have a deleterious effect on businesses and the economy. As Ted Koppel noted in a ''Nightline'' feature on Internet gambling, ''[l]ast year, 1,333,000 American consumers filed for bankruptcy, thereby eliminating about $40 billion in personal debt. That's of some relevance to all of us because the $40 billion debt doesn't just disappear. It's redistributed among the rest of us in the form of increased prices on consumer goods. . . .'' He continued: ''If anything promises to increase the level of personal debt in this country, expanding access to gambling should do it.''

Professor John Kindt testified before the House Small Business Committee that a business with 1,000 workers can anticipate increased personnel costs of $500,000 a year due to job absenteeism and declining productivity simply by having various forms of legalized gambling accessible.

Addiction. Internet gambling enhances the addictive nature of gambling because it is so easy to do: you don't have to travel; you can just log on to your computer. Professor Kindt has described electronic gambling, like the type being offered in the ''virtual casinos'' on the Internet, as the ''hardcore cocaine of gambling.''

As Bernie Horn, the Executive Director of the National Coalition Against Legalized Gaming, testified before the House Judiciary Subcommittee on Crime: ''The Internet not only makes highly addictive forms of gambling easily accessible to everyone, it magnifies the potential destructiveness of the addiction. Because of the privacy of an individual and his/her computer terminal, addicts can destroy themselves without anyone ever having the chance to stop them.

Unfair payouts. As Wisconsin Attorney General James Doyle testified before the Senate Judiciary Committee, ''[b]ecause [Internet gambling] is unregulated, consumers don't know who is on the other end of the connection. The odds can be easily manipulated and there is no guarantee that fair payouts will occur.'' ''Anyone who gambles over the Internet is making a sucker bet,'' says William A. Bible, the chair of an Internet gambling subcommittee on the National Gambling Impact Study Commission.

Crime. Further, gambling on the Internet is apt to lead to criminal behavior. Indeed, ''Up to 90 percent of pathological gamblers commit crimes to pay off their wagering debts.'' A University of Illinois study found that for every dollar that states gain from gambling, they pay out three dollars in social and criminal costs.

Cost. According to an article in the March 1999 ABA Journal, ''Online wagering is generating a $600-million-a-year kitty that some analysts say could reach as high as $100 billion a year by 2006.'' I want to repeat that: ''$100 BILLION a year.'' The article continues: ''The number of Web sites offering Internet gambling is growing at a similar rate. In just one year, that number more than quadrupled, going from about 60 in late 1997 to now more than 260 according to some estimates.'' And a recent HBO in-depth report by Jim Lampley noted that virtual sports books will collect more money from the Super Bowl than all the sports books in Las Vegas combined.

This affects all of us.

Not every problem that is national is also necessarily federal. Internet gambling is a national problem AND a federal problem. The Internet is, of course, interstate in nature. States cannot protect their citizens from Internet gambling if anyone can transmit it into their states. That is why the State Attorneys General asked for federal legislation to prohibit Internet gambling. In a letter to the Judiciary Committee members, the Chairs of the Association's Internet Working Group stressed the need for federal involvement: ''[M]ore than any other area of the law, gambling has traditionally been regulated on a state-by-state basis, with little uniformity and minimal federal oversight. The availability of gambling on the Internet, however, threatens to disrupt each state's careful balancing of its own public welfare and fiscal concerns, by making gambling available across state and national boundaries, with little or no regulatory control.''

Further, in reaffirming his support for the bill, the former President of NAAG, Wisconsin Attorney General Jim Doyle, wrote: ''Internet gambling poses a major challenge for state and local law enforcement officials. I strongly support Senator Kyl's Internet Gambling Prohibition Act. Prohibiting this form of unregulated gambling will protect consumers from fraud and preserve state policies on gambling that have been established by our citizens and our legislators.''

In 1961, Congress passed the Wire Act to prohibit using telephone facilities to receive bets or send gambling information. [18 U.S.C. §1084.] In addition to penalties imposed upon gambling businesses that violate the law, the Wire Act gives local and state law enforcement authorities the power to direct telecommunication providers to discontinue service to proprietors of gambling services who use the wires to conduct illegal gambling activity. But, as pointed out in the March 1999 ABA Journal, ''The problem with current federal law is that the communications technology it specifies is dated and limited.'' The advent of the Internet, a communications medium not envisioned by the Wire Act, requires enactment of a new law to address activities in cyberspace not contemplated by the drafters of the older law.

The Internet Gambling Prohibition Act ensures that the law keeps pace with technology. The bill bans gambling on the Internet, just as the Wire Act prohibited gambling over the wires. And it does not limit the subject of gambling to sports. The bill is similar to the one that the Senate, by an overwhelming 90–10 vote, attached to the Commerce-Justice-State Appropriations bill last year. Let me take a moment to explain the bill.

The bill covers sports gambling and casino games. Businesses that offer gambling over the Internet can be fined in an amount equal to the amount that the business received in bets via the Internet or $20,000, whichever is greater, and/or imprisoned for not more than four years. To address concerns raised by the Department of Justice, the bill (like the Wire Act) does not contain penalties for individual bettors. Such betting will, of course, still be the subject of state law.

The bill contains a strong enforcement mechanism. At the request of the United States or a State, a district court may enter a temporary restraining order or an injunction against any person to prevent a violation of the bill, following due notice and based on a finding of substantial probability that there has been a violation of the law. In effect, the illegal website will have its service cut off. I have worked with the Internet service providers to address concerns they raised about how they would cut off service, and, as a result, the provisions dealing with the civil remedies have been revised along the lines of the WIPO legislation.

In sum, the Internet Gambling Prohibition Act brings federal law up to date. With the advent of new, sophisticated technology, the Wire Act is becoming outdated. The Internet Gambling Prohibition Act corrects that problem.

I would like to take a moment to review the consideration of the bill during the last Congress. In July 1997, the Judiciary Subcommittee on Technology held a hearing on S. 474. A wide variety of people testified in support of the legislation: Senator RICHARD BRYAN; Wisconsin Attorney General Jim Doyle, the then-President of the

National Association of Attorneys General; Jeff Pash, Counsel to the National Football League; Ann Geer, Chair of the National Coalition Against Gambling Expansion; and Anthony Cabot, professor at the International Gaming Institute.

Ann Geer stated that ''Internet gambling would multiply addiction exponentially, increasing access and magnifying the potential destructiveness of the addiction. Addicts would literally click their mouse and bet the house.''

As I noted earlier, Wisconsin Attorney General James Doyle testified that ''gambling on the Internet is a very dumb bet. Because it is unregulated . . . odds can be easily manipulated and there is no guarantee that fair payouts will occur. . . . Internet gambling threatens to disrupt the system. It crosses state and national borders with little or no regulatory control. Federal authorities must take the lead in this area.''

Additionally, in June, the Judiciary Committee held a hearing on FBI oversight at which I said to FBI Director Louis Freeh: ''the testimony from other Department of Justice and FBI witnesses has supported our legislation to conform the crime of gambling on the Internet to existing law. And I would just like a reconfirmation of the FBI's support for that legislation.'' Director Freeh replied ''yes, I think it's a very effective change. We certainly support it.''

The Judiciary Subcommittee on Technology passed S. 474 by a unanimous poll and sent the bill to the full Committee for consideration. The Judiciary Committee passed S. 474 by voice vote.

In July 1998, by a 90 to 10 vote, the Internet Gambling Prohibition Act was attached to the Commerce-Justice-State Appropriations bill. In the House, the bill passed Representative MCCOLLUM's Crime Subcommittee unanimously, but due to the lateness of the session, the bill failed to move farther in the House and was not included in the final CJS bill.

The bill has broad bipartisan support in Congress and the strong support of law enforcement. As I just mentioned, FBI Director Freeh has testified that the bill makes a ''very effective change'' to the law and the National Association of Attorneys General sent a letter supporting S. 474 to all Senators.

Further, the President of NAAG, Wisconsin Attorney General Jim Doyle, wrote a letter expressing his support of the bill: ''Internet gambling poses a major challenge for state and local law enforcement officials. I strongly support Senator KYL's Internet Gambling Prohibition Act. Prohibiting this form of unregulated gambling will protect consumers from fraud and preserve state policies on gambling that have been established by our citizens and our legislators.''

Florida Attorney General Bob Butterworth also wrote a letter stressing the support of the states for this bill: ''The adoption of a resolution on this issue by NAAG represents overwhelming support from the states for a bill which, in essence, increases the federal presence in an area of primary state concern. However, it is clear that the federal government has an important role in this issue which crosses state as well as international boundaries.''

In the 105th Congress, S. 474 was strongly supported by professional and amateur sports. The National Football League, the National Collegiate Athletic Association, the National Hockey League, the National Basketball Association, Major League Soccer, and Major League Baseball sent a joint letter of support to all Senators.

I would like to read a passage from this letter:

> Despite exiting federal and state laws prohibiting gambling on professional and college sports, sports gambling over the Internet has become a serious—and growing—national problem. Many Internet gambling operations originate from offshore locations outside the U.S. The number of offshore Internet gambling websites has grown from two in 1996 to over 70 today. It is estimated that Inernet sites will book over $600 million in sports bets in 1998, up from $60 million just two years ago. These websites not only permit offshore gambling operations to solicit and take bets from the United States in defiance of federal and state law but also enable gamblers and would-be gamblers in the U.S. to place illegal sports wagers over the Internet from the privacy of their own home or office.

The letter concludes: ''We strongly urge you to vote in favor of S. 474 when it is considered on the Senate floor.''

On behalf of the NCAA, Bill Saum testified in February before the National Gambling Impact Study Commission on the dangers of Internet gambling:

> Internet gambling provides college students with the opportunity to place wagers on professional and college sporting events from the privacy of his or her campus residence. Internet gambling offers the student virtual anonymity. With nothing more than a credit card, the possibility exists for any student-athlete to place a wager via the Intenet and then attempt to influence the outcome of the contest while participating on the court or the playing field. There is no question the advent of Internet sports gambling poses a direct threat to all sports organizations that, first and foremost, must ensure the integrity of each contest played.

Today, in the Judiciary Subcommittee on Technology, I chaired a hearing on Internet gambling. The testimony in today's hearing confirmed that Internet gambling is addictive, accessible to minors, subject to fraud and other criminal use, and evasive of state gambling laws. State Attorneys General from Wisconsin and Ohio asked for federal legislation to address the mushrooming problem of online gambling, and representatives of the National Football League and the National Collegiate Athletic Association expressed their concerns over the effect of Internet gambling on athletes, fans, and the integrity of sporting contests.

Mr. President, I would like to thank Senator BRYAN for his hard work on this bill. His support and assistance have been invaluable. I would also like to extend a special thanks to the NFL, NCAA, and the National Association of Attorneys General.

The Internet offers fantastic opportunities. Unfortunately, some would exploit those opportunities to commit crimes and take advantage of others. Indeed, as Professor Kindt stated on ''Nightline,'' ''Once you go to Internet gambling, you've maximized the speed you've maximized the acceptability and the accessibility. It's going to be in-your-face gambling, which is going to have severe detrimental effects to society. . . . it's the crack cocaine of creating new pathological gamblers.''

Internet gambling is a serious problem. Society has always prohibited most forms of gambling because it can have a devastating effect on people and families, and it often leads to crime and other corruption. The Internet Gambling Prohibition Act will curb the spread of online gambling.●

ADDITIONAL COSPONSORS

S. 195

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 195, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit.

S. 317

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Connecticut

(Mr. DODD) 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. 459

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor 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. 579

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 629

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 629, a bill to amend the Federal Crop Insurance Act and the Agricultural Market Transition Act to provide for a safety net to producers through cost of production crop insurance coverage, to improve procedures used to determine yields for crop insurance, to improve the noninsured crop assistance program, and for other purposes.

S. 635

At the request of Mr. MACK, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of 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.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. MACK), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE RESOLUTION 48

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 48, a resolution designating the week beginning March 7, 1999, as ''National Girl Scout Week.''

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

SENATE RESOLUTION 73—CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF EL SALVADOR ON SUCCESSFULLY COMPLETING FREE AND DEMOCRATIC ELECTIONS

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. DODD, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations

S. RES. 73

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

• Mr. DEWINE. Mr. President, I rise today to submit a resolution on El Salvador along with Senators COVERDELL, GRAHAM and DODD. This resolution congratulates the government and the people of El Salvador on successfully completing free and democratic elections on March 7, 1999.

On March 7, 1999 the Republic of El Salvador successfully completed its second democratic multiparty election since the signing of the peace accords in 1992. These elections, like the legislative elections in 1997 and the Presidential elections in 1994, were deemed free and fair by domestic and international observers. Moreover, the elections were conducted in an environment of peace, where all parties contested for the right to govern in a spirited political campaign.

This resolution today commends the government of El Salvador and most importantly the people of the country, who thought their participation in the political process have demonstrated the strength and diversity of El Salvador's democratic expression. It also congratulates Mr. Francisco Flores, President-elect, and Vice President-elect, Mr. Carlos Quintanilla-Schmidt for their electoral victory and for their

commitment to democracy and to the continued progress of El Salvador.

This election further consolidates El Salvador's dramatic transformation in the seven short years since the signing of the peace accords. Today, El Salvador has moved from a country racked by civil war into a stable multiparty democracy. The country has attained a balance of power among the Executive, Judicial and Legislative Branches. It has enacted measures to guarantee the full respect of human rights and fundamental freedoms, and has adopted policies that strengthen municipal governments and provide much-needed social services to local communities.

The country has also undergone an equally dramatic economic transformation. Its economy, which suffered decades of decline, has become one of the fastest growing economies in the region. For the past eight years, the GDP in El Salvador has averaged 5.3 percent. Inflation, which averaged above 20 percent prior to 1992, now tops at 1.5 percent. El Salvador's privatization program is one of the most successful in the region. Moreover, it is considered today one of the best sovereign credit risks in Latin America.

All of these accomplishments are testament to the will of the Salvadoran people to put their past behind them and focus on creating a future of social stability and economic prosperity. It is also a testament to the political leadership of the Salvadoran government. When President Calderon Sol took office five years ago, he had the responsibility to assure full compliance with the peace accords, as well as keep the economy of El Salvador on the path of economic reform. He deserves today to be applauded by this body of Congress for his accomplishments and for leading his country successfully into the 21st century.

El Salvador's dramatic transformation is not unlike the changes that have taken place across Central America. Today marks the first time in the history of the region that all of Central America is at peace, implementing free market reforms and led by Democratic governments. For those of us who were in Congress during the 1980s, we know what a remarkable feat this is and how significant it is that we can today, in a bipartisan fashion, applaud the consolidation of democracy in El Salvador.

We should not take the strides that the region has taken for granted. The devastation brought by Hurricane Mitch has dealt a severe blow to the fortunes of the region. History has shown that natural disasters can be the breeding grounds for civil and political unrest and the erosion of civil liberties. I urge my colleagues to support the emergency aid package to the region that is currently on the Senate floor for debate. In addition, IO ask that we also pass the CBI enhancement bill so that these countries also have the opportunity to help themselves.

Mr. President, I congratulate and commend the people of El Salvador for continuing to move forward in a way that will bring our hemisphere together—and increase the likelihood that for all of us, the 21st century will be a time of peace, freedom, and prosperity.●

SENATE CONCURRENT RESOLUTION 21—AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

Mr. BIDEN (for himself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, Mr. MCCONNELL, Mr. HAGEL, Mr. STEVENS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. ROBB) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO PROMOTING COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE

Mr. DODD (for himself and Mr. GRASSLEY) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. RES. 22

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROMOTION OF COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE.

(a) FINDINGS.—Congress finds the following:

(1) As the baby boom generation begins to retire, funding social security and medicare will put a strain on the financial resources of younger Americans.

(2) Medicaid was designed as a program for the poor, but in many States medicaid is being used for middle income elderly people to fund long-term care expenses.

(3) In the coming decade, people over age 65 will represent 20 percent or more of the population, and the proportion of the population composed of individuals who are over age 85, and most likely to need long-term care, may double or triple.

(4) With nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for medicaid.

(5) Many people are unaware that most long-term care costs are not covered by medicare and that medicaid covers long-term care only after the person's assets have been exhausted.

(6) Widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on medicaid as the baby boom generation ages.

(7) The Federal Government has endorsed the concept of private long-term care insurance by establishing Federal tax rules for tax-qualified policies in the Health Insurance Portability and Accountability Act of 1996.

(8) The Federal Government has ensured the availability of quality long-term care insurance products and sales practices by adopting strict consumer protections in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need for families to plan for their long-term care needs;

(2) the Federal Government should take all appropriate steps to inform the public that medicare does not cover most long-term care costs and that medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(3) the Federal Government should take all appropriate steps not only to encourage employers to offer private long-term care insurance coverage to employees, but also to encourage both working-aged people and older citizens to obtain long-term care insurance either through their employers or on their own;

(4) appropriate committees of Congress, together with the Department of Health and Human Services and other appropriate executive branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the congressional tax-writing committees, together with the Department of the Treasury, should determine whether modification of the tax rules for long-term care insurance is necessary to ensure that the rules adequately facilitate the affordability of long-term care insurance.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSION

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Public Health will be held on, March 25, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Bioterrorism. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2:30 p.m. on Tuesday, March 23, 1999, in open session, to receive testimony on the proliferation threat and the Department of Defense's program and policies to counter it.

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

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 23, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 2:30 p.m. to hold a business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 23, 1999 at 9 a.m.–1 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON AGING

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 2 p.m. to receive testimony on the Older Americans Act.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 12 noon to hold a hearing.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 23, 1999, to conduct a hearing on ''Management Challenges at HUD.''

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Tuesday, March 23, 1999, for a hearing on the topic of ''Securities Fraud On The Internet.''

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee be authorized to hold a hearing during the session of the Senate on Tuesday, March 23, 1999 at 10 a.m. in room 226, Senate Dirksen Office Building, on ''Internet Gambling.''

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

ADDITIONAL STATEMENTS

THE 1999 JAMES MADISON PRIZE

• Mr. MOYNIHAN. Mr. President, this past Friday, the Society for History in the Federal Government awarded its annual James Madison prize for the most distinguished article on an historical topic ''reflecting on the functions of the Federal Government.'' This year, the award was presented to a member of my staff, Mark A. Bradley, for an article he wrote on the disappearance of the U.S.S. *Scorpion* (SSN 589).

The *Scorpion* was a Skipjack class nuclear submarine. In 1968, after a Mediterranean deployment with the 6th Fleet, the *Scorpion* was lost with all hands aboard about 400 miles of the Azores. It had been on a secret intelligence mission and the exact circumstances of the tragedy continue to be debated. Mr. Bradley's article recounts the events that led to the loss of the *Scorpion* and offers an insightful explanation of what might have caused the accident.

Our own Senator ROBERT C. BYRD for his masterly work on the Senate, historian Ira Berlin for his work on Emancipation in the American South, and the Manuscript Division of the Library of Congress, for its W. Averell Harriman project are all past Society for History in the Federal Government award winners.

As a Rhodes scholar, Mr. Bradley is no stranger to distinguished awards. He is an accomplished historian who, in his spare time, serves as the Associate Editor of Periodical, the Journal of America's Military Past, where his award winning article, ''Submiss: The Mysterious Death of the USS *Scorpion* (SSN 589) appeared. We are proud of him and thankful that he has chosen to apply his talents here in the Senate in the service of the nation.

I ask that a portion of his award winning article be printed in the RECORD and intend to have the remainder of the article printed in the RECORD over the next several days.

The material follows:

SUBMISS: THE MYSTERIOUS DEATH OF THE U.S.S. ''SCORPION'' (SSN 589)

(By Mark Bradley)

At around midnight on May 16, 1968, U.S.S. *Scorpion* (SSN 589) slipped quietly through the Straits of Gibraltar and paused just long enough off the choppy breakwaters of Rota, Spain, to rendezvous with a boat and offload two crewmen and several messages. A high performance nuclear attack submarine with 99 men aboard, the *Scorpion* was on her way home to Norfolk, Virginia, after completing three months of operations in the Mediterranean with vessels from the Sixth Fleet and NATO. Capable of traveling submerged at over 30 knots, she expected to reach her home port within a week.

Upon entering the Atlantic, the *Scorpion* fell under the direct operational control of Vice Admiral Arnold Schade, the commander of the U.S. Navy's Atlantic Submarine Fleet. On May 20, he issued a still-classified operations order to the submarine that diverted her from her homeward trek and required her to move toward the Canary Islands and a small formation of Soviet warships that had gathered southwest of the islands. Under U.S. Naval air surveillance since May 19, this flotilla consisted of one Echo-II class nuclear submarine, a submarine rescue vessel, and two hydrographic surveys ships. Three days later, a missile destroyer capable of firing nuclear surface-to-surface missiles and an oiler joined the group.

At approximately 7:54 p.m. Norfolk time on May 21, the *Scorpion* rose to within a few feet of the rolling surface, extended her antenna, and radioed the U.S. Naval Communication Station in Greece. Her radioman reported that she was 250 miles southwest of the Azores Islands and estimated her time of arrival in Norfolk to be 1 p.m. on May 27. On that day, as the families of the crew gathered on Pier 22 in a driving rain and waited for their husbands and fathers to surface off the Virginia capes, the captain of the U.S.S. *Orion*, who was the acting commander of Submarine Squadron 6, the *Scorpion*'s unit, told Schade what the Vice Admiral secretly knew: the *Scorpion* had failed to respond to routine messages about tug services and her berthing location. After an intensive effort to communicate with the submarine failed, Schade declared a SUBMISS at 3:15 p.m. and launched a massive hunt.

Numbering over fifty ships, submarines and planes, the searchers retraced the *Scorpion*'s projected route to Norfolk and found nothing. What most in the Navy, including the crew's families, did not know was that Schade already had organized a secret search for the submarine on May 24 after she had failed to respond to a series of classified messages and, by May 28, he and others in the service's command believed the *Scorpion* had been destroyed. Highly classified hydrophone data indicated to them that she had suffered a catastrophic explosion on May 22 and had been crushed as she twisted to the ocean's floor.

On June 5, the Navy officially declared the submarine presumed lost and her crew dead. On June 4, the service's high command had established a formal court of inquiry chaired by Vice Admiral Bernard Austin (Ret), who also had headed the Navy's investigation into the 1963 loss of U.S.S. *Thresher* which had cost the lives of 129 men. After evaluating nearly 50 days of testimony, the Court concluded that it could not determine the exact cause for the *Scorpion's* loss. On October 28, 1968, the Navy found the *Scorpion's* shaattered remains in over 11,000 feet of water approximately 400 miles southwest of the Azores Islands. On November 6 Admiral Austin reconvened his court, which studied thousands of photographs taken of the

wreckage by U.S.N.S. *Mizar*. After two more months of investigation, the Court again held that it could not determine precisely how the submarine had been destroyed.

Frustrated by their lack of any clear answers, the Navy's high command turned to the *Trieste II*, a specially designed deep water submersible capable of plunging down to the gravesite. Between 2 June and 2 August 1969, this bathyscape made nine dives to the *Scorpion*, photographing and diagramming her broken corpse. Although these efforts provided a clearer view of where she was and in what condition, they again failed to tell what had happened to one of the service's most elite warships. After thirty years, the *Scorpion's* fate still remains shrouded in mystery, a not so ironic end for a member of the silent service that spent her life on the shadowy front lines of the Cold War.

Launched on December 19, 1959, and commissioned on July 29, 1960, the *Scorpion* was built by General Dynamics' Electric Boat Division in Groton, Connecticut. One of six Skipjack class nuclear attack submarines, which combined a tear drop-shaped hull with a S5W reactor, the 252 foot *Scorpion* was capable of traveling over 20 knots while on the surface and over 30 knots while submerged. Her top underwater speed was more than 8 knots faster than that of U.S.S. *Nautilus*, the world's first nuclear submarine, launched in 1954, and twice that of the best World War II German U-boats. While the Nazis' Type XXI submarine, completed in 1944 could travel at a top speed of 16.7 knots for 72 minutes without resurfacing, the *Scorpion* could easily travel submerged at top speed for 70 days. These capabilities for high underwater speed and unlimited endurance gave the Navy new tactical abilities undreamed of in 1941–1945.

Although World War II had witnessed two great submarine campaigns, the first in the Atlantic where the Germans tried to sever England's supply lines and the second in the Pacific where the Americans assaulted the Japanese merchant fleet, the submarines of that period were strikingly similar to their World War I counterparts in submerged speed and endurance. Dependent upon diesel oil while traveling on the surface and batteries while underneath, these submarines were forced to spend the bulk of their time above water recharging, only submerging once they had spotted a target. Their reliance on two propulsion systems made them easy prey for air and surface attacks. Only near the war's end did Hitler's U-boats experiment with snorkels and more powerful batteries, and American submarines regularly employ sonar and radar. Even with these innovations, the United States Navy still lost nearly one-fifth of its submarine force while fighting in both theaters. The dropping of the atomic bomb changed all this and made possible not only one fuel system but also much greater underwater speed and endurance.

The Navy quickly seized upon these new capabilities and deployed its nuclear submarines in a variety of missions, particularly in gathering intelligence about the Soviet fleet. In 1959, President Dwight Eisenhower approved one of the most closely guarded intelligence operations ever mounted by the United States. Code named Operation HOLYSTONE, its original purpose was to use specially equipped submarines to penetrate Soviet waters to observe missile launches and capture readouts of their computer calculations. Later, they also were used to photograph and gather highly sensitive configuration and sound data on the Russian navy, particularly its submarines. This information was then used by intelligence analysts to track hostile warships by listening to their noise patterns and sound signatures.

While the *Scorpion* specialized in developing undersea nuclear warfare tactics, she also was used to collect intelligence. For instance, in the late winter and early spring of 1966, and again that fall, she was engaged in what the Navy has called ''special operations.'' Her then-commanding officer received the Navy's commendation medal for outstanding service. Although much about her last mission remains a mystery—five out of the last nine messages sent to her between May 21 and May 27 from Norfolk are still classified top secret—it seems likely that the *Scorpion* was engaged in or had just completed a highly sensitive intelligence operation when she was lost.

According to the first Court of Inquiry's sanitized declassified report, the *Scorpion* had been diverted to shadow a Soviet flotilla engaged in a ''hydroacoustic'' operation. This means the Russians were also collecting and analyzing information derived from the acoustic waves radiated by unfriendly ships and submarines. The Navy would have been greatly interested in any activity of this sort, particularly given the Soviets' location off the Canary Islands and near the Straits of Gibraltar, the gateway to the Mediterranean.

The Soviets also may have been trying to gather intelligence on the Americans' highly secretive Sound Underwater Surveillance System (SOSUS), an elaborate global network of fixed sea bottom hydrophones that listened for submarines. First developed in 1950 and installed in 1954, SOSUS formed the backbone of the United States' anti-submarine detection capability. This system became even more crucial in the late 1960s as the Soviet Navy began shifting its focus away from protecting Russia's coastal waters to building a blue water fleet spearheaded by advanced hunter-killer and ballistic missile nuclear submarines. This forced the Pentagon to place a premium on intelligence about the Kremlin's undersea operations.

By 1968, the Americans had deployed a SOSUS network off the Canary Islands and were laying another off the Azores Islands. Both were aimed at tracking Soviet submarines nearing the Straits of Gibraltar and approaching the Cape of Good Hope. Any Soviet attempt to disrupt or penetrate SOSUS would have aroused a great deal of interest in Norfolk and may explain the Navy's decision to send the Scorpion toward the Canary Islands.

Whatever he last mission was, it appears likely that the Scorpion had completed her operational phase by 7:54 p.m. on May 21, when she broadcast her last position and estimated time of arrival in Norfolk. Operating under strict orders to maintain electronic silence ''except when necessary'', the Scorpion sent only this message after she left Rota. At the time of her last communication, she was approximately two hundred miles or six hours away from the Soviet formation she had been sent to monitor. Nearly twenty-four hours later, SOSUS and civilian underwater listening systems ranging from Argentina to Newfoundland picked up the shock of an underwater explosion along the Scorpion's projected route followed by crushing sounds not unlike those recorded during the Thresher's destruction in 1963. According to these readouts, the entire episode lasted slightly over three months.

Applying sophisticated mathematics to these recordings and tracing the Scorpion's presumed track and speed to Norfolk, the Navy designated an area of ''special interest'' for its search some 400 miles southwest of the Azores Islands. On May 31, the U.S.S. Compass Island, a navigational research ship, was dispatched to conduct an underwater survey and on October 28, 1968, the U.S.N.S. Mizar, another navigational ship with advanced photographic equipment, finally found the wreckage only three miles away from where SOSUS computers had estimated it to be. Broken into two pieces, the Scorpion's remains lay in over 11,000 feet of water.

Deeply shaken and still reeling from the loss of the U.S.S. Thresher (SSN 593) five years earlier, the Navy began its postmorten with only the SOSUS readouts, the Scorpion's operational history and the testimony of her former crew members. The first Court of Inquiry deliberated from 4 June 1968 until 25 July 1968 and examined 76 witnesses as it considered a broad array of fatal possibilities. First among these was that the Soviets had intercepted the Scorpion and finished her in an undersea dogfight. The Court discarded this theory after it examined the reports the intelligence community provided and found no evidence that the Soviet formation which the Scorpion had been sent to shadow had launched an attack or fired any weapons when SOSUS recorded the explosion. The Court also noted that there were no other Russian or Warsaw Pact vessels within 1,000 miles of the Scorpion's last reported position.●

AVIATION SAFETY PROTECTION ACT

● Mr. GRASSLEY. Mr. President, I am pleased to join Senator KERRY in introducing the ''Aviation Safety Protection Act of 1999.'' This legislation will grant whistleblower protection to aviation workers, thus helping to increase the safety of the aviation industry and the traveling public.

I have long been a supporter of whistleblower protection for government workers. This act will extend that protection to aviation workers. Airline employees play a vital role in the protection of the traveling public. They are the first line of defense when it comes to recognizing hazards and other violations which can threaten airline safety. These dedicated employees should not have to choose between saving the public or saving their own jobs. The extension of whistleblower protection will eliminate that unfair choice and will allow them to do what is right. What is right is to be able to tell airline management of aviation safety problems without fear of retaliation or losing their job.

I have been working with Senator KERRY and flight attendants on this vital legislation for the past several years. It was included in the last Congress in the FAA reauthorization bill. Unfortunately that bill was not passed into law. We are looking forward to working closely with Senator MCCAIN and Congressman SHUSTER this year as the FAA reauthorization legislation moves through the Congress.

The traveling public expects and deserves the safest air travel system possible. Granting aviation employees whistleblower protection will fill a gap in the air travel system.

I join with Senator KERRY in urging my colleagues to cosponsor this legislation.●

MAX ROWE PAYS TRIBUTE TO OUR AMERICAN HERO, JOHN GLENN

• Mr. DURBIN. Mr. President, I rise today to share with my colleagues an article written by Max Rowe. On November 8, 1998, Mr. Rowe, a guest columnist for the Springfield Journal-Register, wrote an article paying tribute to John Glenn entitled, ''Glenn is a hero for the ages.''

Mr. President, I would like to speak for a brief moment about Mr. Rowe and some of his accomplishments. Max attended the University of Illinois where he received his B.A. and law degree (J.D.). Following his academic career at the University of Illinois, he furthered his education by pursuing a Master of Business Administration from the University of Chicago. After completing his education, Max went on to work for the Kirkland & Ellis law firm where he dedicated over 30 years of his life to his true passion, the practice of law. In 1995 Max was elected to the Illinois Senior Hall of Fame, and he volunteers part-time at the Memorial Medical Center in Springfield. On the side, he is a management consultant and writes for the Journal-Register.

I believe Max's life experiences inspired him to pay tribute to John Glenn, a man whom he respects so much, and a man who will keep withstanding the test of time, much like himself. John Glenn, one of his all-time heroes and someone I have had the honor to serve with in the Senate, is an inspiration to so many people in so many ways. To some he is a husband, a father, a grandfather, an astronaut, a United States Senator, or a Presidential candidate, but to all of us he is a true American hero.

Mr. President, I ask that the full text of Max Rowe's article, ''Glenn is a hero for the ages,'' be printed in the RECORD.

The article follows:

[From the Springfield Journal-Register, Nov. 8, 1998]

GLENN IS A HERO FOR THE AGES

(By Max Rowe)

One of my all-time heroes is former and present astronaut John Glenn, who is now 77 years old and has just completed a mission with six other astronauts on the space shuttle discovery.

We senior citizens and those of you over 50 remember well when John Glenn blasted off Cape Canaveral into Earth orbit on Friendship 7 almost 37 years ago. In that five-hour mission he would orbit the Earth three times at an altitude of 100 miles, traveling at over 17,000 mph.

From start to finish the venerable and trusted Walter Cronkite covered the flight on our TVs, using words only, as there were no sophisticated cameras at Cape Canaveral or on board Glenn's space ship that could cover the actual flight. At lift-off Cronite yelled, ''Go, baby!''

On board Friendship 7, John Glenn had only one simple, hand-held camera to snap shots out of his window. In Glenn's interviews after his splashdown, he kept using the word ''pleasant'' to describe his experience with zero gravity on his flight and his views of Earth. He is quoted as saying, ''This free-floating feeling, I don't know how to describe it except that it is very pleasant. It's an interesting feeling. Sunset at this altitude is tremendous. I've never seen anything like this. It was a truly beautiful, beautiful sight.''

Before Glenn's 1962 spaceflight, two Russians had orbited Earth, Glenn helped us catch up with (and eventually surpass) the Russians in spaceflight experience and technology.

On the afternoon of Oct. 29, 1998, I sat before my TV waiting through two short delays for the launch. At 1:20 p.m. ''successful lift-off'' put John Glenn and six other astronauts into an almost nine-day space flight on Discovery. What a contrast to his 1962 flight! Discovery has about a dozen high-tech cameras to keep NASA and us informed of every phase of the flight and thousands of controls and pieces of complicated, marvelous equipment to record everything from start to finish. At last we will learn, among other things, the effect of spaceflight on an older person and on the aging process.

John Glenn has been a role model for us all his life, serving with great distinction in World War II as a Marine combat flier on 59 missions. He has been decorated with 20 metals, including six Distinguished Flying Crosses and the Congressional Space Medal of Honor.

He married his childhood sweetheart in 1943 and has two children and two grandsons.

Glenn will retire in January 1999 after serving as a U.S. Senator from his home State of Ohio for 24 years. He has proven it is possible to be a happy and devoted family man in spite of living for so many years with fame and in the spotlight of Washington, DC.

I hope every American is as proud and thrilled as I was as John Glenn and his six companions headed off into space on their historic mission. John Glenn's return to space is important to all us senior citizens and to people over 50 years young, who will soon join our rapidly growing senior group. He is verifying that we are not ''over the hill'' and that with proper physical, emotional and mental activity, we still have many satisfying and useful years to live.

Before heading into space, Glenn spent over 500 hours in rigorous physical training to prepare himself for his very demanding space journey. Those of you who have been reading my earlier columns will remember that one of my recommendations for living to age 104 is regular, vigorous exercise. For most of us seniors, a 30-minute daily brisk walk will do wonders for our health and happiness.

The worldwide interest in this spaceflight will do much to heighten interest in space travel for the rest of us and help NASA's future programs and funding. Let's you and I make a date to fly to Mars in the year 2010!

God bless you and keep you safe, John Glenn. You truly have all ''The Right Stuff!''•

RETIREMENT OF LSU SYSTEM PRESIDENT ALLEN COPPING

• Mr. BREAUX. Mr. President, this month marks the end of a distinguished and remarkable career in public education for the president of my state's flagship university. At month's end, Dr. Allen A. Copping will be retiring, leaving the post of president of the Louisiana State University System that he has held since March of 1985.

Dr. Copping's retirement is significant for several reasons. Under his able and dedicated leadership, the LSU System has enjoyed enormous growth and development and is recognized around the country as a leader in educational excellence in numerous fields of academic pursuit. Dr. Copping's fourteen-year tenure is significant for another reason: He will always be remembered as the first health scientist to hold the position as LSU president.

Allen Copping is a native of New Orleans, born in 1927 and educated in the city's public schools. After graduating from Loyola University with a Doctor's degree in Dental Surgery in 1949, Dr. Copping entered the U.S. Navy and served our country with distinction during the Korean Conflict. After the war, he returned to New Orleans, where he began a very successful dental practice and also landed on the faculty of the Loyola University School of Dentistry. In 1968, Dr. Copping joined the faculty of the newly created LSU School of Dentistry as an associate professor and, six years later, he was appointed the second dean of the LSU School of Dentistry.

As dean, Dr. Copping's leadership ability and his vision quickly caught the eye of the LSU Board of Supervisors, which chose him to head the LSU Medical Center as Chancellor in 1974, a position he held with distinction for the next eleven years. During his years at the helm of the Medical Center, Dr. Copping helped initiate a remarkable expansion in both the curricular offerings and in the physical facilities at the Center.

On March 18, 1985, Allen Copping became the third president of the LSU System and the fifteenth LSU president, a job that entailed the leadership and supervision of the eight campuses in the system and management of an annual budget of over two billion dollars.

During his tenure as LSU president, Dr. Copping guided the system through some very challenging years, highlighted by the development of the world-renowned Pennington Biomedical Research Center at Baton Rouge and the addition of the Health Care Services Division of the LSU Medical Center.

Throughout his years at the helm of the LSU System, Dr. Copping enjoyed a well-deserved reputation as a man of extraordinary loyalty, honesty, compassion and sincerity who is unalterably devoted to public education and the well being of his native state of Louisiana.

Mr. President, on behalf of the citizens of my state, I wish to congratulate Allen Copping on a well-deserved retirement and offer my profound gratitude for the leadership that he has provided the LSU System over the past fourteen years. He will be missed, but I know that I and other public officials will continue to benefit from his wisdom and his commitment to providing a quality education that meets the needs of our country's most precious commodity—our young people. I wish Allen and Betty and their family all the best in this next and very exciting phase of their lives.•

GREEK INDEPENDENCE DAY

• Mr. SARBANES. Mr. President, it gives me great pleasure to rise in observance of Greece's 178th anniversary of National Independence. Today, we are here to pay tribute to Greek and American democracy, and to our shared commitment to peace and stability in the Balkans and Eastern Mediterranean.

On March 25, 1821, the Greek people initiated their victorious pursuit of liberty from four centuries of oppressive Ottoman rule. After nearly ten years of struggle against overwhelming odds, the Greeks accomplished this historic request, reaffirming their commitment to the individual freedoms that are at the heart of the Greek tradition.

From the beginning of their revolution, the Greeks had the support, emotional and material, from a people who had recently gained freedom for themselves: the Americans. Looking back at their triumphant march toward liberty, the American people followed with affinity the Greek pursuit for national independence. Since then, our two nations have remained firmly united by a shared commitment to democratic principles. These ties were reinforced by thousands of Greeks who came to America for greater economic opportunity. These immigrants and their descendants continue to make their own important and unique contributions to America's economic and political strength.

As a nation whose founders were ardent students of the classics, America has drawn its political convictions from the ancient Greek ideals of liberty and citizenship. And just as America looked to the Greeks for inspiration, Greek patriots looked to the American Revolution for strength in the face of their own adversity. The exuberance and passion of a young nation dedicated to freedom lifted the spirits of the Greek patriots, and reminded them of their long-standing democratic legacy.

As we enter the next century, it is appropriate that we retrace our common struggle to build societies based on individual rights, equality and the rule of law. During World War I, our nations forged a steadfast alliance to maintain peace in the Balkans. During the Second World War, Greeks heroically resisted the brutal Nazi regime, defeated Mussolini's troops, and contributed in no small part to the allied victory over the Axis Powers. At the Cold War's inception, President Truman and the American people committed to helping Greece rebuild their war-ravaged nation through the Marshall Plan. Greece continues to play an important role as a valued member of the international community within NATO and the European Union.

Today, as one of the few stable democracies in its region, Greece has played a stabilizing role throughout the Balkans and is helping its neighbors progress toward greater political and economic security. Greek economic modernization, along with its status as a member of the European Union, allow Greece to act as a model for and play a constructive role in the economic well being of its neighbors.

Mr. President, the new millennium promises an even stronger Greek-American relationship and further cooperation in the areas of our mutual interests. Through ties of blood and affection, as well as shared political goals and philosophical ideals, Greece has retained a special relationship with the United States. Therefore, on this important occasion, it is fitting that we remember this historical legacy and rededicate ourselves to the principles which inspired the free and democratic peoples of America and Greece.•

CENSUS

• Mrs. FEINSTEIN. Mr. President, I was troubled by a recent report in Roll Call which details a plan by House Republicans to devise a media campaign to support their efforts to shut down the government in order to restrict census sampling. I ask that this article be printed in the RECORD at the end of my statement.

Mr. President, the census is a critical issue for my State and for the nation. The census count determines how nearly 200 billion of federal funds are allocated. An inaccurate count means that these federal funds are misallocated.

According to a recent study by the nonpartisan General Accounting Office, the 1990 census undercounted the United States population by about 4 million people—or approximately 1.6 percent of the entire population.

Many states had undercounts above the national average. California's undercount was 2.7 percent; New Mexico's was 3.1 percent; Texas' 2.8 percent; and Arizona's 2.4 percent, just to name a few.

According to the GAO, 22 of the 25 large formula grant programs use census data as part of their allocation formula. Those funds are used for our schools, health care facilities, and transit systems. California was the most harmed because of the 1990 census undercount, losing nearly 2.2 billion in federal funds, or 2,660 per person missed.

In 1998 alone, California lost 198 million in federal funds for Medicaid; 9.4 million for foster care; 3.2 million for Social Security; 1.9 million for child care and development; and 1.1 million for vocational training. Millions more in federal dollars for adoption assistance, prevention and treatment of substance abuse, highway planning and construction, and other programs did not flow to California because of the inaccurate census.

Other states also suffer: Texas lost almost 1 billion because of the 1990 undercount, and Arizona, Florida, Georgia, and Louisiana each lost over $100 million.

Moreover, all areas and groups are not undercounted at the same rate, and some members of our society are more likely to be missed than others. According to the GAO, 5.7 percent of African Americans were not counted in the 1990 Census. Nor were 5 percent of Latinos and 4.5 percent of Native Americans. Of the 835,000 people undercounted in California, most were minorities. Nearly half the net undercount—47 percent—were Hispanic. Twenty-two percent were African-American and 8 percent were Asian.

Such differences in census coverage introduce inequities in political representation and in the distribution of federal funds. Because Hispanics, African-Americans, and other minority groups had a larger undercount than whites in the 1990 Census—as in prior censuses—minorities and the communities in which they live have been disadvantaged in government programs in which population is an important factor in fund allocation.

This is an issue of basic fairness. Every American should be counted. And unless we can provide the Census Bureau with our support for an accurate census, and do so without any political intervention, then we run the risk of doing a grave injustice to our citizens.

Since the failed 1990 population count, the Census Bureau has worked with experts to design a more accurate census for 2000. The National Academy of Sciences, in three separate reports, concluded that the key to improving accuracy in the census is the use of sound statistical methods to count those missed during the conventional ''head count.'' This involves detailed ''statistical sampling'' to determine the characteristics of those who are missed by the head count.

But for partisan reasons, some in Congress evidently prefer to ignore the expert advice and plan to shut down part of the government rather than see an accurate count. They argue that sampling is unnecessary. Unfortunately, during the Census 2000 Dress Rehearsal the undercount was 6.5 percent for Sacramento, California; 3.1 percent for the Menominee Indian Reservation in Wisconsin; and 9.1 percent for the entire state of South Carolina.

The magnitude of such undercounts and the implications for the 2000 Census that fails to correct the problem are particularly great for states with large and diverse populations, such as Florida, Texas, Arizona, New York, California and many others.

The Supreme Court has affirmed that sampling is required for purposes other than apportionment if 'feasible'.

The census should not be about politics. And Mr. President, I will oppose any efforts to include any restrictions on the ability of the Bureau of the Census to conduct the most accurate census possible. Anything else would simply be unfair.

The article follows:

GOP GIRDS FOR CENSUS BATTLE FIRST TO HOLD JOB, HE'S LEAVING FOR PRIVATE SECTOR

(By Jim VandeHei and John Mercurio)

Fearing the loss of two dozen House seats if his party blinks, Speaker Dennis Hastert (R–Ill.) has tapped former National Republican Congressional Committee Chairman Bill Paxon (N.Y.) to prepare GOP troops for a budget fight over the 2000 Census that could provoke a partial government shutdown.

At Hastert's request, Paxon huddled this week with NRCC Chairman Tom Davis (Va.), Republican media strategist Eddie Mahe and others to help devise a coordinated strategy to block President Clinton's plan to use sampling in the 2000 Census.

''I am one of a group of people trying to figure out how to keep Mr. Bill Clinton from imposing his political calculations on the census,'' Mahe said in an interview.

The impending battle will erupt in earnest next month when GOP leaders begin working on the funding bill for Commerce, Justice, State, the judiciary and related agencies. During last year's budget negotiations, Republicans and Clinton agreed to put off final decisions on whether to fund the use of sampling until this June, when the results of the Census Bureau's dress rehearsals would be available and the Supreme Court would have ruled on a much-anticipated legal challenge to sampling.

The budget fight follows the High Court's decision in late January that the bureau's plan to use sampling in the decennial for reapportionment of House seats violates the Census Act.

But according to pro-sampling Democrats' interpretation of Justice Sandra Day O'Connor's majority opinion, the federal government can, ''if feasible,'' use sampling for the very different purpose of redistricting, or the redrawing of House district boundary lines, within each state.

Following the court's ruling, Census Bureau Director Kenneth Prewitt said the Clinton administration will seek an increased level of funding to conduct two counts—one using the GOP-backed practice of trying to count every American, the other using the Clinton-endorsed sampling.

Meanwhile, Democrats are trying to amend the Census Act to allow sampling for reapportionment, and Republicans will try to place language in the spending bill that would restrict funding for any sampling practices associated with the census.

The GOP plan, according to informed sources, likely will include a media campaign against Clinton's plan, which most House Democrats support.

It will also include a lobbying campaign to convince Republican Members to stand up to Clinton if he threatens to shut down the government to scare off opposition.

''Everybody knows this is 'do or die' for the party,'' said one GOP official familiar with the nascent strategy. ''We're not going to back down on this.''

That spending plan will include a provision preventing the bureau from using statistical sampling, which Hastert and Paxon fear will cost Republicans dozens of House seats in the new millennium.

''The Speaker and virtually every GOP leader believe no single vote will have greater ramifications on the future of the Republican majority than the vote to block President Clinton from changing the way we conduct the census,'' said one Hastert confidant.

But Democrats understand that if Clinton backs down, Republicans' chances of retaining their majority will increase.

He won't capitulate to GOP demands, according to senior Democratic leadership sources.

''They have never shown any weakness and I don't know why they would,'' said a top Democratic adviser, who insisted White House officials will shut down the government if Republicans refuse to back down.

Democrats said the Republican moves show they are preparing to allow this battle to result in a shutdown. A government shutdown in 1995 caused their party's support to plummet and ultimately led to a more conciliatory tone among House GOP leaders.

''They weren't able to convince the American people to believe they were justified in doing that in 1995, and I don't see how they would be able to do so in 1999,'' said Rep. HENRY WAXMAN (D–Calif.), the ranking member of the Government Reform Committee.

''If they do make it a partisan issue and close down three departments of government, they're going to need to spend a lot of money to try to convince people they're not being partisan again,'' Waxman said. ''And I don't think they're going to succeed.''

Rep. CAROLYN MALONEY (D–N.Y.), the ranking member of the Government Reform subcommittee on the census, said Democrats can turn back the Republican budget proposal by appealing to ''at least 10 Republicans'' to support sampling. So far, only three Republicans—Reps. CONNIE MORELLA (Md.), CHRISTOPHER SHAYS (Conn.) and NANCY JOHNSON (Conn.)—have sided with Democrats in the sampling battle.

''I truly believe there are at least 10 Republicans who truly care about their constituents and their country who would not go along with this.''

But MALONEY said the GOP media plan ''wouldn't surprise me. The Republican machine has been focussing like a laser beam on this subject in their attempts to make sure that blacks, Hispanics and Asians are not counted. It's wrong, and they should stop.''

While talk of a government shutdown may be hyperbole by both sides, the political posturing underscores how contentious the upcoming budget debate will be.

Last Congress, Republican and Democratic leaders ended months of bickering over the census by delaying a final decision until after the election. They passed a six-month funding bill and agreed to tackle the tricky topic when the pressure of impending elections subsided and the Supreme Court had ruled on a legal challenge to the sampling plan.

The six-month funding bill expires in June, but HASTERT wants appropriators to start work soon, likely early next month, to provide leadership with as much as time as possible to avert a shutdown.

In the meantime, Paxon is working with several Members and strategists to develop a plan to win the public relations war over the census.

Besides Davis, Mahe and Paxon, House Administration Chairman BILL THOMAS (R–Calif.); Rep. DAN MILLER (R–Fla.), chairman of the Government Reform subcommittee on the census; and two GOP strategists, Bill Greener and Chuck Greener, are intimately involved in the strategizing, sources said.

Paxon's team is considering a paid media campaign to educate voters on the census issue in the weeks leading up to a final vote on legislation and a variety of communications ideas to prevent the PR debacle in the wake of the 1995 government shutdown, the sources said.

GOP leaders have not decided who will run the media campaign or who will pay for it.

In the meantime, HASTERT plans to hand more money to Miller and his census subcommittee to conduct an oversight investigation into how the administration is reacting to the Supreme Court decision on sampling.

He also plans to educate Members on the topic and lobby them to support the leadership's position.

Davis said GOP leaders don't anticipate more than one Republican defecting, though both SHAYS and MORELLA remain opposed to leadership's position, according to their spokesmen. ''And we'll pick up some Democrats,'' he said, though he refused to list any possibilities.

THE CALENDAR

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following bills reported by the Environment and Public Works Committee: Calendar No. 53, S. 67; Calendar No. 56, S. 437; Calendar No. 57, S. 453; Calendar No. 58, S. 460; Calendar No. 59, H.R. 92; Calendar No. 60, H.R. 158; Calendar No. 61, H.R. 233; and Calendar No. 62, H.R. 396.

I further ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed at the appropriate place in the RECORD, with the above occurring en bloc.

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

ROBERT C. WEAVER FEDERAL BUILDING

The bill (S. 67) 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,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 67

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

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the ''Robert C. Weaver Federal Building''.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Robert C. Weaver Federal Building''.

Mr. MOYNIHAN. Madam President, it is fitting that we have passed this legislation to name the Department of Housing and Urban Affairs (HUD) Washington, D.C. headquarters after Dr. Robert C. Weaver, adviser to three Presidents, national chairman of the NAACP, and the first African-American Cabinet Secretary.

In 1961, President Kennedy appointed Dr. Weaver to head the Housing and Home Finance Agency, the precursor to the Department of Housing and Urban Development. In 1966, when President Johnson elevated the agency to Cabinet rank, he chose Dr. Weaver to head the department. Bob Weaver was, in Johnson's phrase, ''the man for the job.'' He thus became its first Secretary, and the first African-American to head a Cabinet agency.

Dr. Weaver began his career in government service as part of President Franklin D. Roosevelt's ''Black Cabinet,'' an informal advisory group promoting Federal job and educational opportunities for blacks. The Washington Post called this work—''the dismantling of a deeply entrenched system of racial segregation in America''—his greatest legacy. Indeed it was.

Bob Weaver was my friend, dating back more than 40 years to our service together in the administration of New York Governor Averell Harriman. Dr. Weaver was appointed Deputy Commissioner of Housing for New York State in 1955, and later became State Rent Administrator with Cabinet rank. It was during these years, working for Governor Harriman, that I first met Bob; I was Assistant to the Secretary to the Governor and later, Acting Secretary. Our friendship and collaboration continued through the Kennedy and Johnson administrations. Later, he and I served together on the Pennsylvania Avenue Commission.

Bob Weaver died in July 1997, at his home in New York City. When he died, America—and Washington, in particular (for he was a native Washingtonian)—lost one of its innovators, one of its true leaders. I was privileged to know him as a friend. He will be missed but properly memorialized, I think, if we can get this legislation to name the HUD building after him to President Clinton for his signature.

I wish to thank Senators BOXER, DURBIN, GRAHAM, HOLLINGS, KENNEDY, KERRY, ROBB, SARBANES, and SCHUMER, for cosponsoring S. 67, and I wish to thank the majority and minority leaders for scheduling its expeditious passage.

Mr. President, I ask unanimous consent that my statement, a July 21, 1997 editorial in the Washington Post, and a July 19, 1997 obituary from the New York Times be printed in the RECORD.

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

[From The New York Times, July 19, 1997]

ROBERT C. WEAVER, 89, FIRST BLACK CABINET MEMBER, DIES

(By James Barron)

Dr. Robert C. Weaver, the first Secretary of Housing and Urban Development and the first black person appointed to the Cabinet, died on Thursday at his home in Manhattan. He was 89.

Dr. Weaver was also one of the original directors of the Municipal Assistance Corporation, which was formed to rescue New York City from financial crisis in the 1970's.

''He was catalyst with the Kennedys and then with Johnson, forging new initiatives in housing and education,'' said Walter E. Washington, the first elected Mayor of the nation's capital.

A portly, pedagogical man who wrote four books on urban affairs, Dr. Weaver had made a name for himself in the 1930's and 40's as an expert behind-the-scenes strategist in the civil rights movement, ''Fight hard and legally,'' he said, ''and don't blow your top.''

As a part of the ''Black Cabinet'' in the administration of President Franklin D. Roosevelt, Dr. Weaver was one of a group of blacks who specialized in housing, education and employment. After being hired as race relations advisers in various Federal agencies, they pressured and persuaded the White House to provide more jobs, better educational opportunities and equal rights.

Dr. Weaver began in 1933 as an aide to Interior Secretary Harold L. Ickes. He later served as a special assistant in the housing division of the Works Progress Administration, the National Defense Advisory Commission, the War Production Board and the War Manpower Commission.

Shortly before the 1940 election, he devised a strategy that defused anger among blacks about Stephen T. Early, President Roosevelt's press secretary.

Arriving at Pennsylvania Station in New York, Early lost his temper when a line of police officers blocked his way. Early knocked one of the officers, who happened to be black, to the ground. As word of the incident spread, a White House adviser put through a telephone call to Dr. Weaver in Washington.

The aide, worried that the incident would cost Roosevelt the black vote, told Dr. Weaver to find the other black advisers and prepare a speech that would appeal to blacks for the President to deliver the following week.

Dr. Weaver said he doubted that he could find anyone in the middle of the night, even though most of the others in the ''Black Cabinet'' had been playing poker in his basement when the phone rang. ''And anyway,'' he said, ''I don't think a mere speech will do it. What we need right now is something so dramatic that it will make the Negro voters forget all about Steve Early and the Negro cop too.''

Within 48 hours, Benjamin O. Davis Sr. was the first black general in the Army; William H. Hastie was the first black civilian aide to the Secretary of War, and Campbell C. Johnson was the first high-ranking black aide to the head of the Selective Service.

Robert Clifton Weaver was born on Dec. 29, 1907, in Washington. His father was a postal worker and his mother—who he said influenced his intellectual development—was the daughter of the first black person to graduate from Harvard with a degree in dentistry. When Dr. Weaver joined the Kennedy Administration, whose Harvard connections extended to the occupant of the Oval Office, he held more Harvard degrees—three, including a doctorate in economics—than anyone else in the administration's upper ranks.

In 1960, after serving as the New York State Rent Commissioner, Dr. Weaver became the national chairman of the National Association for the Advancement of Colored People, and President Kennedy sought Dr. Weaver's advice on civil rights. The following year, the President appointed him administrator of the Housing and Home Finance Agency, a loose combination of agencies that included the bureaucratic components of what would eventually become H.U.D., including the Federal Housing Administration to spur construction, the Urban Renewal Administration to oversee slum clearance and the Federal National Mortgage Association to line up money for new housing.

President Kennedy tried to have the agency raised to Cabinet rank, but Congress balked. Southerners led an attack against the appointment of a black to the Cabinet, and there were charges that Dr. Weaver was an extremist. Kennedy abandoned the idea of creating an urban affairs department.

Five years later, when President Johnson revived the idea and pushed it through Congress, Senators who had voted against Dr. Weaver the first time around voted for him.

Past Federal housing programs had largely dealt with bricks-and-mortar policies. Dr. Weaver said Washington needed to take a more philosophical approach. ''Creative federalism stresses local initiative, local solutions to local problems,'' he said.

But, he added, ''where the obvious needs for action to meet an urban problem are not being fulfilled, the Federal government has a responsibility at least to generate a thorough awareness of the problem.''

Dr. Weaver, who said that ''you cannot have physical renewal without human renewal,'' pushed for better-looking public housing by offering awards for design. He also increased the amount of money for small businesses displaced by urban renewal and revived the long-dormant idea of Federal rent subsidies for the elderly.

Later in his life, he was a professor of urban affairs at Hunter College, was a member of the Visiting Committee at the School of Urban and Public Affairs at Carnegie-Mellon University and held visiting professorships at Columbia Teachers' College and the New York University School of Education. He also served as a consultant to the Ford Foundation and was the president of Baruch College in Manhattan in 1969.

His wife, Ella, died in 1991. Their son, Robert Jr., died in 1962.

[From The Washington Post, July 21, 1997]

ROBERT C. WEAVER

Native Washingtonian Robert C. Weaver, who died on Thursday in New York City at age 89, had a life of many firsts. Dr. Weaver served as a college president, Cabinet secretary, presidential adviser, chairman of the National Association for the Advancement of Colored People and as a director of the Municipal Assistance Corp., which helped save New York City from financial catastrophe. But his greatest legacy may be the work he did, largely out of public view, to dismantle a deeply entrenched system of racial segregation in America.

Before the landmark decade of civil rights advances in the 1960s, Dr. Weaver was one of a small group of African American officials in the New Deal era who, as part of the ''Black Cabinet'' pressured President Franklin D. Roosevelt to strike down racial barriers in government employment, housing and education. It was a long way to come for the Dunbar High School graduate who ran into racial discrimination in the 1920s when he tried to join a union fresh out of high school. Embittered by that experience, Bob Weaver went on to Harvard (in the footsteps of his grandfather, the first African American Harvard graduate in dentistry) to earn his bachelor's, master's and doctorate in economics. At another time in America, his university degrees might have led to another career path. For Bob Weaver in 1932, however, those credentials—and his earlier job as a college professor—made him an ''associate advisor on Negro affairs'' in the U.S. Department of the Interior.

Subsequent work as an educator, economist and national housing expert—and behind-the-scenes recruitment of scores of African Americans for public service—led to his appointment as New York State rent administrator, making him the first African American with state cabinet rank. President John F. Kennedy appointed him to the highest federal post ever occupied by an African American—the Housing and Home Finance Agency. Despite the president's support, however, the HHFA never made it to Cabinet status, because Dr. Weaver was its administrator and southern legislators rebelled at the thought of a black secretary. Years later President Lyndon Johnson pushed through the Department of Housing and Urban Development and named Robert Weaver to the presidential Cabinet.

For the nation, and Robert Weaver, the appointment was another important first. For many other African Americans who found lower barriers and increased opportunity in the last third of the 20th century, Robert Weaver's legacy is lasting.

LLOYD D. GEORGE UNITED STATES COURTHOUSE

The bill (S. 437) 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,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 437

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

SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.

The United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, shall be known and designated as the ''Lloyd D. George United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Lloyd D. George United States Courthouse''.

HURFF A. SAUNDERS FEDERAL BUILDING

The bill (S. 453) to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 453

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

SECTION 1. DESIGNATION OF HURFF A. SAUNDERS FEDERAL BUILDING.

The Federal Building located at 709 West 9th Street In Juneau, Alaska, shall be known and designated as the ''Hurff A. Saunders Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Hurff A. Saunders Federal Building''.

ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE

The bill (S. 460) 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,'' was considered, ordered to be engrossed for a third time, and passed; as follows:

S. 460

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

SECTION 1. DESIGNATION OF ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

HIRAM H. WARD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 92) 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,'' was considered, ordered to a third reading, read the third time, and passed.

JAMES F. BATTIN FEDERAL COURTHOUSE

The bill (H.R. 158) to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse,'' was considered, ordered to a third reading, read the third time, and passed.

RICHARD C. WHITE FEDERAL BUILDING

The bill (H.R. 233) to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

RONALD V. DELLUMS FEDERAL BUILDING

The bill (H.R. 396) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

REFERRAL OF S. CON. RES. 1

Mr. CRAIG. Madam President, I ask unanimous consent that Senate concurrent resolution 1 be discharged from the Committee on Health, Education, Labor, and Pensions and referred to the Committee on Foreign Relations.

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

CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF EL SALVADOR ON SUCCESSFULLY COMPLETING FREE AND DEMOCRATIC ELECTIONS

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 73, which was reported by the Foreign Relations Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

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

Mr. CRAIG. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 73

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to

implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

ORDERS FOR WEDNESDAY, MARCH 24, 1999

Mr. CRAIG. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 24. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved, and the Senate then begin consideration of S. Con. Res. 20, the budget resolution.

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

PROGRAM

Mr. CRAIG. Madam President, tomorrow morning the Senate will begin consideration of the first concurrent budget resolution. Under the order, there will be 35 hours for consideration of the resolution. Any Senator intending to offer an amendment or amendments to the resolution should notify the managers to allow for an orderly process for the consideration of this measure. Rollcall votes can be expected throughout the day on Wednesday, and all Senators should anticipate busy sessions for the remainder of the week as we approach the Easter recess.

ORDER FOR ADJOURNMENT

Mr. CRAIG. 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 the Senator from Louisiana, Senator LANDRIEU.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, I ask that I be added to the list of speakers for the evening.

Mr. CRAIG. I ask unanimous consent that the senior Senator from Pennsylvania be allowed to follow the Senator from Louisiana, and that following his remarks the Senate stand in adjournment.

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

The Senator from Louisiana is recognized.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

KOSOVO

Mr. SPECTER. Mr. President, I have remained after the conclusion of the vote to comment about the vote and about a very significant historical precedent which was established tonight. The Senate of the United States took up its constitutional responsibility to make a decision as to whether Congressional authority would be given for the United States to commit an act of war in Kosovo following a request by the President of the United States for such a vote.

In modern times, we have seen the erosion of the congressional authority to declare war. Tonight in the Senate, we reaffirmed the basic constitutional responsibility and authority of the Congress on that very subject, after the President had made a significant request for authorization to use force.

This action tonight follows the situation in January of 1991 when the Congress of the United States authorized the use of force in the Persian Gulf following a similar request by President Bush. I believe that this is of great importance historically as a precedent, to guide the future Presidents, that their authority as Commander in Chief does not extend to involving the United States in war. Where acts of war are involved, it is a matter for the Congress of the United States and not the unilateral action of the President of the United States.

On the merits of this evening's vote, it was a very difficult vote. It was the choice of two very undesirable alternatives. In voting aye and supporting the use of force, I chose what I considered to be the lesser of the undesirable alternatives.

The President in his letter today said that the United States national interests are clear and significant. I disagree with that conclusion by the President.

The President then went on in his letter to amplify those national interests. Yet the absence of a very strong purpose and reason underscores my conclusion that this is an extremely difficult question on U.S. national interests. The President's letter continues, the first line of the second paragraph says, "The United States national interests are clear and significant." The second line says, "The ongoing effort by President Milosevic to attack and repress the people of Kosovo could ignite a wider European war with dangerous consequences to the United States. This is a conflict with no natural boundaries. If it continues it will push refugees across borders and draw into neighboring countries."

That is a statement of possibility, but we know that this is intervention by NATO, including the United States, in what is essentially a civil war. The President then went on in the second paragraph to say, "NATO has authorized airstrikes against the former Yugoslavia to prevent a humanitarian catastrophe and to address the threat to peace and security of the Balkan region and Europe."

The President relies quite substantially upon the "humanitarian catastrophe", he may really be saying the use of force for humanitarian purposes, and it may be that this standard is a one which ought to be adopted. But I do suggest that this may be a departure from what has previously been recognized as U.S. policy to use force where there is a vital United States national security interest. If we look for humanitarian catastrophes, we can find them all around the world, and we have been criticized for not doing more at an earlier stage in Bosnia. We have been criticized for not doing more in Rwanda. There have been many criticisms leveled against the United States and the civilized world for not intervening on prior occasions. It may be that with such a thin statement of vital national interests, the authorization to use force in Kosovo really reflects a shifting standard. As the President articulates, "to prevent a human catastrophe."

(Mr. BROWNBACK assumed the Chair.)

Mr. SPECTER. Mr. President, several weeks ago, I filed a resolution for the use of airstrikes in Kosovo. This was essentially a vehicle to move the Senate of the United States to take up the issue of the use of force, to debate it and to decide the question. It has always been my view, as expressed in 1991 in the debate on the use of force in the Persian Gulf and, before that in 1983, where we debated the War Powers Act with respect to deployment of marines in Lebanon, that the constitutional issue of Congress' sole authority to declare war is of paramount importance.

I congratulate our leadership today for moving through a procedural morass, where we had a cloture vote—that is, a vote to cut off debate—on the resolution pending by the Senator from

New Hampshire, Senator SMITH. Afterwards, in consultation, this resolution was crafted so the Senate could vote yes or no on this important issue. As noted by others, we did have a bipartisan vote of 58–41 in favor of the use of force, with some 17 Republicans joining 41 Democrats, making a total of 58, and 38 Republicans and 4 Democrats voting in the negative. There is a strong bipartisan showing by these figures.

It would have been vastly preferable, Mr. President, had President Clinton taken this issue to the American people at a much earlier stage so the American people could be aware of the consequences of this very, very important decision. The President did address the matter in the opening remarks on his press conference on Friday.

I concurred with what the Senator from Delaware said yesterday—when he and I debated or discussed the subject for about a half hour—this was most appropriately a subject for a 30-minute Presidential speech. The president should lay out the issue in great detail. There is a large concern on my part, and on the part of many others, that the American people are not really prepared for the consequences as to what may occur in Kosovo. There have been forceful statements that the risks are very, very high, and that the air defenses in Serbia are very strong.

It is important that the American people understand the substantial risks involved so we do not retreat as we did in Somalia. The way to guard against that is to build up a public understanding as to what the scenario is in Kosovo with as forceful an articulation as possible, and I repeat, much more forceful than the President's letter today. The President should articulate in great detail about the savagery of the assaults on people and the brutality and the ethnic cleansing which has gone on in Kosovo. Those details, I think, are a concern to the American people but they have not been stated in a way which really brings forth the magnitude of the human catastrophe in Kosovo so the American people would be willing to accept and undertake the risks that are involved in this matter.

But all of that is prologue. Now we have the authorization by the Senate for the use of force. On a very difficult question, I think it is the lesser of the undesirable alternatives, and featuring prominently is the desire of keeping NATO intact. We seem to have more support from our European allies on this matter than at any time in the past. Our precarious position on NATO has occurred because the administration has moved us into a position without congressional authorization to an executive commitment really, in effect, to support the NATO decision to use force in Kosovo.

To that extent, so that we do not have a breach of making NATO look bad and do not have a breach of making the United States look bad, which would in effect be a backdown, we are in a sense backing into the issue. But the more important aspect is the fact that the President did come to the Senate.

I was interested in the discussion with our distinguished senior Senator from West Virginia and to hear his comment where he had expressed to the President today the view that the President should not lean so heavily on Presidential prerogatives but should ask the Congress of the United States for authority to use force. The President has done so.

Now we have a very significant precedent which should be a clarion call to future Presidents not to exercise their authority as Commander in Chief and unilaterally engage the United States in war. The President should take this issue to the Congress of the United States and to the American people. The President should do this at an early time so the issue can be fully debated, not on a short time limit, as we had this evening.

It must be a source of some wonderment to people who were watching on C–SPAN II to see such an important issue debated in such a brief period of time with 2 minutes allotted to Senators to speak on the subject and 1 minute taken by the manager, the Senator from Delaware. There had been extensive debate yesterday, but we could have used even more time. Unfortunately, we were caught in the press with the budget resolution, which is first on the docket for tomorrow.

I thank the Chair for setting this extra overtime.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:49 p.m., adjourned until Wednesday, March 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1999:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

GARY L. VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001, VICE DANIEL GUTTMAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT A. HARDING, 0000.