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## Senate

The Senate met at 11:30 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:

Lord of creation, You have written Your signature in the bursting beauty of this magnificent spring morning in our Nation's Capital. The breathtaking splendor of blossoms blankets the city with fairyland wonder. The daffodils and crocus have opened to express Your glory. Now, Lord, tune our hearts to join with all nature in singing Your praise.

We thank You for the rebirth of hope that comes with this season of renewal. You remind us, "Behold, I make all things new!" As the seeds and bulbs have germinated in the earth, so You have prepared us to burst forth in newness of life. We forget the former things and claim Your new beginning for us. Help us to accept Your forgiveness and be giving and forgiving people. Clean out the hurting memories of our hearts so that we may be open communicators of Your vibrant, creative spirit as we tackle problems and grasp the possibilities of this day for our beloved Nation's future. By Your power. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Chair. On behalf of the majority leader, I would like to make a few announcements.

### SCHEDULE

Mr. SESSIONS. This morning, the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. to allow the weekly party caucuses to meet, and upon re-

convening at 2:15 p.m. the Senate will begin immediate consideration of the appointment of conferees with respect to the budget resolution. Therefore, Members should expect rollcall votes during today's session of the Senate.

The leader has also expressed his intent to consider the budget conference report this week, with the hope of a final vote on that important legislation by Thursday.

### MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business.

### MEASURE PLACED ON CALENDAR—S. 767

Mr. SESSIONS. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant (John Merlino) read as follows:

A bill (S. 767) to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date of such filing.

Mr. SESSIONS. I object to further reading of this bill at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

Mr. SESSIONS. I thank my colleagues for their attention.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 768 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

### OSHA RESPONSIVENESS HEARING

Mr. SESSIONS. Mr. President, I also will take just a moment to express my

personal appreciation to the Chair for chairing a very important subcommittee hearing this morning on OSHA, hearing at that meeting from an individual from Alabama, Mr. Ron Hayes, whose son tragically was killed in a workplace accident and who has made it his personal cause to confront the problems in OSHA, to make sure that agency is responsive to real needs and is really working to improve the workplace and make it safer and not just be involved in bureaucratic paperwork. It was an extraordinary hearing into a very important matter that can protect the lives and health of many people in the workplace and at the same time reduce bureaucracy and paperwork.

I Thank the Senator for his efforts.

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. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent to proceed for 10 minutes.

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

### AGRICULTURE

Mr. THOMAS. Mr. President, I will take a moment to talk a little bit about agriculture.

As the President knows, agriculture is a most important element in Wyoming's economy and to Wyoming's culture. During this past week, I had a chance to visit with many people in Wyoming who are very concerned about agriculture and agricultural markets or the lack thereof. So I want to talk a little bit about my vision of the things we are doing and can be

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



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doing in Congress with respect to agriculture in this country.

Certainly our purpose ought to be to strengthen markets so the price for agricultural products is enhanced and so family farmers and family ranchers are able to make a reasonable return on their investment and on their time.

We have had a tough year in agriculture, in crops, and in livestock, and many of us have been working for some time to find some of the things that are appropriate for the Government to do to strengthen the agricultural sector.

One of them, of course, is trade and the idea of reducing the unilateral sanctions we have had in place around the world. Many times in the past, countries such as Pakistan, when they set off the bomb and so on, we immediately then did not trade with them. We have changed some of those unilateral sanctions. They are not useful for any other reason than to penalize our own markets.

We are pushing for stronger enforcement of trade agreements, particularly in NAFTA, for example, where we need to make sure that they are being administered properly, that goods are not being dumped, that goods are not coming in from another country through, in this case, the member of NAFTA that benefited from that, and working to reduce unfair trade barriers which have existed and continue to exist around the world in interesting places, such as the European Union, where the President has just been. These are the kinds of things that seem to me to be totally unfair, where we open our markets to others and, in return, we have market barriers.

I am very pleased with what is happening with regard to the negotiations with China. I am not pleased with all the things that happen in China, of course, but in terms of the WTO negotiations, we find, for example, that we are going to make some arrangements to reduce the 40-percent to probably 10-percent tariff on our meat. That will be a very good forward move.

I am hopeful we can find a way to get the largest potential customer in the world into the WTO so that not only will it open markets but we do not have to deal unilaterally with someone; if we have an agreement, then there is the World Trade Organization to enforce those agreements.

We are talking about the tax relief for agriculture. We had income averaging last year, which is very good because the income of the farmers and ranchers varies very much. We have a proposition to have farm accounts which allow farmers to put the money into sort of an IRA for a period of time and draw it out before they pay taxes on it so that they tend to level out in income.

Estate tax relief: I hope that is one of the things we talk about when we deal with the tax reform—estate tax relief. Currently legislation is there to do that.

Meat labeling: I think we need to have, as we have proposed it here—and will again—meat labeling so that we know what the products are and so buyers, when they go to the grocery store, can determine whether the product is domestic. They need to have an opportunity to do that.

Also, grading: USDA grades are for domestic products, and will be used that way. Again, current legislation is pending.

One of the problems of the livestock industry has been, allegedly—and I agree with it—the concentration of packers. We have the latest figures, and I heard that about four packers kill about 87 percent of the product, which would cause you to think that there may be some legislation on pricing. And we need to do that.

We met with the Attorney General and asked that we, again, take a look at the potential of monopoly activities that may be there and do something about the concentration of packers. If they find again that there is nothing illegal being done, as they have in the past, it seems to me that we ought to take a look at the underlying legislation, the Packers and Stockyards Act, to see if, in fact, that needs to be changed. We need to have more competition. Things like owning the cattle, for example, and then using their own cattle instead of going into the market, which can manipulate the price—that fact, that there is buying without reporting the market price. That is something we need to do.

We are trying to change the inspections for interstate shipment of meat so that State inspections will suffice. We think that will help the market a great deal.

Certainly, in the crop area we need to look at NAFTA to make sure that there is not dumping of wheat and other products in this country. We need to take a look at the Crop Insurance Program, which I think has not worked that satisfactorily, to move the Freedom to Farm, and some of the things that are included in that.

Mr. President, I just think that there are a number of things that need to be done. We have some unique issues, of course, in the West where in a great many of our States—in my State of Wyoming 50 percent, and in the case of Nevada, 87 percent—the land belongs to the Federal Government. Much of the land is grazed. Livestock grazes on much of the land. We need to make that accessible so we can have multiple use of those renewable resources. We need to do something about the permit program so that they are not difficult. It isn't necessary, in my view, to have an environmental impact statement on every unchanged renewal of the grazing permits.

So these are some of the changes that need to be done. I don't think agriculture is looking for subsidies, or looking for a farm program. But they are looking for an opportunity to have the markets—an opportunity to go into

the marketplace and get prices that are, in fact, reflective of the costs that go into the product.

This is a basic industry to our country. There will be changes made, of course, as time goes by. There have been tremendous changes in agriculture over the last 50 years. The family farmers are getting larger. They are more mechanized and more efficient. They are also much more expensive. And much more investment is required. When you have a great deal of investment, of course, when you have several years of bad prices, it makes it very, very difficult, which also leads to the need probably for some additional lending capacity and some additional assistance in lending because of the 2 years that we have had.

So, Mr. President, I hope that as we come back in after this recess people will be more aware of the difficulty in agriculture, and that we can address ourselves to the many opportunities that we have to strengthen those markets and to provide more healthy and vigorous agriculture.

I thank you, Mr. President, for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. 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. GORTON. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

#### KOSOVO

Mr. GORTON. Mr. President, on the Tuesday before the recess, I voted against authorizing the air war in Yugoslavia. I did so because it seemed to me that the goal was a goal not worthy enough, not grave enough to begin what amounts to a war, even though under the President's leadership it has only been half a war.

Our goals were to be permitted to send young American men and women into the midst of a 600-year-old civil strife in order to enforce an agreement that neither side wished. I also voted against that proposition, because it did not seem to me that the means were sufficient to gain even this questionable end. I voted against it, because it did not seem to me that the administration began to foresee the terrible consequences that would ensue if, and as President Milosevic has, accelerated his expulsion of Kosovars from their own homeland, or the refugee problem with which we would be faced. In other words, there were no contingency plans.

At this point, almost 3 weeks later, all of those negative consequences have transpired. We are in the midst of an air war. The air war has not been successful. It is being fought apparently

by a President who believes that one can have a war not only without casualties on our side but with few, if any, casualties on the other side. You should not begin a war for reasons that do not justify the use of force, and only the gravest national security reasons do so. And, if you get in one, you should not go into it halfheartedly or without a desire actually to win.

Mr. President, what are the potential outcomes? If we are overwhelmingly successful, we may get sometime in the next week, or the next month, or the next year, exactly the privileges that we sought in the first place—the right to send our soldiers into a now devastated countryside in order to require people to live together who do not wish to live together, and perhaps to enforce an autonomy, which I have already said both sides oppose, or, alternatively, maybe we can get the Russians or someone else to help us reach a negotiated solution in which the Kosovars will be worse off than they were before, and in which the barbarism of Mr. Milosevic will at least have been partially rewarded. Or we may end up sending our own troops into that devilishly difficult part of the Balkans, whether from the south, or the west and the north—and we do not yet know—with an escalation of what will still be a halfhearted war with secondary goals, goals that will not include the removal of the present government in Belgrade and the establishment of a real peace. Or, I suppose it is possible—just remotely possible—that the President and NATO may decide that we want a full-scale war against Serbia until that regime is, in fact, destroyed.

None of these is an appetizing outcome, by any stretch of the imagination. We are left with these alternatives only, I think, because this administration did not seriously consider what it was doing before it began doing it, or seriously consider both the cost and expense in men, material, money, and prestige of the United States for such a dubious goal.

I wish that I had a firm, accurate, and a favorable outcome to look forward to. I wish I could come up with the appropriate means to reach such a goal. However, it seems to me that if we have learned anything in the last several years from other parts of the world, and in the last several weeks from this part of the world, it is that the armed services of the United States should only be used for a vitally important interest of the United States. If they are then to be used, they should be used with a clear and worthy goal, and with a degree of ruthlessness that assures we attain that goal. At this point we have done nothing but worsen our relationships with the Russians and with the neighbors of Kosovo itself at great expense to ourselves and at a horrendous expense to the victims in Kosovo who have been killed, driven from their homes, or driven out of their homeland entirely, without any

significant prospect of returning at any time soon.

We do need a serious national debate on the subject and we need a President of the United States who far more clearly articulates our goals and how we are to attain those goals. We have not had that kind of presentation. For that reason, support for the United States efforts is extremely shallow and is almost certain to disappear once the casualty lists begin to be published in this country.

It is time for candor. It is time for clarity. It is time for a clear statement of our goals. In fact, we are well past time for both of those and we have not received them. I think we are faced with an extremely serious challenge with no clear way to that proper and appropriate goal.

#### RECESS

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

Thereupon, the Senate, at 12:32 p.m., recessed until 2:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry. What is before the Senate?

The PRESIDING OFFICER. There is no business before the Senate at the moment.

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

##### MOTION TO APPOINT CONFEREES

Mr. DOMENICI. Mr. President, I move that the Chair be authorized to appoint conferees on the part of the Senate with respect to the budget resolution.

The PRESIDING OFFICER. There is 1 hour equally divided on the motion.

Mr. DOMENICI. Thank you, Mr. President. I understand Senator REID has some motions to instruct. I do not think they will be in order unless we yield back the time that has just been announced.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I say to Senator LAUTENBERG that the situation now is that the motion I made to appoint conferees is pending. There is 1 hour on it. I am prepared to yield back time on that if the Senator from New Jersey is, and then he can proceed to his first motion.

Mr. LAUTENBERG. We are OK with that.

Mr. DOMENICI. I yield back the half hour we have.

Mr. LAUTENBERG. And I yield back the time we have on our side.

Mr. DOMENICI. Mr. President, may I ask the distinguished Senator from

New Jersey, and the Senate would probably like to know, what he has by way of motions on his side. How many does he think he is going to have this afternoon?

Mr. LAUTENBERG. Since the chairman of the committee asked how many I think, I am free to give an answer. I think there are four, but my guess is that we have to wait to see if there are going to be any more or not.

Mr. DOMENICI. Parliamentary inquiry. Is it not correct, now that the time has been yielded back on the motion to appoint conferees, each motion to instruct carries 30 minutes equally divided and that is all the time available at this point?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Unless and until that is yielded back, another motion is not in order?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Are second-degree amendments to those motions in order?

The PRESIDING OFFICER. Yes; second-degree amendments are in order, and they have 20 minutes.

Mr. DOMENICI. Equally divided?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. Mr. President, I think we will have one that has to do with praising our men in the military which we will attach to this at some point. Substantively, unless Senator LAUTENBERG proposes something that prompts a second-degree amendment of some type or prompts us to make an amendment, we do not have any contemplated at this time.

Mr. LAUTENBERG. It is hard for me to imagine there is anything here—

Mr. DOMENICI. We can accept them; right?

Mr. LAUTENBERG. We will have to kind of slug our way through and see how it goes. I appreciate the introduction that the distinguished chairman of the Budget Committee presented. We are going to offer our motions on instructing conferees.

Mr. President, are we now in a position to go ahead and offer those?

The PRESIDING OFFICER. Yes; the Senator is correct.

Mr. LAUTENBERG. Just to recount, there is a half hour equally divided on the motions themselves?

The PRESIDING OFFICER. That is correct.

##### MOTION TO INSTRUCT CONFEREES

Mr. LAUTENBERG. Mr. President, I send to the desk a motion to instruct the conferees on H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

The PRESIDING OFFICER. The clerk will report.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the motion be dispensed with.

Mr. DOMENICI. I reserve the right to object. Is it very lengthy?

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. DOMENICI. I object, and let's read it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] moves to instruct conferees on H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000, to include in the conference report provisions that would reserve all Social Security surpluses only for Social Security, and not for other programs (including other retirement programs) or tax cuts.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Thank you, Mr. President.

The motion is very simple. It instructs the conferees who are going to be reviewing the budget resolution to include in the conference report provisions that will reserve all Social Security surpluses for Social Security and for Social Security only—not other programs, including other retirement programs, as has been suggested, and not for tax cuts.

For years, Democrats have been arguing that our top fiscal priority should be to save Social Security first, and we feel very strongly about that. It is, after all, our party's creation that kicked off Social Security, and we have spent decades since then protecting the program from attack.

In our view, Social Security represents a sacred trust between the Government and the people. It is a trust that should not and must not be violated.

Nearly 44 million Americans now benefit from Social Security, and many of them depend heavily on the program for their survival. For 66 percent of the elderly, Social Security provides half their income. Without Social Security, the poverty rate among the elderly would be 48 percent; roughly 15 million more Americans would be living in poverty than do now. For single, divorced, or widowed elderly women, the poverty rate without Social Security would be 60 percent—60 percent for elderly women.

Unfortunately, Mr. President, under current projections, Social Security is adequately financed only until 2034. At that time, just when millions of baby boomers will be retired and struggling to get by, Social Security may be unable to pay the full benefits to which these Americans are entitled.

We need to act promptly to address this problem. President Clinton has proposed policies which would extend Social Security significantly to the year 2059. Unfortunately, the majority has rejected those policies, and in their place nothing has been proposed. Thus, the budget resolution approved by the Senate included nothing to extend Social Security's solvency by even a single day.

Having said that, while the Senate resolution did nothing to actually help Social Security, it at least seemed to do no harm. The resolution was based on the premise that, at a minimum,

Congress should not spend Social Security surpluses on anything else. That would not extend solvency at all, but at least it would not make matters worse.

Unfortunately, we now understand that the Republican leadership has backed off from even this modest commitment. Instead, they reportedly—and we have not really seen the details—have agreed to include in the final version of the budget resolution a provision that could pose a direct and serious threat to Social Security.

Although we have not seen any final language, this provision apparently calls for using Social Security not just for Social Security but for other programs as well. Apparently, the provision would allow Social Security taxes to be diverted to other things that have some connection to retirement security. That could be a catchword. It could mean a new privatized Medicare system. Perhaps it could include civil service or military retirement programs. More likely, I am afraid it could also mean tax cuts for the wealthy that are claimed to somehow affect retirement.

I was stunned when I heard about this provision, and I think it is remarkable that the Republican leadership would even consider using Social Security surpluses for anything other than Social Security. After all, how many times during the debate on the budget did we hear about the Republicans' commitment to preserving Social Security surpluses? That was supposed to be a centerpiece of their whole resolution. But now it appears that when the Republican leadership met behind closed doors, their commitment was overwhelmed with other concerns.

This reversal is especially stunning in light of Republican criticisms about double counting, and now the GOP seems to want to use Social Security surpluses for all sorts of other programs. That sounds like double counting to me, Mr. President. After all, you cannot use a dollar twice. If you use it as a Social Security dollar for Medicaid or tax cuts, that is one less dollar available to pay Social Security benefits.

So we ought to stand up for a simple proposition; that is, to use Social Security surpluses for Social Security. That is the message of this motion to instruct. It is an effort to reverse yesterday's decision and to get the entire Senate on record in support of saving Social Security surpluses for Social Security, and exclusively for Social Security.

I know my friends on the other side of the aisle will establish some type of elaborate lockbox that will protect Social Security. But given the agreement that developed yesterday, it makes one wonder: What will Social Security surpluses be locked up for? Will they be locked up for tax cuts? For other retirement programs? For some new type of program that is given the label "Social Security"? Or will they be locked

up to pay guaranteed Social Security benefits, as they are supposed to be?

I think Social Security taxes should be used for Social Security benefits, not for other types of spending or tax cuts that somehow or other can be called retirement security. So I strongly urge the Republican leadership to reverse the decision that was reached last night. Social Security surpluses should be used for Social Security—and I drum the point home—and only Social Security, not other programs, not tax cuts. If we are serious about that principle, let's really make a commitment to it. Let's not endorse open-ended language like retirement security that could encourage future abuses.

I hope and urge that my colleagues will support this motion to instruct to reverse a commitment to language that permits an open-ended use of that money under the umbrella of "retirement security."

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator has now 14 minutes 55 seconds. The Senator from New Jersey has 7 minutes 47 seconds.

Mr. DOMENICI. Mr. President, let me just make a couple points for everyone. First, I think everybody here understands that when you go to conference, you go to conference with the House. You do not go to conference with yourself. If that were the case, we would rule supreme and there would be no need to go to conference, and whatever the House thought about any of these measures would be totally irrelevant. I think everybody understands that isn't the case. We have to go to conference with them.

Secondly, I would like to make two points about what we do in our budget and what the President did so everybody will understand.

Senator LAUTENBERG talks about the Republican budget and the lockbox that we contemplate and speculates that he does not know what it might be used for. Let me tell everybody so they will understand. For starters, in the first 10 years the Republican budget, and that which will be locked in to be spent as we determine in conference, is \$300 billion—you got it, \$300 billion—more than the President proposes to set aside for safekeeping for the Social Security trust account.

Why is that the case? Because we say, put 100 percent of the accumulated surplus that belongs in the trust fund in the trust fund. For all the rhetoric about who is saving what, we put \$300 billion more in there than the President, because the President concocted a 15-year payout for this trust fund. We have never even had a budget that contemplates 15 years. In fact, the President, when he goes beyond 5, he does

not even have the programs enumerated in his budget, but he is telling us all, wait 15 years, and we will put enough money in that trust fund that is supposed to be there for some security. We said, put it in now as it accrues year by year—not 62 percent of it; 100 percent.

In addition, for those who are wondering what we are doing about Social Security and what the President does about it, let me remind you, we do not spend one nickel of Social Security, of their money, for any new program. The President of the United States, in his budget, decided that it was not important to save Social Security by keeping their money. He had contemplated spending out of the Social Security trust fund \$158 billion. Let me repeat, we now have a motion by the other side of the aisle, our good Democratic friends, challenging what we are doing, when the President of the United States spent \$158 billion, in the first 5 years, out of the Social Security trust fund without any apologies—just said, “Spend it.” We say, “Don’t spend it. Keep it in the trust fund, and put it in a statutorily created lockbox that will be tied to debt limits so it can never be spent.”

Having said that, it is really ironic that the other side of the aisle claims the President is doing so much for Social Security, and they would like to join on his coattails, so much for Medicare, and they would like to join on his coattails, and the facts are what I have just told you. The facts are what I have just told you.

Fellow Senators, you do not have to be worried about whether that Social Security trust fund is going to be used for tax cuts, because we cannot direct that any of that money be used for tax cuts. In fact, go read the resolution. It says tax cuts are to come from a mandated reconciliation pot of money that is called on-budget surplus.

Mr. President, forget all the jargon. It means that tax cuts, if any, come out of surpluses that have nothing to do with the Social Security trust fund, by definition. So tax cuts are going to accrue over a decade, and they will come out of surpluses, not the surplus that is accumulated in the Social Security trust fund.

Having said that, once again, the amendment is calculated to play politics, and I see no reason why we should not accept the instruction. So if the distinguished Senator would like us to accept it, we can get on with our business and we can accept it right now. If he would like a vote on it, we will tell all our people to vote 100 percent for it because, remember, we have to go to conference with the House, and we will do our very best, but we will be glad to accept it.

I reserve the remainder of my time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

I am very happy that the chairman of the Budget Committee is going to agree to Senator LAUTENBERG’s language, because there is some confusion here, if you read the press reports today. That wouldn’t be the first time there would be some confusion. But what it says here is that “[t]he final budget resolution will also contain language allowing the entire \$1.8 trillion Social Security surplus over the next 10 years to be used for retirement security. . . .” It could include Medicare, it says.

Here is the nub of the argument that we had in the Budget Committee, of which I am proud to be a member. The Democrats on the committee wanted to see 15 percent of the surplus dedicated to Medicare and 62 percent for Social Security. We had a very good debate, I thought, in the committee about that. And my colleague from New Mexico made the point very clearly that Social Security would be put in a lockbox and would be used only for that. And we really did not get anywhere on the Medicare debate because we did not set aside anything from the surplus. Yes, there is money in there for Medicare at the current level, but there is nothing additional out of the surplus. We wanted to see 62 percent of the surplus for Social Security, 15 percent for Medicare.

Now we read that that 62 percent would be used for Medicare, in other words, stealing that money from Social Security. I am very glad that my colleague from New Mexico is going to accept this language. It will clarify it. I assume that this report is incorrect and that this language will not appear.

I also hope that this newspaper is wrong when it reports that the Dodd-Jeffords language on child care was stripped from the resolution. This was a 59-vote majority in this body, quite bipartisan, to do something about child care.

So I am very pleased that we are going to have agreement on this. I hope when we look at the budget language—and, hopefully, I will be there looking at it with my colleagues—that we will not see such language in the resolution.

I thank you very much and yield back my time to Senator LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from California. She is a valuable member of the Budget Committee and works hard in making sure that the commitments we develop are to be met.

I remind my good friend from New Mexico that we are pleased to have his support, that the vagary that develops as a result of this new language “retirement security” is kind of a red flag. It tells us that there is something else. Knowing the distinguished chairman of the Budget Committee as I do, when he

says he is going to do this, I know that he is going to do it. I know when he goes to conference again that he is going to make sure that this is held. I am comforted by that notion, as are millions of Americans who are one day to get Social Security as part of their retirement program.

This is kind of a happy day. I hope that all of the Republicans will support this, as will the Senator from New Mexico, chairman of the Budget Committee. I do not see how they can resist.

With that, Mr. President, I ask the distinguished Senator from New Mexico whether he is ready to yield back time?

Mr. DOMENICI. Shall we accept the amendment, or does the Senator want to have a vote?

Mr. LAUTENBERG. I would like a roll call.

Mr. DOMENICI. I am just wondering if we can’t stack a few votes.

Mr. LAUTENBERG. That wouldn’t be a problem. The question is in terms of whether we have our other amendments.

Mr. DOMENICI. If we don’t, we will put in a quorum call. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes 49 seconds, and the Senator from New Jersey has 4 minutes 15 seconds.

Mr. DOMENICI. I will yield down to 4½, and then we can both yield back the remainder.

Let me say, first of all, I heard that the Senator from California had recently been to my State. Incidentally, I was quite surprised. I walked into the airport in New Mexico, our international airport. I ran into the Senator and asked her if she was coming all the way to New Mexico to try to defeat the budget that we prepared. She told me, “No. I am here for other purposes.” I was kind of glad of that, and I surely didn’t want New Mexicans to listen to her about the budget when I worked so hard to try to get them to listen to me. She did not quite do that, because I looked around to see how much she got and it was pretty Democratic, what she did, with a big D.

Anyhow, let me suggest, Senator, that you should be careful when you use these percentages. You say that what we want, speaking for you, we wanted 62 percent that the President wanted to set aside, and then we wanted 15 percent for Medicare. The budget is a big document, big numbers, but I just added those two up, and that is 77 percent.

Mrs. BOXER. That is right, of the surplus.

Mr. DOMENICI. Frankly, we have 100 percent in the first 10 years. So the 15 percent that would have gone to Medicare under the proposal in the committee, added to the percent that the President saved of the Social Security trust fund, is the astronomical percentage of 77 percent of the Social Security trust fund. Guess what we did in our

budget resolution. One hundred. Let's do that one. What is the difference there? Twenty-three percent additional accumulated surplus in the first 10 years is in the lockbox as we prescribed in our budget. Having said that, I relinquish the remainder of my time, if the Senator will relinquish his.

Mr. KENNEDY. Mr. President, I strongly support the Lautenberg motion, which would instruct the budget conferees to reserve all Social Security surpluses for Social Security, and for no other purpose. This is what Senate Republicans promised to do in the budget debate just last month. Now, just three weeks later, we are hearing disturbing reports that they are poised to renege on their pledge. The Republican conferees are contemplating a new raid on Social Security. In a move which would reflect a new level of cynicism, the Republican leadership is cutting a trap door in their so-called "Social Security lock-box." Those dollars were raised by payroll taxes expressly dedicated to financing Social Security benefits. However, the Republicans now want to allow that money to be used for any type of "retirement security" plan. I hope such reports are wrong. But I fear they might be accurate.

This would open the door to risky schemes that use the Social Security surplus to finance private retirement accounts at the expense of Social Security's guaranteed benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts. A genuine "lock-box" would prevent any such diversion of funds, but not the Republican version. A genuine "lock-box" would guarantee that all those dollars would be in the Trust Fund when needed to pay benefits to future recipients. The "lock-box" in this budget apparently does not.

It is bad enough that the budget passed by Senate Republicans three weeks ago did not provide even one additional dollar to pay Social Security benefits to future retirees, that it did not extend the life of the Social Security Trust Fund by one more day. To our Republican colleagues, I say: "If you are unwilling to strengthen Social Security, at least do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits."

The Republican "retirement security" scheme could be nothing more than tax cuts to subsidize private accounts disproportionately benefiting their wealthy friends. Placing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy. Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than 50 percent of their annual income. Without it, half the Nation's elderly would fall below the poverty line.

It appears that the Republicans may be planning to take these Social Security dollars and to use them instead to finance more tax cuts in the guise of "retirement security." If this occurs, there will be no debt reduction. There will be no strengthening of the Social Security Trust Fund to meet the demands of the baby boomers' retirement. Every one of those payroll tax dollars belongs to Social Security, and should be used solely to strengthen the Trust Fund. If our Republican colleagues have no ulterior motive, the wording of the Budget Resolution should state that principle unambiguously. When instead we see language as vague and open-ended as "retirement security," suspicions are understandably raised. If this gaping trap door is not eliminated, the American people will know that the Republican "lock-box" is nothing more than a cynical magician's trick. The millions of senior citizens who depend on Social Security will know that the Republican majority has abandoned them once more.

Mr. LAUTENBERG. I am happy to yield back the remainder of my time.

Mr. DOMENICI. I ask for the yeas and nays on the Lautenberg motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask that we not proceed to the vote but, rather, that we have a quorum call now and see if the distinguished Senator can muster up another amendment on his side, and we will just wait for awhile and see.

Mr. LAUTENBERG. Mr. President, before the quorum call is begun, I agree with the Senator's mission here; that is, perhaps we can stack several votes together, but we will work on that during the quorum call.

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

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

Mr. KENNEDY. Mr. President, I understand that it is in order to send a motion to instruct conferees.

The PRESIDING OFFICER. The Senator is correct. Under the time agreement, the motions to instruct have 30 minutes equally divided.

#### MOTION TO INSTRUCT CONFEREES

Mr. KENNEDY. Mr. President, I send a motion to instruct on behalf of myself and Senator DASCHLE and others.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to instruct conferees on H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, to include in the conference report provisions that would:

(1) allow targeted tax relief for low- and middle-income working families; and

(2) reserve a sufficient portion of projected non-Social Security surpluses to extend significantly the solvency of the Medicare Hospital Insurance Trust Fund and modernize and strengthen the program, before—

(A) using budget surpluses to pay for tax breaks that would give most of their benefits to the wealthiest Americans, or

(B) enacting new spending above the levels in the Senate-passed version of the budget resolution, unless it is offset in accordance with the Congressional Budget Act of 1974.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Mr. President, I want to take a moment to review the motion to instruct very quickly for the benefit of the Members so they have a keen awareness and understanding of exactly what this motion is to the conferees. This motion is to instruct the conferees to include in the conference report the provisions that would allow the targeted tax relief for low- and middle-income working families which has been presented here during the course of the debate on the budget; and, two, to preserve a sufficient portion of the projected non-Social Security surplus to extend significantly the solvency of the Medicare hospital insurance trust fund and modernize and strengthen the program. We are effectively asking that there be the allocation of resources to extend the solvency of the Medicare program.

I think the percentage that we had identified earlier during the course of the debate on the budget was 15 percent. What we have indicated here is that it would be important to extend the solvency of the trust fund before using any of the budget surplus to pay for the tax breaks which would give most of the benefits to the wealthiest Americans by enacting new spending above the levels in the Senate-passed version of the budget resolution.

Effectively what this instruction is, Mr. President, is very easy to understand. It says given the size and the significance of the budget surplus that we want to have the sufficient allocations of resources for the protection of Medicare. In an earlier instruction on this particular measure, we included an instruction to have sufficient funding set aside for the solvency of the Medicare trust fund before we provide any tax cuts or tax breaks for the American people. That is basically and fundamentally the issue.

We in this body make choices and make decisions. This is certainly one of the most important ones that we will make, not only for just this year, but for future years. We are saying, given the kinds of resources that we have available, that we are going to do two things with regard to this instruction; that is, to set aside sufficient resources for the solvency of the Medicare program, and be serious about taking the steps to ensure that there will be the changes in the Medicare program that are responding to the particular needs of the Medicare program.

Certainly there are a number of ideas about how we can strengthen the Medicare program. I think one of the most important is the addition of a prescription drug proposal. The President of the United States, in his speech to the American people on the State of the Union, indicated that one of his high priorities with the restructuring of the Medicare system would be for a program to meet the prescription drug needs of the elderly people in this country.

We want to make sure that we are going to have sufficiency in terms of the savings of the projected surpluses, and that then we will have an opportunity in the remainder of this Congress for the Congress to work its will on the floor of the Senate. I hope that one of the first areas of priority would be in the area of prescription drugs.

As has been pointed out on many different occasions, when the Medicare issue was debated in 1964 it lost narrowly here in the Senate in the spring of that year. It became a primary issue in the 1964 election. There was an extraordinary resonance across the country about the importance of Medicare. There were 18 Members of the Senate that voted one way in 1964 and another way in 1965. They had heard the voices of the elderly people in this country in support of the Medicare program. When we adopted the Medicare program we did not include prescription drugs for one very basic and fundamental reason, and that is because about 95 percent of the private programs at that time did not include prescription drugs. Now they do. The need is out there.

We will have an opportunity to do it, and it will be greatly strengthened with this kind of an instruction to the conferees. If we are able to set aside the kind of surplus that was included in the President's recommendations and included in this instruction, then we will know that we will have a sound Medicare system. The Medicare program will have greater solvency, and we will be able to deal with alterations and changes in the Medicare system. And, hopefully, we will be able to address the prescription drug issue.

This issue is so basic and so fundamental that it is really the question of a priority. Do we think having broad kinds of tax cuts for the American people is preferable to ensuring the financial security and solvency of the Medicare system? That is the issue that is incorporated in this particular instruction. It is as basic and fundamental as that. Do you believe that with the scarce but sufficient resources that are in the various surpluses that we are going to say let's put a priority on Social Security and Medicare? This instruction says we are going to give the priority to Medicare. And many of us who are supporting this also give high priority when we are going to have that financial security to make sure there is going to be a prescription drug provision.

I see my friend and colleague. I would be glad to yield for a question.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts for yielding for a couple of questions.

First, I thank him for his motion to instruct conferees. As a member of the Budget Committee, I can tell you that the Democrats on that committee fought very, very hard to get the committee to set aside enough funds from the overall surplus that we have to meet the needs of Medicare. And many of us brought out points that the Senator from Massachusetts has brought out before. I just want to ask him a couple of questions.

Does the Senator not agree that Medicare is really the twin pillar of Social Security for our people? In other words, you save Social Security, but if you do not save Medicare, then our seniors will have to spend their Social Security income to pay for their health care. Doesn't the Senator feel that this is the twin pillar of the senior citizens' safety net?

Mr. KENNEDY. The Senator has made an excellent point and one which I agree with completely. If you look at a profile of who the Social Security recipient is, it is a person that is living alone, \$12,000 in income, a woman 76 years of age who has at least one chronic disease and is paying some 19 percent of her income in out-of-pocket health care costs. That is 19 percent out of \$12,000—paying that percent of her income out of pocket for health care. If the Senator understands the amount that is being paid out of pocket by even those today that are getting Medicare, it is just about what it was at the time of the enactment of Medicare.

So for those that say, well, we really do not have to have this instruction, we are going to be able to consider the Commission's recommendations, that will effectively require \$688 billion over the next additional 12 years to get the kind of economic stability that would be included in our particular instruction. And that is only going to be able to be achieved with higher copays, or higher premiums, or higher deductibles. It is going to come out of the pocket or the pocketbook of that senior citizen. I don't understand how we can do that.

Mrs. BOXER. I have one more question that goes to the heart of the Senator's point. What the Republicans are saying is we can reform our way. We don't think we need additional resources. They proposed tax breaks for the wealthiest people in America instead of saving Medicare. What you do is very clearly say, yes, we will support targeted tax relief for low- and middle-class families, but we want to save Medicare before we give back funds to the wealthiest among us, those at the very, very top tier.

The question I wanted to pose to my friend is this: As I look at Medicare and the numbers we have in the Budget Committee, I want to ask my friend if he agrees with these numbers. We are told that the Medicare program pro-

vides health care to 39 million Americans today, but by 2032 the number of Medicare beneficiaries will double to 78 million as the baby boomers retire. So the question for the Senator is basically this: We are looking at a program that is very important, and we are looking at some good news. We are living longer. This is good. We all work toward that. We want to live longer. We want to have a good quality of life. But can we just say we can reform our way out of this problem, or do we have to commit some of the surplus to Medicare?

Mr. KENNEDY. The Senator is correct in terms of the size of the Medicare population and correct in terms of allocating these additional resources for Medicare. Let's understand that the amount that we are talking about effectively is money that is being paid in by working families. Those are resources that are being paid in by those working families. All we are saying is that we believe those working families' interests should be protected with the previous instruction on Social Security and this instruction on Medicare before we provide tax breaks for individuals who are not participants in paying into the system like the workers have been in terms of the Medicare system and Social Security.

I withhold the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I apologize to Senator KENNEDY for not being here. I assume it is fair to say that I probably heard his argument as we put the budget through. It is similar to the one he made before. That doesn't mean I shouldn't have been here. But I just couldn't. When the time is up, let me ask if we could get a unanimous consent on stacked votes.

Mr. President, I would like to talk just for a moment about the Republican budget as it pertains to a blueprint for our country's future. When I have used up about 6 minutes of my 15, will the Chair advise me? I appreciate that.

First of all, let me say to those who are listening that we have a situation that is pretty unique in our country, and it is a situation that we ought to look at very carefully to see what the public policy ought to be and what would be best for America's future.

The American taxpayer has received a bonanza in new taxes. As a matter of fact, there is now going to be over the next decade a huge surplus. "surplus" means the taxes collected exceed the expenditures. That is a surplus. We were used to living in a deficit. "Deficit" means the expenditures, the program costs, are more than the taxes that come in.

For a variety of reasons, not the least of which is a sustained recovery; low interest rates, partially attributable to good, sound, budget policies; high productivity, because we have added new machines and equipment to

the production of service organizations and what they sell to the American people, we have more money coming in than we are going to spend. Over the decade, it is going to be a very large amount of money.

Where we depart from the Democrats who have been arguing on the floor—not all Democrats—the principal position on our side is that we think we don't need some of that big surplus paid in by the taxpayer, which means they are paying more than we need to run the Government year by year; we think a portion of that should go back to the taxpayer by way of tax changes that will help our taxpayers and will help the economy continue to grow and produce jobs and be a strong economy.

We say there are three very important things to take care of, one of which is to give back some taxes to the American people, who are paying in more than they expected in terms of our Government. There are some who say we shouldn't do that or the budget resolution ought to state exactly how we are going to change those tax laws.

Frankly, in the Congress we do things a little differently. There is a committee that will determine our tax reductions and our tax changes. All we can do is say we are making some money available for doing that. What we do is take all of the Social Security surplus—not 62 percent of it as does the President, but 100 percent of it—and we say that accumulation, that surplus, is set aside and cannot be used for tax cuts. Under our budget resolution, it is to be used for Social Security reform to pay for any additional costs. We think that is very exciting, and we think that is better than what the President has in mind. It is 100 percent of that surplus.

There is a Medicare program which is very important to seniors. We have done three things in this budget regarding Medicare. One, the President cut \$20 billion more out of Medicare during the next decade, and we said cut nothing, don't cut any more by way of expenditures out of the Medicare trust fund—\$19 billion over 10 years. In addition, our budget plan increases Medicare spending by \$200 billion over 10 years, an average of \$20 billion a year. Then, starting in the sixth year of this budget, there is an additional \$100 billion that does not go to tax cuts, does not go to the Social Security fund, that could be used by Medicare if Medicare needed it. In fact, we believe this is a very, very, ambitious program to make sure Medicare is taken care of.

I remind everyone that a strong, powerful economy is one of the best tools to keep Medicare strong. Just a few weeks ago, the trustees in charge said, because things have been going so well, we have increased the life of the Medicare fund from the year 2008 to 2015. We have added between 7 and 8 years by keeping the economy going with a lot of employment and people paying into the Medicare system.

We believe this budget is good policy for America. We think it is just as im-

portant to talk on the floor of the Senate about who pays all these taxes as what programs we ought to spend the money on. We don't want to just discuss how we can spend the money; we want to discuss the taxpayers.

We are saying it is time to fix the Tax Code and make it more fair for married couples, put some other reductions in and return some of those tax dollars to the American people, because we are worried about taxpayers; they deserve our concern.

At the same time, we have adequately provided for Medicare and adequately provided for an assured Social Security; that when the changes are made, and only then, will this trust fund money be used for Social Security.

We are involved in an air war over in Kosovo, Yugoslavia, and we are going to need more money for that war. Everybody understands we are going to do that when we are asked. We will have it. It will change how much can go for taxes and how much can be held in reserve. It will change some of that, but actually that is a very high priority.

I say to Senators and my fellow Americans that in our regular budget we provided for some very significant increases in defense and some significant increases in education. If you add that up, it is a pretty good package. We will go to conference with the House. I don't know what we can get out of them, but we will get a good budget. It will be very much like the one we produced.

Having said that, I reserve the remainder of my time and hope the distinguished Senator from Massachusetts might yield back some of his time at some point.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 16 seconds.

Mr. KENNEDY. Mr. President, I will use that remaining time so we can move along, then ask for the yeas and nays in accordance with the leadership proposal, and vote.

Mr. President, according to the trustees' report on the Medicare trust fund, this particular measure will add some 7 years to the Medicare trust fund. Now it will be—instead of 2008, in the most recent figures it is 2015. With 15 percent, as we talk about, a substantial increase, it will provide the stability and solvency of the trust fund to the year 2027. That is what this amendment does.

If we do not take this action, then, if we look over a 25-year period, it is going to mean benefit cuts of 11 percent in 25 years, 25 percent in 50 years, and 31 percent in 75 years, to make up for the shortfall.

It seems to me, given the special circumstances, we ought to protect Social Security and protect Medicare. We still have resources, even after that, for individual accounts, as the President suggested—close to \$500 billion for indi-

vidual accounts, for savings and for investment for individuals—and we also have resources that will be available for a tax cut.

But let us say, with regard to Medicare, we are going to provide these additional resources and we are going to commit them to our Medicare system and then in this Congress we are going to get about the possibility of making the alterations or changes in our Medicare system, primarily in the area of enhancing prescription drugs, and also other changes that will strengthen the Medicare system even further. This is a sound, prudent investment.

Finally, the greatest percentage of the surplus was paid in by working families. Working families often become dependent primarily on Social Security and Medicare as they age. Some of them get some pensions from companies they have worked for. But if you look over what is happening, even in terms of the pensions, they are gradually being cut back. They are gradually being reduced every single year. Medicare and Social Security are the rocks on which our elderly and seniors really depend. We have an opportunity to go on record on that measure here today with this amendment, and I hope the Senate will accept it.

Mr. ROBB. Mr. President, I rise to support this motion to instruct the conferees to set aside some of the on-budget surplus for Medicare.

The Budget Resolution approved by this body in March made the correct decision with regard to Social Security by devoting the off-budget, or Social Security, surplus to paying down the publicly held debt. That was the right thing to do, especially if we are not going to come to closure on a true Social Security reform plan that brings down future liabilities.

While the direction on Social security was the correct course, failure to hold some of the on-budget surplus to deal with Medicare takes us down the wrong fiscal path. Medicare's financial problems are not only more acute than Social Security's but also much more difficult to solve. The fact of the matter is that even under the reform plan considered in the Medicare Commission, solvency would not be significantly extended.

Given these facts, it seems to me that the smarter fiscal policy over the long-term would be to leave some of the on-budget surplus to address Medicare. Using it all for a tax cut significantly reduces our flexibility to prepare for the retirement of the Baby Boom generation and the demands on Social Security, Medicare, and our overall budget that will result from the doubling of beneficiaries eligible for these programs.

Mr. President, I urge my colleagues to support this motion to instruct if they are serious about acting in a fiscally responsible way to shore up Social Security and Medicare.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 20 seconds.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, on behalf of the leader, I propound the following unanimous consent request, and it has been cleared on both sides. It has nothing to do with the amendment that is pending.

I ask unanimous consent the pending motion and any motions or amendments regarding the appointment of conferees to the budget resolution be stacked to occur in the order in which they were offered at the conclusion or yielding back of time on the motions. I further ask that there be 2 minutes before each vote for the explanation and the votes in the sequence after the first vote be limited to 10 minutes.

Mr. KENNEDY. Were the yeas and nays included, Mr. President? Reserving the right to object—I do not intend to—will the Senator ask it be in order to ask for the yeas and nays at this time for all of those amendments?

Mr. DOMENICI. No, Senator; we want to wait until the time has expired.

You want to get the yeas and nays now?

Mr. KENNEDY. Yes, please.

Mr. DOMENICI. We can still amend. You could not, but we could.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Massachusetts has 1 minute.

Mr. KENNEDY. I will be glad to yield it back.

Mr. DOMENICI. If he yields his back, I am going to yield mine back.

Mr. KENNEDY. I yield mine back.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 252 TO THE KENNEDY MOTION TO INSTRUCT CONFEREES

Mr. DOMENICI. Mr. President, at the end of the Kennedy motion add the following: Include in the conference report, No. 1, amendment No. 176, offered by Senators ROTH and BREAUX, regarding Medicare reform; and section 209 of the Senate-passed resolution to the budget offered by Senators SNOWE and WYDEN, regarding the use of on-budget surpluses for prescription drug benefits.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 252 to

the Kennedy motion to instruct the conferees.

The amendment follows:

At the end add the following in the conference report:

(1) Amendment No. 176, offered in the Senate by Senators ROTH and BREAUX, regarding Medicare reform; and

(2) Section 209 of the Senate-passed resolution, offered in the Budget Committee by Senators SNOWE and WYDEN, regarding the use of on-budget surpluses for a prescription drug benefit.

The PRESIDING OFFICER. There are 20 minutes equally divided on the amendment.

Mr. DOMENICI. Mr. President, let me explain to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. We will make a copy of that amendment and distribute it.

What we are going to do with this amendment is simply add to the end of the Kennedy amendment two provisions that were voted on by the Senate during the debate, just as most of his instruction was already voted on. These two sections are essentially as follows: No. 1, the Roth, Breaux, and others amendment regarding a bipartisan proposal on Medicare; and, No. 2, an amendment offered by the Budget Committee in behalf of the distinguished Senator from Maine, Ms. SNOWE, which essentially said that any additional on-budget surplus, non-Social Security money, that existed beyond the tax cut—which is, as I understand, about \$102 billion starting 5 years from now—could be available for prescription drugs.

Essentially, what we will then do is we will get a request for the yeas and nays on our amendment. I understand, pursuant to the unanimous consent, when it gets called up in order, we will get an additional 2 minutes, 1 minute per side, to explain it.

So, essentially I am just asking we add to the end of yours, two proposals that have already been adopted by the Senate: One, the Roth-Breaux et al. on the bipartisan Medicare proposal; and, second, the Budget Committee portion, which was Senator SNOWE's amendment, which said any excess surplus beyond the tax cut and Social Security could be used for prescription drugs.

So we will vote on ours first and see what happens to yours.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator to Massachusetts.

Mr. KENNEDY. Mr. President, the Senator obviously is entitled to conform with the Senate rules. But we are as well. So we will continue to go along on this merry chase until we have an opportunity to vote on this measure. We are glad to spend whatever time debating Medicare that the chairman of the committee wants.

You can load this up as the rules permit, but the rules also permit us finally to get a rollcall, and we are going to take full advantage of the rules to make sure we do. I will just let the membership understand that now.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished Senator from New Jersey could tell us, were there any other instructions?

Mr. LAUTENBERG. We have potentially two more. The Senator from Connecticut is going to be offering a motion to instruct, and there may be a question about another, which we will find out about in just a few minutes.

Mr. DODD. Mr. President, how does this proceed?

Mr. DOMENICI. Mr. President, I ask Senator KENNEDY if he will yield back time on my amendment. I yield back mine.

The PRESIDING OFFICER. Is the Senator from Massachusetts willing to yield back time?

Mr. KENNEDY. Are you talking about the second-degree amendment?

The PRESIDING OFFICER. Yes; it is the first-degree amendment to your motion.

Mr. KENNEDY. No, not at this time, Mr. President.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, with reference to the issue that is before us, I ask unanimous consent that with respect to votes in order to the motion to appoint conferees, the Domenici amendment No. 252, which I have just described, be considered a separate motion to instruct and the vote occur on, or in relation to, the Domenici motion, to be followed, pursuant to the consent agreement, by a vote in relation to the Kennedy motion.

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

Mr. DOMENICI. Having said that, with reference to mine, I yield back any time I have.

Mr. KENNEDY. I yield back the time.

Mr. DOMENICI. I thank the Senator very much.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. May I inquire of the chairman, I can offer a motion?

Mr. DOMENICI. Yes, indeed.

MOTION TO INSTRUCT CONFEREES

Mr. DODD. Mr. President, I send a motion to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] moves to instruct conferees on H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000, to include in the conference report the Dodd-Jeffords amendment No. 160, as modified, which passed the Senate on March 25 by 57-40.

Mr. DODD. Mr. President, first, how much time is allowed on this?

The PRESIDING OFFICER. Thirty minutes equally divided, 15 minutes per side. The Senator from Connecticut is recognized.

Mr. DODD. I thank the President.

Let me begin these brief remarks by once again commending my dear friend from New Mexico, the chairman of the committee. We use the word "friend" around here to describe each other with great frequency. On numerous occasions, we actually mean it, and this is one of those instances. He is one of my best friends in the Senate. So it is with a degree of reluctance I rise to offer this motion because this is in regard to an amendment that was passed by a pretty good vote, Mr. President, 57-40, during the consideration of the budget resolution.

Occasionally, there are matters that are bipartisan on these budget resolutions. I argue strongly this is one of them. Child care is an issue that does not have an ideological parent, does not have a partisan parent, if you will. This is an issue of which I believe people all across the country appreciate the importance.

The average cost of child care is \$4,000 to \$10,000 per child. Even families that have decent incomes and have two or three children can appreciate the cost of child care. One can imagine then, when talking about working families who are struggling to keep food on the table, how important this kind of a proposal is for them.

The amendment that was adopted expands an existing program—it does not create a new program. It was almost a decade ago that my friend from Utah, Senator ORRIN HATCH, and I offered the child care block grant, which was adopted. President Bush, to his credit, supported and accepted the block grant proposal.

For almost 10 years now we have had this child care block grant. And it's only drawback is that it doesn't have enough funding to reach all eligible children—only one in ten can currently receive assistance. So Senator JEFFORDS and I offered, along with 55 other Members of this body—12 members of the majority and 45 members of the minority—a proposal that would increase the child care development block grant by \$5 billion over 5 years, about \$1 billion a year. It amounts to little more than \$12 billion over 10 years. We pay for that by reducing the \$780 billion proposed tax cut by the same amount.

We also said in this amendment that it is our preference, if there is a tax cut proposal, that we also do a child care tax cut for all working parents as well as for stay-at-home parents.

Why do we need to add money to the block grant? When we passed the welfare reform package a few years ago to move people from welfare to work, all across the country States took what little money they had for child care and provided it to the welfare recipient as they came off welfare and went to work.

But tragically, what has happened in Idaho, Connecticut, and many other places is, the family that was not on welfare, that was on the margin and working, now loses child care assistance. It is a great irony in a way.

So what Senator JEFFORDS, Senator CHAFFEE, Senator COLLINS, Senator SNOWE, Senator ABRAHAM, Senator FRIST, Senator HATCH, Senator DEWINE, Senator ROBERTS, Senator CAMPBELL, Senator SPECTER, Senator WARNER and I, and others, are asking here in this budget resolution is that we ought to try to do something about this.

The people who need this are working people with young children. They need the kind of help this block grant can provide. Some people have mistakenly said, "Well, I don't like this program because it says that a parent couldn't choose a church-based child-care program." That is not true. This money can go to church-based programs, neighborhoods, families. It is not restricted as to the kind of child care setting that a family can choose to use.

This is a good bipartisan proposal. It is with a great degree of reluctance that I offer this motion to instruct. But the reason I have to do it—and, again, I have such great affection for my colleague from New Mexico; and he can straighten me out on this if he cares to; in fact, I wish he would—but I am reading now from this report—the "Daily Report for Executives". "U.S. Budget, Domenici and Kasich agree on final budget." This is dated April 13, Tuesday, today. It says, my friend:

Domenici and Kasich also said they had stricken from the final budget plan a Senate-passed amendment sponsored by [yours truly] Sens. CHRISTOPHER DODD [of Connecticut] and JAMES JEFFORDS [of Vermont] that would have reduced the size of the tax cut by \$10 billion [over 10 years] and made that money available to a child care program.

"What they're going to do is they're going to have some language in there that's going to say that out of the \$780 billion tax [cut] some consideration ought to be given to families that have child care needs," Kasich said of the language in the final budget that will replace the Dodd-Jeffords amendment.

"And we'll drop all add-ons like Dodd-Jeffords," Domenici added.

Kasich [then] said they had no intention of creating a new child care entitlement—

This is not new. It is a 10-year program. I am just adding resources to it; no question about that—

but suggested that the final budget will recommend that the child care-related tax [cut] relief be looked at by the tax-writing committees "because there are needs out there."

I appreciate the last phrase, "because there are needs."

The problem, of course, with just tax writing is that if you pay taxes, you

may get the benefit of it. But if you are down at that \$20,000-a-year level—this is not a great mystery to anybody—the idea you are going to get a tax break at that income level that can meet the cost of child care is just a fantasy.

So we want to increase the block grant by \$12 billion over 10 years nationwide to help these families. I think this body, regardless of which side of the aisle we sit on, ought to be able to find room in our hearts and our budget for this, if we care about these working families.

We understand the pressures, the tremendous pressures, on these families. I was at a child-care center at the Justice Department yesterday here in Washington. It is a magnificent child-care center. As you can well imagine, they have done a good job down there. But that good care costs.

I spoke to a woman who is a lawyer with the Justice Department and has children at the center. Her husband is a public interest lawyer. They have three children in that child-care center, twins and a young child. It cost them \$26,000 a year—\$26,000 a year. And they are happy just to have a place. The waiting list is a mile long, which is another problem we face here and why I offer this motion.

All over the country we see this scenario replicated—in the State of California the waiting list is some 200,000 children. In Texas and Florida, there are similar lists.

So, Mr. President, again, I would love to hear the members of the Budget Committee say, "Listen, you know, we didn't like this amendment terribly, but we did have a strong bipartisan vote"—that is a pretty strong vote, almost 60-40 here on this amendment; it was sponsored in a bipartisan fashion; it was passed in a bipartisan fashion—"while we weren't enthusiastic about this initially, this is one we are going to take." If that is the case, then I do not want to have our colleagues have to vote twice on something here. I do not like doing that. But when I read here that I am dropped, I am history, I am being kind of written off, then you do not leave me much choice but to defend myself.

I am forced to defend it for the families out there who got excited about the fact that in this budget resolution we had made a place, for the first time in years, to provide some assistance.

So I plead with my colleagues here to not oppose this, in fact even accept this instruction, if you will, and let's see if we can't convince some of those recalcitrant voices who do not want to embrace the idea that this Congress could do something about working families and their children.

With that, Mr. President, I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time does Senator DODD have?

The PRESIDING OFFICER. Senator DODD has 4 minutes 49 seconds remaining.

Mr. DOMENICI. I say to Senator DODD, let me just put in perspective what we are going through here this afternoon.

I am a mild-mannered guy.

Mr. DODD. Yes, you are.

Mr. DOMENICI. That does not mean I do not get excited about things. Look, everything we are talking about here on the floor we just voted on. You either won or you lost. You happen to have won. Senator KENNEDY has a proposal. That already was voted on. He lost. Let's see, what else do we have? Oh, Senator LAUTENBERG has an instruction. We already voted on that.

It is interesting. I would just put in perspective for the Senators and for those listening, normally—I have been here for a while; I have wrapped up a lot of budget resolutions—we appoint the conferees. That is what we are doing here, this little administrative job of appointing conferees. We normally do it at the same time we pass those resolutions. So if we finish at 10 o'clock at night, by 10:15 this is gone, they have been appointed. Nobody moves to instruct the conferees, because they just voted on it; they already got their instructions through their votes.

We made a mistake. We made a mistake. We should never have seen the press last night. We were not obligated to tell the press we had a meeting. We like to keep them informed. But now, because of everything they said about what we discussed, Senators are saying, "Well, maybe they are not going to do in that conference what the Senate said we should do, so we are coming to the floor and repropounding the whole thing," bringing the issues all back up, even if they lost on them or even, in Senator DODD's case, where he won on them, and we are going to have to vote again.

Actually, everybody should understand, an instruction to the conferees, through the process we are doing this afternoon, is nice. It is a wonderful thing. You should be very pleased if you win. But the House isn't bound by it. That is just the simple truth of it. The conference is not between Senators asking for a second vote which will make their will the law; they are asking that we do something with the House to make them go with us. I am not promising that I can do that. If you win here on the floor, I am not promising that I can do that. As a matter of fact, some Senators think I can, that if we are to vote again on Dodd-Jeffords, I should just go over there and I will win that.

Well, it isn't quite that easy. I do a little better here on the floor sometimes with all these Senators from both sides than I do sometimes in those conferences. I am not going to offer a second-degree. We all understand the issue. If you want to vote, we will have a vote.

I guess I could tell you for myself, I understood very clearly who voted. There were some Republicans who voted with you. I didn't happen to be one. But I am not going to be able to carry any more water with any more assurance or any more power in the water that I carry because we vote again this afternoon than to go to that conference and wrap it up and say, Senator DODD and Senator JEFFORDS won—not that they won this instruction. That would be there. So if you want to save some time, you might just urge me to do it better than the news reports, and I tell you I am going to try. I tell you that if we can't do that, I am going to find some way in the tax instructions to see if we can't do something significant in the area of child care through the Tax Code. But if you would like a vote, that may be an easier way.

I say, though, there is a reason that we do not need to vote in additional money for this program. I will tell you what it is. I do not know the ultimate number, but I understand that almost all the States have a very large surplus in the TANF program, the Temporary Assistance for Needy Families program. That is the successor to the welfare program, Mr. President. When we sent them the money, we sent them a block of money predicated upon a significant caseload and estimates about how much it would be reduced.

It turns out that almost every State has a very large surplus there. What they plan to do with it, not every State but a very large number of them, is to use it for this program. As a matter of fact, I understand the regulations have been approved just yesterday which will authorize the States to use their TANF, Temporary Assistance for Needy Families, excesses for the block grant program, which we would still be funding for child care. So essentially I think we are going to have an expanded child care program. I do not think we need to do this, but I do not go to conference based on that. That is just an explanation to the Senate as to why a number of Senators did not think we needed to vote for that when it first appeared and won.

Now I yield back the remainder of my time.

Mr. DODD. Before my colleague does that, again, I appreciate my colleague from New Mexico, the chairman, has a difficult job. Having served on the Budget Committee for many years with the chairman of the committee, I have a great admiration for his ability and the difficult job he has. I appreciate as well the fact that this is a somewhat unique procedure, although we have used it in the past. It is not uncommon for it to be done. I hope my colleague appreciates, that when I pick up and read that my amendment has been pushed out, before the conference has even met, that it makes it kind of hard on me and hard on those of us who supported that amendment.

So, yes, this is taking advantage of a unique situation here, but maybe, just

maybe if we go into that conference—and I know the chairman does not agree with this amendment, but I know he has historically respected the will of the Senate even when he disagrees with it, which is the mark of a good chairman, in my view, and he goes on and says, look, ladies and gentlemen here, not only this crowd in the Senate, over my objection voted for this once, they did it twice. The bipartisan Senate cares about this and thinks it is an important priority. To that extent, it may have some value.

Mr. President, whatever time I have remaining, I see my colleague from Vermont.

Mr. DOMENICI. I just want to say, whatever time Senator JEFFORDS needs, a few minutes, we will make sure he gets them. I would like to tell you, since you indicated that you and I have worked together on a lot of things, do you know what you could do for me that would be the best thing going? Not to have so many votes on budget resolutions. What is happening, we spend so much time voting on them that Senators are wondering what this whole process is all about. This year probably 50 percent of the votes, maybe 60 are all on the budget resolution and the four or five today. My job is getting more difficult because of that. Pretty soon Senators will be saying maybe it is not worth all this trouble.

How much time do you need?

Mr. JEFFORDS. Five minutes.

Mr. DOMENICI. Do you have any left?

Mr. DODD. I don't know if I do or not.

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes 50 seconds remaining.

Mr. DOMENICI. You yield your 2, and I yield him 3.

Mr. DODD. Absolutely.

Mr. JEFFORDS. Mr. President, I rushed over here in hopes of getting to the floor on time, and I appreciate very much the opportunity to speak on this very important issue.

I have worked with the Senator from Connecticut for years on child care. Every time we think we have a victory, it somehow disappears. Yet the need for quality child care does not disappear. The need continues to increase. We must take advantage of the information we have learned and recognize that the early years of life are so incredibly important in a child's development. The first 3 to 5 years are critical. At this point, we do little or nothing for this age group and these are the most important years of your life in many respects. Fortunately, few babies get totally ignored during that period. But this is the period in time which the brain develops most rapidly. It is the one which can be most damaged by the lack of adequate child care.

I will be introducing on Thursday and I thought it was going to be the filler for what we did on the budget bill. We were all ready to go, and now we are back to ground zero on this

issue. Well, I am going to introduce the bill on Thursday in hopes that this issue does not go away and that it will continue to be heard before the conference. We must continue to try to do what must be done for the children of this country.

In addition, we have to look at businesses and do something to give them the incentives to have their own child care. We have to make sure that we take care of the most critical thing and to make sure that we deliver quality child care and learn how to maximize the period of time in a child's life which is so critically important.

I want to do everything I can, and I am sure the Senator from Connecticut joins with me in saying we are not going to let this issue go away. We will do whatever it takes to make sure this country is in a position to allow our children to maximize their opportunities in school by having the best child care possible.

This is an incredibly important issue. I know that the Senator from New Mexico is with us in the sense that he understands the essential aspects of maximizing opportunities during the most critical period in a child's life. In the past, the Senator has been supportive of us, and I hope he continues to do so. At this point, I will close and say, I am going to plow forward. I know we will work with the Senator from Connecticut and we are not going to let this issue go away.

Mr. DODD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, does the Senator yield back his time?

Mr. JEFFORDS. Yes, I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, that means we have one proposal left, as I understand it.

I yield the floor.

#### MOTION TO INSTRUCT CONFEREES

Mr. DORGAN. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from North Dakota, Mr. DORGAN, moves to instruct conferees on H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, to include in the conference report provisions that would provide additional funding for income assistance for family farmers above the level provided in the Senate-passed resolution.

Mr. DORGAN. Mr. President, we are dealing with the budget and the naming of conferees, and a number of priorities have been discussed here on the floor of the Senate. That is what a budget is, establishing priorities. I offer this motion to instruct, and it is very simple. The Senator from New Mexico said he would like to take this, and if he does, I will not ask for a recorded vote.

In this motion, I move to instruct the conferees on H. Con. Res. 68, the concurrent resolution on the budget for fiscal year 2000, to include in the conference report provisions that would provide additional funding for income assistance for family farmers above the level provided in the Senate-passed resolution.

Why am I asking for favorable consideration on this motion? Yesterday, I read on the Senate floor a letter from a North Dakota woman that I want to read today. Her name is Susan Jorgenson. She wrote in her letter, describing the plight of family farmers, something that I think everybody listening to this debate should digest. Susan Jorgenson has lost her husband. He died last August. She said he had diabetes, but she said:

... what I really feel caused his death was trying to make a living as a family farmer.

She said:

I had an auction last week to sell the [farm] machinery so I can pay off some of the debt that [we] incurred after 26 years of farming. I have a 17-year-old son who would not help me prepare for the auction and did not get out of bed the day of the [auction] sale because he was so heartbroken that he could not continue [to farm] this land [that he loved].

She said this of her husband:

He chose to farm rather than to live in Phoenix where he had a job with Motorola [early on] because he wanted to raise his children in a place with clean air, no crime, and good schools. He worked very hard, physically and emotionally, to make this farm work and its failure was . . . no fault of his own.

That is what this farm wife says about her deceased husband.

What is happening on the family farm? Everybody is making money but them. They raise the crop and give it to a railroad; the railroad makes a record profit hauling it. They raise steer and sell them to the slaughter house; the slaughter house makes a profit and the farmer goes belly up. They raise grain and put it into a cereal manufacturing plant, and they then take that wheat or rice and puff it and send it to a grocery store as puffed wheat or rice. The company that added the puff makes a mint and the farmer goes broke. Everything that touches what the farmer raises makes record profits, and the farmers are going broke in record numbers.

We have a serious emergency on family farms. Here is a headline concerning prairie dogs. Some groups have now decided—including in the Government—that we have a big problem, that we have to save prairie dogs. I don't know if these folks have driven around my part of the country much, but we have lots and lots of prairie dogs. We don't need a Federal program to ensure that we are going to have them in our future. Prairie dogs will take care of themselves, thank you.

What we lack are family farmers. Every day in every way, every week, every month, and every single year, we lose more and more family farmers.

Now, we have farmers raising wheat and selling it for Depression-era prices in constant dollars. How would you like to be receiving wages that are Depression-era wages right now in constant dollars?

How about a minimum wage for family farmers? We debate minimum wage here on the floor of the Senate and I always vote for it. I think the folks at the bottom end of the ladder need to be given the chance to raise themselves up a bit.

What about an opportunity to provide a fair price for farmers? Wheat prices and grain prices have collapsed. Cattle prices and pork prices have collapsed. Farmers are having auction sales and 17-year-old boys won't get out of bed because they are so heart-sick about losing their farms.

We are told by people around here: Well, that's just the way the market system works. That is not a system that works at all. The system says to those who gas the tractor in the spring, plow the ground, plant the seed, and harvest the crop that their work has no value but the giant agrifactories that make a fortune with it have value. I am saying that this Congress must do something about that. This Congress must decide that family farmers matter in this country's future.

I have watched the chairman of the Budget Committee fight for things that matter to him. I have watched him fight for the National Labs and so many other things that are so important to him and there is no more tenacious of a fighter in the Senate than the Senator from New Mexico about the things that matter to him. I feel the same way about family farmers. That is what matters to me. I am not saying that [farming] doesn't matter to him or anybody else. I am not making a judgment about that. I am just saying that we have a full-blown emergency in rural America.

I held up a chart yesterday that showed the counties in this country which are losing population, which have lost over 15 percent of their population in the last 15 years. What you have is a huge red swath in the middle of America being depopulated—the middle part of our country.

We need a farm program that works. And when we see auction sale posters from wall to wall in small towns, and small town businesses boarded up—so many auction sales that they have to call retired auctioneers out of retirement to handle the sales—we ought to understand that this counts for something in this country and that we need to develop a public policy that says we are going to try to do something to stop the flow of family farmers who are leaving the land and discovering that their hopes and dreams have come to an end.

Every single month, we add a "New York City" in population to this Earth. Every month, a new "New York City" is added in population to this Earth. Yet, farmers are told that the food they

produce has no value. The market system says it has no value. That is not logical. Over half of the people on this Earth go to bed with an ache in their belly because they don't have enough to eat.

I have mentioned time and again—and I will do it again—that in Sudan people talk about old women climbing trees to gather leaves to eat because there is nothing to eat. Ask yourselves about the people in refugee camps today and what their needs are. It is food. Somehow this system of ours, in a Byzantine way, says that those who produce the food ought not to get full value for it, but those who make it into cereal, those who haul it, those who add value somehow should achieve record profits. There is something wrong with that system.

I hope this Senate will go on record saying that we need to do more and better. My personal feeling is that we need to take the caps off the loan rates. The farm bill—which I didn't vote for because I didn't think it was a good bill—was saying we will take away with the fine print what we promised to give you in the large print. We promised a loan rate, and we promised that that loan rate would produce \$3.25 in wheat, but in the small print it was limited to about \$2.58.

Let's take away that provision that limits the amount of support and help farmers during this period of collapsed prices and see if we can give them the opportunity to have a decent income when prices collapse. If we don't build a bridge across those valleys, nobody will do it. We will be left with a country full of giant agrifactories farming from California to Maine. We will get the food all right, but it will be more expensive, and nobody will be living in rural America. We will have lost something very important—family farmers, small towns, main street businesses, and a very special and unique part of this country's character that comes from that part of America.

So I am offering this motion to instruct conferees to ask that money be added above the Senate level for income support for family farmers.

Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, first, I greatly appreciate the kind remarks of my good friend, and I say to him that on some of the issues he cares about, such as agriculture and the problems of the family farm, he has as much tenacity as anybody around here. I compliment him for that.

We are going to accept his motion because it says we ought to try to do better in conference than we did here, and everybody understands that we will do that. If the Senate accepts this, we will try to do that. However, in defense of the budget resolution, I will make two big points that are very important.

The budget resolution increased the mandatory spending, the spending for agriculture, \$6 billion over what it would have been but for the change we

have made—\$2 billion in each year, more or less, in this budget resolution.

At first we decided we would do \$4 billion at the behest of some Senators from the middle of the heartland of the agriculture country. They asked for more. We put \$2 billion more in. That has been done. Why do I say that? Because the President of the United States, who has his agriculture Secretary traveling all over the United States in agriculture country talking about the needs of the family farm and the needs of the farmers, did not put one penny of increase for agriculture in their budget. I don't know whether they expected that we would come along because we have Senators who really pushed this and we would put the money in.

But I believe for a President of the United States in the midst of an agriculture disaster, more or less, to leave it up to Senators to have to put more money in for agriculture—but you can count on it. They won't be remiss in going out there and talking to the farmer about what they did. They should put up their hand, like this, and say they did zero. At least we put \$6 billion new money in for which the distinguished Senator has thanked the Budget Committee when we put it in. And so did his colleague from his State. He thanked the committee. You put in \$6 billion. Nobody did at the White House. There was nothing.

So it isn't as if we are not concerned and as if we did nothing. As a matter of fact, we have been spending a very healthy amount of money for agriculture. And we are going through some cyclical problems in agriculture, with parts of the worldwide economy not in very good shape. And they used to buy a lot of our agricultural products. We know that. We are getting better at producing more with less acreage, and there seems to be no limit to that. We get better all the time. In other words, the farmer is producing prolifically in the United States, be it the family farmer or the corporate farm. We are producing large amounts.

Having said that, I don't know ultimately how we resolve this issue, but for now we are going to conference with this proposal saying we ought to do more, if we can. And, frankly, I appreciate the Senator bringing it to all our attention.

It will be accepted now, if he doesn't mind.

I yield any time I have.

Mr. DORGAN. Mr. President, my colleague, Senator CONRAD, wanted to speak for at least 5 minutes. I understand he is on his way. I hope we can wait for just a moment. It appears he could use the remaining 5 minutes of my time.

Mr. DOMENICI. I ask unanimous consent that I be vested back with any time that I had remaining. I thought we would finish. That is why I yielded.

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

Mr. DOMENICI. Thank you very much. I yield the floor.

Mr. DORGAN. Mr. President, let me take a minute to say that I understand the point the Senator from New Mexico made. I appreciate the additional \$6 billion that was added over the 5 years. My point is, it is far short of what we need in terms of income support. It is the case that the administration budget did not do nearly what it needed to do. But there comes a time at some point when the urgency of the situation in rural America really requires us to say this isn't about us or them anymore; it is about what we are going to do together to respond to a real problem of significant consequence to this country. We will simply not have family farmers left unless we together, Republicans and Democrats in Congress, recognize that we have a farm bill that says when market prices collapse, it's response is too bad. That can't be the farm bill response.

When market prices collapse, if we want to save family farmers, we have to build a bridge across those valleys. Only the largest corporate farms will survive a collapse in market prices. They are big enough and strong enough to survive. Family farmers can't and won't. So if we care about having people live out on the land, if we care about the special quality family farms and small towns give this country, then we must reconnect and provide some kind of basic safety net for family farmers.

Again, I see all these headlines about prairie dogs. They are going to save the prairie dog. God bless the prairie dog. There sure are plenty of them in my State. We don't need a special effort to save prairie dogs. We need to save family farmers. That is the message, and that is the urgency, in my judgment, for a public policy debate here in Congress and the establishment of the correct priorities in this budget to say to family farmers, "You matter." Some say we need a national missile defense system. Yes, that might be the priority for some. But I happen to think we need a farm program that works for family farmers. In the absence of it, we are going to see wholesale bankruptcies and more and more auction sales, and this country will have lost something that is very important to its character and its economy.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, let me say to the Senators who are not here but are listening to what is going to be going on on the floor, that in about 6 or 7 minutes, I hope not much longer than that, we are going to start voting. There is already a consent agreement to vote on everything. All votes are stacked this afternoon. That means we will have about five or six votes. After the first one, they will be 10 minutes, with both sides having 2 minutes to explain each proposal, and on each instruction 1 minute on the side. So we ought to be starting by 4:15, and perhaps in an hour we will be finished.

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

Mr. DORGAN. Mr. President, I yield 4 minutes to the Senator from North Dakota, Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, for offering this motion, and for bringing to the attention of our colleagues in the Senate the disastrous circumstances we face in American agriculture.

I represent North Dakota. I can tell you that in agriculture in our State we are on the brink of a depression. We are the victims of a triple whammy of bad prices, bad weather, and bad policy. Bad prices are the lowest prices for farm commodities in 52 years. The bad policy is the last farm bill that was passed, and some of our trade policy that has left America vulnerable to a very intense effort by our competitors. Mr. President, our chief competitors—the Europeans—are spending 10 times as much to support their farmers as we are spending to support ours. We are, in essence, saying to our farmers, you go out and compete against the French farmer and the German farmer, and, while you are at it, take on the French Government and the German Government as well. That is not a fair fight.

In addition to the bad prices and the bad policy, we are also stuck with bad weather. We have had 5 years of overly wet conditions in North Dakota. The result has been the development of a disease called scab. That is a fungus. It has dramatically reduced production. There are parts of North Dakota that saw their production reduced 40 percent.

So you put all of this together, what do you have? You have an economic calamity, a disaster of its own, with the lowest prices in 52 years and production reduced because of bad weather, and because of an outbreak of disease that is unprecedented in this century, and couple that with the bad policy of a bad farm bill that has been put in place that makes no note of what happens to farm prices but that cuts each and every year the support that is given to American agricultural producers at the exact time our competitors are dramatically increasing what they are doing for their producers.

Mr. President, Members of the Senate, this is an emergency. It is a disaster. It is stunning in its proportion. I just completed a series of meetings across the State of North Dakota. Everywhere I went, producers took me aside and said unless something is done and done quickly, we are faced with a calamity of losing tens of thousands of family farmers across the heartland of America.

I hope very much that our colleagues will support this motion that instructs the conferees to provide additional funding for agricultural policy reform. It is critically needed. It must be done. The consequences could not be more serious. A failure to act will lead to the

unraveling of the farm safety net in this country and will mean we will lose literally tens of thousands of farm families this year. We are not talking about sometime in the distant future. We are talking about right now. We are talking about an economic calamity.

Again, I hope my colleagues will support this motion. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I don't believe I need to respond. I gave my response to the principal sponsor. We have agreed to accept the instruction.

I yield back any time I might have and I yield the floor.

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

The motion was agreed to.

Mr. DOMENICI. Mr. President, perhaps we could engage in a parliamentary discussion regarding order. If I am correct, the first vote would be on the Lautenberg Social Security motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. There is 1 minute on each side to discuss the motion.

The second vote will be on the Domenici motion. We will explain that when the time comes. Then we will vote on the Kennedy Medicare tax breaks motion. Then we will vote on the motion of Senator DODD.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. 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. DOMENICI. 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. DOMENICI. Mr. President, for all Senators who might be listening, the first motion to instruct is Senator LAUTENBERG's on Social Security. This is essentially consistent with the budget resolution that we voted for on our side of the aisle. I ask every Senator to vote for it.

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

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

VOTE ON LAUTENBERG MOTION TO INSTRUCT

Mr. DOMENICI. Mr. President, I have 1 minute and the Senator from New Jersey has 1 minute. Have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. Senators should be on notice we will start this vote in 2 minutes.

This motion to instruct says to the conferees, adopt the language regard-

ing the Social Security trust fund that is in the budget resolution which passed the Senate with every Republican and one Democrat supporting it. Since it is consistent with the budget resolution, and I still have to go to conference with the House under all circumstances, I recommend on our side, at least, that everybody vote for it.

I yield back any time remaining.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this motion is pretty simple. It instructs the conferees on the budget resolution to include in the conference report provisions that would reserve all Social Security surpluses for Social Security, and only Social Security—no other programs, including other retirement programs, and not for tax cuts.

I hope when the conference is held that the distinguished chairman of the Senate Budget Committee will be there to say, "Here is a vote that is potentially 100-0 or 95-5. This is serious."

It is not part of a scheme to go into conference and say, "Sorry, we are dropping it." We don't want it dropped. I know that the distinguished chairman of the Budget Committee doesn't really want it dropped.

We can differ about the approach, but all of us will make a single statement: If Social Security has a surplus, we want it there for the people who are going to retire when their time comes. It is as simple as that.

I am pleased to have the support of the chairman of the Budget Committee.

The PRESIDING OFFICER. The question is on 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 Virginia (Mr. WARNER) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "Aye."

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

The result was announced—yeas 98, nays 0, as follows:

[Roll No. 82 Leg.]

YEAS—98

Abraham	Chafee	Fitzgerald
Akaka	Cleland	Frist
Allard	Cochran	Gorton
Ashcroft	Collins	Graham
Baucus	Conrad	Gramm
Bayh	Coverdell	Grams
Bennett	Craig	Grassley
Biden	Crapo	Gregg
Bingaman	Daschle	Hagel
Bond	DeWine	Harkin
Boxer	Dodd	Hatch
Breaux	Domenici	Helms
Brownback	Dorgan	Hollings
Bryan	Durbin	Hutchinson
Bunning	Edwards	Hutchison
Burns	Enzi	Inhofe
Byrd	Feingold	Inouye
Campbell	Feinstein	Jeffords

Johnson	McCain	Sessions
Kennedy	McConnell	Shelby
Kerrey	Mikulski	Smith (NH)
Kerry	Murkowski	Smith (OR)
Kohl	Murray	Snowe
Kyl	Nickles	Specter
Landrieu	Reed	Stevens
Lautenberg	Reid	Thomas
Leahy	Robb	Thompson
Levin	Roberts	Thurmond
Lieberman	Rockefeller	Torricelli
Lincoln	Roth	Voinovich
Lott	Santorum	Wellstone
Lugar	Sarbanes	Wyden
Mack	Schumer	

NOT VOTING—2

Moynihan Warner

The motion was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, if you would get everyone's attention, I will tell everybody where we are going.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We have three remaining votes. There is 1 minute in between each one. Then we are finished.

I say while many of the Senators are here, I am sorry that we have to vote over again on the same issues we voted on 2 weeks ago, but essentially most of the motions are revoting on what we already voted on. Had we appointed conferees the very night we did this budget resolution, there would not have been any time to have motions to instruct the conferees. So I am trying to hurry through, but I cannot do any better.

VOTE ON DOMENICI MOTION TO INSTRUCT

What is up now is the Domenici motion to instruct. It reaffirms the Senate position on the Roth-Breaux amendment calling for Medicare reform. That really extends solvency.

Mr. WELLSTONE. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will be in order. Will those having conversations in the well cease their conversations. We are not going to be able to proceed until the conversations cease or those having them go somewhere else.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just finish quickly.

The Domenici instruction takes into consideration the Breaux-Thomas bipartisan plan which includes prescription drugs as part of the reform. And this instruction includes that we adopt the Snowe-Wyden provision which allows budget surpluses not currently allocated to the Social Security trust fund, because it is not needed there for taxes, that those surpluses may be used for major Medicare reform.

I hope we will adopt this motion. It will be followed by a Kennedy motion that I will speak to later.

I yield back any time I might have.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. My friend and colleague, as we could expect, explained correctly what this motion effectively does. If you vote in favor of the motion, effectively you are saying you are not going to use any of the surpluses of the Federal budget for the Medicare system, No. 1, because that is the recommendation of the Commission. And secondly, before we get overly excited about a reserve fund on the prescription drugs, just read page 90 of the report and you will see that the trust fund is not utilized until there is significant extension of solvency for Social Security. That is defined as 9 or 12 years. That comes to either premium increases or cost benefits of some \$686 billion. So it is never going to go into effect.

I am all for having an existing fund. But this isn't it. It is right here on page 90, the requirements for the fund.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. And it says it will not go into effect unless there is significant solvency from 9 to 12 years. That is what the trustees say, \$686 billion.

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

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Domenici motion to instruct the conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—57

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

Stevens	Thompson	Voinovich
Thomas	Thurmond	Warner

NAYS—42

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

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON KENNEDY MOTION TO INSTRUCT

Mr. DOMENICI. Mr. President, there are now 2 minutes evenly divided on the Kennedy motion to instruct.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this motion is very simple. It says to devote a portion of the surplus—not all of it, just some of it—to saving Medicare before using it for a tax cut or new spending. This policy is supported by Alan Greenspan and by 100 leading economists because it makes economic sense and because it makes sense for Medicare.

My friend across the aisle has talked at length about how much he and his party care about Medicare, but that budget resolution does not devote one thin dime of new resources to Medicare beyond those required by law. This vote is a test: Tax cuts versus Medicare. That is the issue.

Mr. DOMENICI. Mr. President, the Senate rejected an amendment on this by a vote of 56-43 just a few days ago. It is the identical issue.

Senator KENNEDY would have us believe that the President's approach to putting 15 percent of the surplus into IOUs in the Medicare trust fund will help Medicare become solvent. He also suggests, Mr. President, that leading economists support the President's IOU; that is, we will pay for it later. They support that. They support it because we are not spending the money. But we already save \$400 billion more than the President and we would apply it to the national debt, which is what the economists thought was good. Our budget is better than this in that regard and it does not put IOUs into a fund, which in this case is a postdated check that somebody will pay for later on—our kids and grandkids.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 17 seconds.

Mr. KENNEDY. Mr. President, the IOU is a payroll tax. This is the full faith and credit of the United States. That is what we are talking about. It is

very clear what this issue is. Let's make sure we have solvency in the Medicare system before tax cuts.

I thank the Chair.

Mr. DOMENICI. Mr. President, I move to table the Kennedy motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Moynihan

The motion was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON DODD MOTION TO INSTRUCT

Mr. DODD. Mr. President, on behalf of my colleague from Vermont, myself and many others who supported this 2 weeks by a vote of 57-40 I want to express my gratitude to my Republican colleagues for supporting that amendment that day. Unfortunately, the House conferees, or potential conferees, have indicated they intend to drop this amendment which would add over 5 years \$5 billion to the existing

child care and development block grant, despite the fact that this was a bipartisan amendment supported by a bipartisan coalition of Members here in the Senate.

I would not be asking for this vote except I think it is important we send a clear message out of this Chamber that we care about working families who need child care assistance.

With the few seconds remaining, I yield to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues on this side of the aisle to vote in favor of this motion. It will keep the issue alive.

Mr. DOMENICI. Mr. President, the Senate voted by a vote of 57 to 40 to approve this amendment when we had the budget resolution. We are going to go to conference and try to work it out. I am not asking anyone to vote against it. In terms of the chairman's position, vote however you wish. I don't think there is a total Republican position because 15 Republicans voted for it last time.

I yield the floor.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye."

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

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—66

Abraham	Edwards	Levin
Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Lugar
Biden	Frist	McCain
Bingaman	Graham	Mikulski
Boxer	Grassley	Murray
Breaux	Harkin	Reed
Bryan	Hatch	Reid
Byrd	Hollings	Robb
Campbell	Hutchinson	Roberts
Chafee	Hutchison	Rockefeller
Cleland	Inouye	Sarbanes
Collins	Jeffords	Schumer
Conrad	Johnson	Smith (OR)
Coverdell	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Torricelli
Dodd	Kohl	Voivovich
Domenici	Landrieu	Warner
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—33

Allard	Craig	Helms
Ashcroft	Crapo	Inhofe
Bennett	Enzi	Kyl
Bond	Gorton	Lott
Brownback	Gramm	Mack
Bunning	Grams	McConnell
Burns	Gregg	Murkowski
Cochran	Hagel	Nickles

Roth	Shelby	Thomas
Santorum	Smith (NH)	Thompson
Sessions	Stevens	Thurmond

NOT VOTING—1

Moynihan

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the underlying motion to authorize the Chair to appoint conferees.

The motion was agreed to, and the Presiding Officer (Mr. SMITH of Oregon) appointed Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. GORTON, Mr. LAUTENBERG, Mr. CONRAD, Mrs. BOXER and Mrs. MURRAY conferees on the part of the Senate.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak up to 10 minutes each.

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

THE CRISIS IN KOSOVO

Mr. VOINOVICH. Mr. President, I rise today to vehemently oppose sending American ground forces into Kosovo and to demand that if the President contemplates sending in ground troops, that decision be deliberated and authorized by the Congress of the United States.

I am an American of Serbian-Slovenian ancestry. My father's family is from southern Croatia, which is known as Krijna, and my mother's family is from Ljubljana and Stranje in Slovenia.

I want to make it clear—I don't oppose sending ground troops into Kosovo because I am Serbian. I oppose it because it is bad policy. However, my ethnic heritage does give me a special insight into the situation that someone else might not have.

I have always opposed the leadership of Slobodan Milosevic. Like most Americans, I consider him to be a war criminal.

However, Mr. President, I was 1 of 41 Senators who voted against the bombing because I was concerned that this bombing would not achieve our end of bringing Slobodan Milosevic to the negotiating table as contemplated by the Clinton Administration and NATO.

These negotiations were designed to get Milosevic to sign the Rambouillet agreement or something very similar, thereby guaranteeing the basic human

rights of the Albanian Kosovars and avoiding ethnic cleansing.

I also feared the bombing would only solidify Milosevic's leadership with the Serbian people and ruin any chance of cultivating alternative leadership within Serbia.

I have to say that our problem has not been with the Serbian people, but with their ruthless leader.

The main thing this bombing campaign has managed to do is fan the flames of centuries-old Serbian nationalism. Individuals who until the bombing campaign had little support for Milosevic and his activities in Kosovo, now firmly believe their national pride is at stake. They have thrown their support behind Milosevic and have expressed a willingness to follow his leadership and fight for their country.

It is extremely important to remember—this is very important—Kosovo is to the Serbian people what Jerusalem is to Jews, Christians and Muslims. To the Serbians, it is a holy place. It is the scene of the most important event in Serbian history—the battle of Kosovo in 1389 between the Turks and the Serbs, led by Tsar Lazar.

The battle of Kosovo has lived for centuries in Serbian literature. To this day, Serbian children sing songs and read epic poems celebrating this event.

The interesting thing about the battle of Kosovo is how outnumbered the Serbian people were—and they knew it. And even though they lost, it is considered a glorious defeat because they fought valiantly against overwhelming odds. To quote from the epic poem "The Battle of Kosovo":

Then the Turks overwhelmed Lazar, And the Tsar, Lazar, was destroyed, With him was destroyed his army of seven and seventy thousand soldiers. All was holy, all was honorable and the goodness of God was fulfilled.

History, pride and heritage are deeply-seeded in Serb culture. That's why it is significant that Milosevic started his rise to political power in Kosovo and probably the most important event in his political career was when he spoke to 1 million citizens on the 600th Anniversary of the Battle of Kosovo—at the very site of the battle! I want you to also know, Mr. President, the most sacred Serbian Orthodox monasteries are located in Kosovo.

Considering Serbian history, and where Milosevic started his career, American and NATO leaders should have known that Milosevic couldn't give in without losing face. Especially when he was told "either sign this or we'll bomb you". Unfortunately, the Clinton administration presented Milosevic with an ultimatum which foreclosed all other options that could have led to a negotiated settlement.

Our bombing campaign has given Milosevic cover to move forward expeditiously with his policy of ethnic cleansing—precisely what we were trying to avoid in the first place. Now, because he and his forces are not being tightly monitored—and that's because all the observers were kicked out as

soon as the bombing started—they can do as they wish. Therefore, we hear evidence of massacres and rape, and we have witnessed the forced relocation of hundreds of thousands of people and the total devastation of Kosovo.

To me there is no question that the decision to bomb Kosovo and Serbia was a terrible mistake in the first place, but now we face three bad choices—stop the bombing, continue the bombing, or go in with bombing and ground troops.

Although I disagreed with bombing in the first place, of the three, I believe the least objectionable is to continue the bombing campaign in hopes of securing the very negotiated settlement that has eluded us so far.

Many public officials and foreign policy experts are loudly advocating the introduction of ground troops to Kosovo in an effort to force Milosevic to yield his grip on the Kosovar Albanians and to ultimately "win the war". They claim it's the only way.

Let me say that I support the goal of restoring peace and stability to the region, returning to Kosovo those refugees that want to go back, negotiating a new agreement that will guarantee their safety and self-determination and establishing a multinational force to monitor the negotiated settlement. I support all this—but I absolutely oppose the use of American ground troops to implement this goal.

I oppose using American troops in this manner not because I don't think they can get the job done. Far from it. I believe our armed forces have performed magnificently, and I wholeheartedly admire the effort that each of them has been giving during the campaign in Kosovo. They are doing the job we have asked them to do.

However, I see a situation developing in the Balkans that could be just as brutal as that which developed in Vietnam. As opposed to the flat deserts of the Persian Gulf area, the Balkans are a very mountainous region that is ideal for a sustained campaign of guerrilla warfare.

A smaller, and less well-armed force could have the ability to use this natural terrain to impede the progress and mobility of a NATO invasion force for an extended period of time while racking up vast numbers of casualties.

Remember that in World War II, more than 500,000 Nazi soldiers thought that they could just roll through Yugoslavia. They did not, due in large part, to the determination of the Serbian people.

It has been reported that it will take 6 to 8 weeks to even prepare for a ground invasion. And I believe it will probably take even more than that because we don't even have the troops in the region, we haven't even mobilized and we haven't established a staging area.

This will give the Serbs ample time to disperse, fortify defensive works, stockpile their arms, and so on. The steps the Serbs take now will allow

them to later harass the invasion force at every conceivable opportunity. It will make it that much more difficult for NATO to secure a victory without incurring heavy losses.

The most important thing I think the American people should know—if we put ground forces in Kosovo, we will go to war with Serbia. Period.

We will have to accept the fact that we will be at war, and that we will have to take out Milosevic. And that means a long, extended war with loss of life and a total destruction of the infrastructure in Serbia, in Kosovo, and what about Montenegro?

And another thing—we have to be seriously concerned about igniting the entire southeast Europe region with our actions. What will the neighboring nations do? What will Russia do? Will NATO's action perhaps cause the radical elements in Russia to come into power?

These are serious questions that may not be of concern now, but the consequences of our actions today may come back to haunt us tomorrow.

We must remember—our goal is to bring peace and stability to this region. I am concerned that the introduction of ground troops may have just the opposite effect and destabilize the region over the long term.

And what happens after we win that war? And it will be won, although at a high cost in terms of lives and infrastructure. What will happen? What will be the disposition of the Kosovar Albanians, hundreds of thousands of whom are now refugees? Are we going to have a greater Albania?

Who will monitor the "peace" and who will pay for the rebuilding of the infrastructure in Serbia and Kosovo? What kind of commitment will NATO have to "Pick up the pieces" and rebuild Serbia? Will it fall on the United States?

Make no mistake: the introduction of ground troops guarantees that we as a nation are committing to be involved for an extended period of time and the expenditure of many billions of dollars. In order to compare, my colleagues should remember that we have already spent—we have already spent—over \$12 billion in Bosnia.

I can't help but feel touched at times like these, in the face of situations of national importance, to contemplate the times that I have visited the Vietnam Memorial. All of us who have done that cannot help but be moved. And I know on my part, tears always well up in my eyes.

Seeing the names carved on that wall, knowing that each name represents an individual who had loved ones and friends and had hopes, dreams and aspirations, is a poignant reminder of what it means to send young men and women into harm's way.

But let me just say that while I disagreed with the policy pursued to stop the humanitarian abuses in Kosovo, those abuses cannot be overlooked by the international community. You just

can't turn your head and forget about it. This morning, I participated in a commemoration of the Holocaust here in our Nation's Capitol. Let us remember so that we never forget.

I believe that in addition to pursuing our strategic interests and our trade interests, we must not forget that our status as a world power gives us a moral responsibility to defend human rights. I call upon my colleagues and all Americans to work toward a consensus on how we as a nation respond to acts of genocide internationally.

Looking away in Croatia was a failure when 250,000 Serbs were driven out. As President Clinton acknowledged, looking away in Rwanda was a mistake where almost a million people were killed between the Tutsi's and the Hutu's. And what about the Kurds in Iraq and Turkey, and all the other areas of the world where such troubles exist? We have it in many, many places in the world.

Thus far, full engagement through bombing has been a failure in Kosovo. Our moral responsibility is to identify the means and the goals available to us to deal with such incidents before they escalate beyond peaceful resolution. We would be well-served—we would be well-served—to have a coherent policy to guide us in the future as to when we go in and when we do not go in.

Mr. President, what this country does in the name of NATO over the next several weeks in regard to Serbia and Kosovo will have a dramatic impact on this country's future. It is our obligation to the American people to exercise our due diligence before we commit to a course of action from which we cannot extricate ourselves. This is very, very serious business that we are now considering.

We should pray to the Holy Spirit for the enlightenment to make the right decision for our country, for southeast Europe, and for the world. Let us be constantly reminded of Jesus's exhortation on the Sermon on the Mount that "blessed are the peacemakers, for they shall be called the children of God."

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

#### THE MILLENNIUM DIGITAL COMMERCE ACT

Mr. LOTT. Mr. President, I want to recognize the efforts of Senator ABRAHAM who authored and spearheaded the effort to pass the Government Paperwork Elimination Act during the 105th Congress.

This good government measure, which the President signed into law last year, requires federal agencies to automate their forms and allows computer users to complete, electronically sign, and submit government forms online.

Aside from saving thousands of square feet of storage space, this landmark legislation will significantly reduce the amount of time it takes

Americans to complete government paperwork. The millions of hours freed up translates into billions of dollars saved over time. This legislation, which was supported by the Administration, will also help the federal government transition to a paperless document management system. One that allows agencies to collect and maintain forms and other records faster, easier, and cheaper.

Mr. President, Senator ABRAHAM, my friend and colleague, has once again demonstrated his leadership on electronic commerce issues by recently introducing the Millennium Digital Commerce Act. This bipartisan measure, which I cosponsored, is a direct outgrowth of and a natural extension to the Government Paperwork Elimination Act. It provides a national framework for online business to business transactions. This important interstate commerce measure provides legal standing for electronic signatures on contracts and other business transactions without preempting state law on intrastate commerce.

Electronic signatures are the equivalent of an online "royal seal." Electronic signatures are highly controlled and are far more secure than manual signatures. As my colleagues are aware, it is not difficult to mimic someone's handwritten "John Hancock." An electronic signature, however, is verifiable and it becomes invalid if any of the data in the electronic document is altered or eliminated. This revolutionary communication tool can also time and date stamp someone's unique electronic signature. It is an emerging technology that will serve as a springboard for electronic commerce.

Over the last few years, states have recognized the importance of authentication technology on trade and have already adopted rules governing its use. However, of the more than forty states that now have laws on the books, none has adopted the same approach. Congress should not allow an electronic signature hodgepodge to thwart the exponential growth occurring in electronic commerce.

In our fast-paced global and highly technical environment, where time is money, companies transacting business across state lines need assurance that electronically signed documents are fully and legally executable. Senator ABRAHAM's Millennium Digital Commerce Act will ensure that businesses located in different states are held to their agreements and obligations even if their respective states have different rules and approaches concerning electronically signed documents.

This much needed and timely legislation is a necessary precursor to state-by-state adoption of the Uniform Electronic Transactions Act (UETA). Once UETA is finalized, its enactment by all fifty states is not expected to occur for several years.

The Millennium Digital Commerce Act is an important interim step to-

wards eventual national uniformity. It merely establishes the legal certainty of electronic signatures when used for interstate business transactions. It strikes a necessary balance between a state's individual interests and the need for reciprocity among and between states. It fosters the expansion of trade on a state-wide, national, and international basis while promoting continued innovation.

The Millennium Digital Commerce Act is technology neutral and allows businesses to determine the methods they want to utilize for executing an online transaction. This legislation also establishes guiding principles for the use of electronic signatures for international transactions. A framework based on open, non-discriminatory standards. Lastly, Senator ABRAHAM's bill requires federal agencies to identify rules or regulations that impede electronic commerce and recommendations for improvements.

Mr. President, the United States cannot lag behind our industrial trading partners. Already, the United Kingdom has called for the legal recognition of electronic signatures.

I look forward to working with Senator ABRAHAM and Chairman MCCAIN as the Commerce Committee gives prompt consideration to this important pro-technology, pro-electronic commerce legislation.

The Millennium Digital Commerce Act will help move our nation's economy forward into the 21st Century. I hope the rest of my colleagues will support this responsible measure which will benefit both American consumers and American businesses.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 12, 1999, the federal debt stood at \$5,663,866,732,410.23 (Five trillion, six hundred sixty-three billion, eight hundred sixty-six million, seven hundred thirty-two thousand, four hundred ten dollars and twenty-three cents).

Five years ago, April 12, 1994, the federal debt stood at \$4,565,109,000,000 (Four trillion, five hundred sixty-five billion, one hundred nine million).

Ten years ago, April 12, 1989, the federal debt stood at \$2,771,368,000,000 (Two trillion, seven hundred seventy-one billion, three hundred sixty-eight million).

Fifteen years ago, April 12, 1984, the federal debt stood at \$1,486,599,000,000 (One trillion, four hundred eighty-six billion, five hundred ninety-nine million).

Twenty-five years ago, April 12, 1974, the federal debt stood at \$473,967,000,000 (Four hundred seventy-three billion, nine hundred sixty-seven million) which reflects a debt increase of more than \$5 trillion—\$5,189,899,732,410.23 (Five trillion, one hundred eighty-nine billion, eight hundred ninety-nine million, seven hundred thirty-two thousand, four hundred ten dollars and

twenty-three cents) during the past 25 years.

#### RETIREMENT OF RON KAVULICK

Mr. DASCHLE. Mr. President, while the Senate was in recess for the Easter/Spring break, a member of the Senate family ended his Senate career. Ron Kavulick, the Chief Reporter of Debates, retired.

As a matter of fact, Ron was to have ended his Senate career at the close of the 105th Congress, but remained in his position as the Senate conducted the impeachment trial of the President. Ron's expertise and dedication to detail were needed throughout the tedious proceedings of the trial.

Ron became an Official Reporter of Senate Debates in 1979 and served ably in that capacity until he was elevated to the position of Chief Reporter in 1995.

Ron has a very impressive reporting background. He was an official court reporter in the Air Force's JAG office. While employed with Alderson Reporting Company, Ron had the opportunity to work at the White House. Ron traveled extensively both with President Johnson and President Nixon.

Ron spent many hours and many nights working in the West Wing of the White House providing official White House transcripts of state dinners, press conferences and news briefings. Certainly Ron's experiences at the White House were helpful as he endured many a late night in the Senate.

My staff and I personally cannot thank Ron enough for his service. Since my arrival at the Senate in 1987, I have relied on Ron's institutional memory and unfailing kindness. He has always been available, day or night, for any help that my staff or I needed. It would be impossible for me to count the times that Ron and his very able staff have assisted us. Having said that, no one deserves a rest from the long, sometimes grueling hours of the Senate more than Ron Kavulick. I can attest to the fact that he will be greatly missed here in the Senate.

As Ron goes on to enjoy time with his wife, Pat, his children and granddaughter, Allison, I thank him for his diligence and perseverance in his service to his country and for his friendship to us here in the Senate. My staff joins me in wishing him all the best in the years to come.

Ron, good luck and Godspeed.

#### TRIBUTE TO ISABEL "BELLA" ROMERO

Mr. CAMPBELL. Mr. President. I would like to take this opportunity to recognize a truly remarkable woman, Mrs. Isabel "Bella" Romero, of Greeley, Colorado. This gallant woman's life was prematurely cut short last year after courageously fighting ovarian cancer for six years. Bella's dedication to improving our world transcends her career as an inspirational middle

school principal and educator and as a woman devoted to her family. Her selfless pursuit of bringing out the best in all she came in contact with has made her passing that much greater. She is fondly missed by her friends and family, but her legacy lives on through all those whose lives she touched.

I ask unanimous consent that an article from the Denver Post on this remarkable Coloradan be printed in the RECORD.

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

[From the Denver Post, Mar. 25, 1999]  
 BELLA ROMERO'S LIFE DISPLAYED THE  
 ELOQUENCE OF ACTION  
 (By Tomás Romero)

"In our world of big names, curiously, our heroes tend to be anonymous."—Historian Daniel J. Boorstin

Americans tend to compartmentalize their emotions too much: Feeling patriotic on July 4, remembering the deceased on Memorial Day and putting on a happy face for the holidays.

Hispanics, though, see tragedy and joy as part of an ever-intertwined continuum—so why not acknowledge them concurrently as we do with *Los Días de Los Muertos*? Thus, just before Christmas, I've chosen to write a belated tribute to one of those anonymous heroes described by Boorstin. After all, what time could be better to celebrate a woman who gave so many gifts to so many people?

My friend Isabel "Bella" Romero of Greeley died this year after an unbelievably valiant six-year battle fought against a cruel, unforgiving foe—ovarian cancer.

Action is eloquence. And the eloquently lovely manner with which Bella Romero conducted her life journey must be remembered: an unmatchable, deliberately executed, constantly positive pattern for living.

She was a loving wife to Ray, a loving mother to Denny, Mark, Juan and Andrea, and a passionate advocate for every school child in need of a good past. As a Longmont middle school principal, Bella knew that a child without a good past couldn't easily aspire to a better future.

Bella was not related to me by blood, but she was my sister in spirit since we were kids together in Brighton. This winsome girl was married and a mother by age 16. She worked in a cannery to help Ray attend the then-Colorado State College in Greeley. It was an experience filed with bare food cupboards, living in dingy basements. Ray became a teacher/university administrator and successful civic leader.

Then it was Bella's turn to bring dreams to fruition. "I've decided to go to college and become a teacher," she announced. Armed with a GED, she began a daily round trip from Brighton to Greeley. Family needs still came first. Only when everyone was asleep would she sit at a kitchen table to study. In three years, Bella received her diploma—with a straight A average. Later she fulfilled another aspiration and became a respected principal—one of the state's best. Probably her greatest skill was being able to defeat an enemy by making them a friend.

Then came sudden, unexpected pain and a doctor's diagnosis of ovarian cancer. Bella's war had begun. With prayer, traditional medicine, visualization, holistic health tactics—and, yes even laughter—Bella beat back her vicious enemy. Tauntingly, cancer would retreat and then return. Bella wept when she was finally forced to give up her position as principal. "It was six years of increasingly difficult anguish for us and pain for her," husband Ray says.

"Death be not proud," I said in a eulogy. "Bella's intent was never to defeat death—no one does—it was to win at life." Through study and reflection, Ray believes, Bella found a spiritually higher level—a place beyond pain's reach.

She endured beyond our comprehension to understand why she simply didn't just let go. Never did she relinquish personal power or allow physical frailties to become spirit-dominating indignities. University of Northern Colorado President Howard Skinner gladly came to her home when asked to join forces for worthwhile programs. Bella wanted to leave Earth on her terms—"thoroughly used up," as George Bernard Shaw wrote in a poem.

Every grandchild of Bella's received a personal videotaped message. So, too, were family members counseled, parents called from a hospital bed and told goodbye. When visitors came to her, she found strength to console us and offer advice. When we'd been prepared to get on with our lives without her, she left us.

It's been six months since Bella died, and sister Anna Lee still mourns for a best friend.

Bella was Cathy Gleesing's mentor and school principal. Cathy became a valued friend and was always there to offer love and support in time of trying need. Bella "led with elegance, grace and style," Cathy says. "I wish for Bella when I strive to be excellent in my work, mood and relationships."

In other words, always.

Ray lost a beloved companion, one who at day's end every day for 40 years would join her partner to talk and reinforce *familia* and values.

We have all lost, and during this holiday season we need to learn from her gift.

#### THANKING KIM KOIVISTO FOR A JOB WELL DONE

Mr. DASCHLE. Mr. President, Today marks the final day of work in the Senate for Kim Koivisto, the associate director to the Democratic Steering and Coordination Committee. I didn't want the day to pass without taking a moment to thank Kim for a job well done.

The Democratic Steering and Coordination Committee is the liaison office between Senate Democrats and a good portion of the rest of the country, including representatives of state, county and local governments and people from every imaginable interest group. The committee is an important part of our caucus's efforts to talk with and listen to Americans from varying perspectives.

Kim has worked as associate director of the committee for the past two years. During that time, she has consistently demonstrated the highest level of commitment, professionalism and creativity. She has worked most intensively on women's, Hispanic and labor issues.

One highlight of Kim's tenure is the creation of a new outreach program to strengthen relations between our caucus and national Hispanic organizations, Latino elected officials and the Congressional Hispanic Caucus. She also used her fluency in Spanish to translated materials into Spanish, and to organize Spanish-language press conferences for Senate and House Democrats.

Kim has also worked closely with labor organizations and women's groups to advance causes that are important to American families—and to Kim personally. Issues she worked especially hard on include closing the pay gap between men and women, raising the minimum wage, and strengthening the federal commitment to breast cancer research. Kim was also active in the fight to retain the Federal Disadvantaged Business Enterprise Program last year as part of TEA-21, the new Federal highway bill.

Kim's immediate plans include traveling through Indonesia. She will attend the Graduate School for Counseling at the University of Maryland in the fall.

On behalf of all Senate Democrats, I'd like to thank Kim for her hard work, and wish her the best of luck in her travel and studies. She will be missed.

#### TRIBUTE TO RICHARD BAXTER WILSON

Mr. COCHRAN. Mr. President, before the Senate adjourned for the Easter recess, my State of Mississippi suffered the loss of one of its finest citizens, Richard Baxter Wilson, who died on Monday, March 15. He was a national leader in the electric power industry. He served as a member of the board of directors of Middle South Utilities, Inc., the Edison Electric Institute, and the National Association of Electric Companies.

In addition to serving as president and chairman of the board of Mississippi Power & Light Company, he was also a member of many other corporate, charitable, civic, and educational institution boards.

He was a personal friend of mine whose advice and counsel I appreciated and relied upon, to my great benefit. His two children, Richard B. Wilson, Jr. and Miriam Weems, are two of my closest and dearest friends. And I extend to them, and all the members of the family, my sincerest condolences.

I ask unanimous consent that the obituary that appeared in *The Clarion-Ledger* of Jackson, MS, of March 16 be printed in the RECORD.

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

[From the *Clarion-Ledger*, Mar. 16, 1999]

RICHARD BAXTER WILSON, EX-COMPANY PRESIDENT

MADISON—Richard Baxter Wilson, 93, a former president of Mississippi Power & Light, died of heart failure Monday at his home.

Services are 10:30 a.m. Wednesday at First Presbyterian Church of Jackson. Visitation is 4-6 p.m. today at Wright & Ferguson Funeral Home and 9:30 a.m. Wednesday at the church.

Mr. Wilson was a Yazoo City native. He graduated from the University of Mississippi in 1927.

He began working with Mississippi Power & Light in 1926 and worked in Cleveland before moving to Jackson. He was president of

the company from 1954-69 and chairman of the board until his 1976 retirement. MP&L's largest plant in Vicksburg was named after him.

Mr. Wilson also served as chairman of the Jackson Airport Authority, Jackson Planning Board, State National Alliance of Businessmen, Mississippi U.S. Savings Bonds Committee and was national vice president of the American Red Cross. He had helped develop the Jackson Municipal Airport and other projects for Mississippi's economic development office. He was an organizer of the Pearl River Development Association and was chairman of the Jackson Chamber of Commerce Committee that promoted development of the Ross Barnett Reservoir.

He was president of the Jackson Chamber of Commerce, Rotary Clubs of Jackson and Cleveland, the Andrew Jackson Council of Boy Scouts of America, Southeastern Electric Exchange, Beauvoir Foundation and the University of Mississippi Alumni Association. He was a member of the Newcomer Society of North America.

Mr. Wilson chaired several fund drives including the Mississippi Baptist Medical Center and Salvation Army.

He was a member of First Presbyterian Church in Jackson where he was a deacon for nearly 50 years. He was a Mason and a member of the Wahabi Temple of Shriners.

Mr. Wilson was a director and vice-president of Middle South Utilities, Inc. He was a trustee at Deposit Guaranty National Bank, Belhaven College, University of Mississippi Alumni Association, National Association of Electric Companies, Edison Electric Institute, Southeastern Electric Exchange, Mississippi Economic Council, Magna Corporation, Standard Life Insurance Co., Mississippi Agricultural & Industrial Board and Southern Research Institute.

Mr. Wilson had an endowed fellowship at UM in his honor and the First Federal Award for distinguished service to the state. He had received several other distinguished awards.

"No man has expressed greater faith in, or worked harder for the development of Mississippi than Baxter Wilson," said a *Jackson Daily News* editorial in 1970.

Wilson's goal and recurring motif, the editorial said, was "helping build Mississippi."

He was a charter member of Epsilon Xi chapter of the Sigma Nu fraternity at UM and was a member of the Mississippi Society of Professional Engineers. He received from the university the Distinguished Alumnus Award in 1979 and Engineer of Distinction in 1984. He became a Paul Harris Fellow of the Rotary International Foundation in 1987.

He was the widower of Katherine Owen and Edwina Ford Barker.

Survivors include a son, Richard Baxter Wilson Jr., of Jackson; daughter, Miriam Weems of Jackson; and two grandchildren.

Memorials may be made to French Camp Academy, R. Baxter Wilson Fellowship Fund at the University of Mississippi in Oxford or to a favorite charity.

#### HAPPY BIRTHDAY EUDORA WELTY

Mr. COCHRAN. Mr. President, today one of my State's most famous citizens of all time celebrates her 90th birthday. Eudora Welty is known around the world as a writer of enormous talent and accomplishment. She has lived for most of her life in Jackson, MS, and she enjoys a level of popularity in our State that a politician can envy but not match.

I invite the attention of all Senators to the May issue of *Vanity Fair* which contains a toast to Eudora by my

friend and fellow Mississippian, Willie Morris.

In today's edition of the *Jackson Clarion-Ledger*, an article describes other activities that will be taking place in our State to honor Miss Welty on her 90th birthday.

I ask unanimous consent that a copy of that newspaper article be printed in the RECORD.

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

[From the *Clarion-Ledger*, April 13, 1999]

MORRIS' TRIBUTE TO WELTY IN 'VANITY FAIR'—MAGAZINE ARTICLE HONORS JACKSON WRITER ON 90TH BIRTHDAY; CELEBRATION SET

(By Billy Watkins)

Eudora Welty, the Pulitzer Prize-winning author from Jackson, turns 90 years old today.

To help commemorate the occasion, fellow Mississippi author Willie Morris wrote a 4,000-word story about Welty for *Vanity Fair* magazine's May issue, which is on newsstands now. Morris calls it his "toast to Eudora."

"And I all her Eudora because she's been my friend since I was a little boy," Morris says. "I very strongly support the idea that she is the greatest living American writer. She's full of wackiness and humor and loyalty to her friends. She's just so generous. Always has been."

Morris will participate in a tribute to Welty 5-7 p.m. today at Lemuria Book Store in Jackson. Although Welty will not be able to attend, Morris, along with Mississippi writer Ellen Douglas, will be present at the celebration where two new books will be unveiled.

University Press of Mississippi will release *The First Story*, a limited edition reprint of Welty's first published short story, *Death of a Traveling Salesman*. It includes an essay by Welty looking back at that story. Only 500 hardcovers have been printed. They sell for \$75 each.

Hill Street Press of Athens, Ga., will debut *Eudora Welty: Writers' Reflections Upon First Reading Welty*. It includes essays by Morris, Douglas, Barry Hannah, Reynolds Price and others.

John Evans, owner of Lemuria, says Welty books still sell well.

"We sell a lot to out-of-towners and people who just moved here who know about Miss Welty," Evans says. "And I keep her work stocked. I feel like it's our duty that if somebody asks for something by Miss Welty, we should have it."

Morris' piece for *Vanity Fair* was originally 18,000 words but had to be edited down. "I was pleased with the way it turned out," Morris says. "I'll include the entire story in my next book of essays, which will come out in about two years."

Morris contacted many notable writers—Shelby Foote and William Styron among them—and included their views on Welty. "I sent out more than 30 letters to people who have known her for years," Morris says, "and I got 100 percent response. I think that says what people think of Eudora, the fact that they took time to respond."

"I really believe most people who love writing will read this story—not because of me, but because of Eudora. She's loved universally. And I was honored to write the story."

Mr. DODD. Will my colleague yield?

Mr. COCHRAN. I am happy to yield.

Mr. DODD. I just say to my colleague from Mississippi, I commend him for

his statement recognizing the contributions of Eudora Welty. This Connecticut Yankee loves her writing. And for my birthday present this year I received a first edition copy of one of Eudora Welty's novels.

I prize and cherish her work. She is a Mississippi treasure, but she is also a treasure for this great country of ours. And I associate myself with the remarks of my colleague from Mississippi and commend him for recognizing this remarkable woman who has made such a rich contribution to the literary heritage life of our Nation.

Mr. COCHRAN. I thank the distinguished Senator very much for that.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness.

H.R. 154. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 911. An act to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 48. Concurrent resolution authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99.

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the bike rodeo to be conducted by the Earth Force Youth Bike Summit.

The message further announced that the House has passed the following bill, without amendment:

S. 388. An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 440) to make

technical corrections to the Microloan Program.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. MCDERMOTT as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial Flight Commemoration Act to make technical and other corrections.

The message further announced that pursuant to 14 U.S.C. 194(a), the Speaker appoints the following Member of the House to the Board of Visitors to the United States Coast Guard Academy: Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to 10 U.S.C. 9355(a), the Speaker appoints the following Members of the House to the Board of Visitors to the United States Air Force Academy: Mr. YOUNG of Florida and Mr. HEFLEY of Colorado.

The message further announced that pursuant to 44 U.S.C. 2501, the Speaker appoints the following Member of the House to the National Publications and Records Commission: Mr. BLUNT of Missouri.

The message also announced that pursuant to 46 U.S.C. 1295(h), the Speaker appoints the following Member of the House to the Board of Visitors to the United States Merchant Marine Academy: Mr. KING of New York.

The message further announced that pursuant to U.S.C. 4355(a), the Speaker appoints the following Members of the House to the Board of Visitors to the United States Military Academy: Mr. TAYLOR of North Carolina and Mrs. KELLY of New York.

The message also announced that pursuant to 10 U.S.C. 6968(a), the Speaker appoints the following Members of the House to the Board of Visitors to the United States Naval Academy: Mr. SKEEN of New Mexico, Mr. GILCHREST of Maryland, Mr. TANNER of Tennessee, and Mr. HOYER of Maryland.

The message further announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Members of the House to the Joint Economic Committee: Mr. STARK of California, Mrs. MALONEY of New York, Mr. MINGE of Minnesota, and Mr. WATT of North Carolina.

The message further announced that pursuant to the provisions of section 4

of the Congressional Award Act (2 U.S.C. 803) the Minority Leader appoints the following named persons to the Congressional Award National Board of Directors: CARLOS A. ROMERO-BARCELÓ of Puerto Rico, Dolores M. Beilenson of California, Timothy J. Keating of Pennsylvania, and Robert J. Kelley of Missouri.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness; the Committee on Energy and Natural Resources.

H.R. 154. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 48. Concurrent resolution authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99; to the Committee on Rules and Administration.

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Rules and Administration.

#### MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 767. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions: Special Report entitled "Report on Legislative Activities of the Committee on Labor and Human Resources during the 105th Congress 1997-1998" (Rept. No. 106-40).

By Mr. MCCONNELL, from the Committee on Rules and Administration: Special Report entitled "Review of the Legislative Activities of the Committee on Rules and Administration During the 105th Congress 1997-1998" (Rept. No. 106-41).

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the bill (S. 247) to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes (Rept. No. 106-42).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself and Mr. DEWINE):

S. 768. A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 769. A bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. MURKOWSKI, Mr. INOUE, Mr. HARKIN, and Mr. WELLSTONE):

S. 770. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 771. A bill to amend title 38, United States Code, to authorize the memorialization at the columbarium at Arlington National Cemetery of veterans who have donated their remains to science, and for other purposes; to the Committee on Veterans Affairs.

S. 772. A bill to amend section 8339(p) of title 5, United States Code, to clarify the computations of certain civil service retirement system annuities based on part-time service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAU:

S. 773. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

S. 774. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

By Mr. TORRICELLI:

S. 775. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Environment and Public Works.

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

S. 776. A bill to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD:

S. 777. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI:

S. 778. A bill for the relief of Blanca Echeverri; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mr. MOYNIHAN, and Mr. SCHUMER):

S. 779. A bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs; to the Committee on Finance.

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

S. 780. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the participation of the Secretary of the Interior in the America's Agricultural Heritage Partnership, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 781. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications; to the Committee on the Judiciary.

S. 782. A bill to amend title 18, United States Code, to modify the exception to the prohibition on the interception of wire, oral, or electronic communications to require a health insurance issuer, health plan, or health care provider obtain an enrollee's or patient's consent to their interception, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 783. A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. MACK, Mr. FRIST, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SARBANES, Mr. CONRAD, Mr. JOHNSON, Mr. WELLSTONE, Mr. SMITH of Oregon, Ms. COLLINS, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. INOUE, Mr. CRAIG, Mr. GRAHAM, Mr. KERREY, Mr. HARKIN, and Mr. LEAHY):

S. 784. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 785. A bill for the relief of Frances Schochenmaier; to the Committee on Armed Services.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, and Mr. LOTT):

S. 786. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

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

S. 787. A bill to amend the Truth in Lending Act to enhance consumer disclosures regarding credit card terms and charges, to restrict issuance of credit cards to students, to expand protections in connection with unsolicited credit cards and third-party checks, and to protect consumers from unreasonable practices that result in unnecessary credit costs or loss of credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself, Mr. ENZI, and Mr. CRAIG):

S. 788. A bill to amend the Federal Meat Inspection Act to provide that a quality

grade label issued by the Secretary of Agriculture may not be used for imported meat and meat food products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN:

S. 789. A bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees; to the Committee on Armed Services.

By Mr. LAUTENBERG:

S. 790. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S.J. Res. 18. A joint resolution honoring World War II crewmembers of the U.S.S. Alabama on the occasion of the 1999 annual reunion of the U.S.S. Alabama Crewmen's Association; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS (for himself, Mr. GREGG, Ms. COLLINS, Mr. LOTT, Mr. DEWINE, Mr. HAGEL, Mr. ENZI, Mr. BROWNBACK, Mr. HATCH, Mr. ASHCROFT, and Mr. COVERDELL):

S. Con. Res. 25. A concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act; to the Committee on Armed Services.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself and Mr. DEWINE):

S. 768. A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; to the Committee on the Judiciary.

#### MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. SESSIONS. Mr. President, I rise to introduce the Military and Extraterritorial Jurisdiction Act of 1999. This bill will close a legal loophole through which civilians who commit crimes while accompanying the Armed Forces overseas evade punishment. Today, when a civilian accompanies the military outside the United States, whether a relative, a dependent, or a civilian contractor—and there are many—the civilian is not subject to prosecution under the Uniform Code of Military Justice and does not fall under any of the general Federal criminal laws.

These individuals can only be prosecuted for their crimes if the host country chooses to do so. However, there are many circumstances in which the host country does not choose to

prosecute. They just often do not have an interest in the case. Additionally, in situations such as Somalia and Haiti, when our troops are rapidly deployed, typically no agreement exists governing how civilians will be prosecuted until months into the operation. Indeed, many times there are no laws in effect really in those countries. So we believe that something must be done in this regard.

There is a glaring deficiency here and it has come to my attention through a tragic incident. A U.S. Army dependent, not a soldier, living on an Army base in Germany, sexually molested two dependent children. The Army investigators found probable cause to believe that the sexual acts had occurred. However, under German law, no action could be taken against this juvenile.

Sometimes prosecutors are restricted by legal prohibitions, and sometimes they just have no interest in prosecuting a case involving Americans.

As of March 31, 1996, there were more than 240,000 family dependents and 96,000 civilian employees overseas. These persons accompany our troops to represent the United States, but many times they are in effect outside the law.

In addition to the sexual molestation incident that I have already mentioned, examples of crimes that have gone unpunished due to this loophole are rape, assault, battery, vandalism, and drug dealing. Although the offenders may receive some sort of administrative punishment, such as being barred from certain areas of the base or monetary fines, these administrative noncriminal penalties are inadequate for the more serious violations.

Because the military continues to rely heavily on civilian assistance and support, the United States must develop an appropriate and effective criminal process to deal with the misbehavior of civilians. It is important to the morale of our military forces that enlisted men and women working outside the United States along with civilian personnel do not believe that civilians who may commit a crime against them are beyond criminal prosecution.

This bill would extend the reach of title 18 of the United States Criminal Code to include those civilians that accompany the military outside the United States. When one of these civilians commits an offense that Congress has established as a maritime crime, the U.S. attorney's office would have the option to exercise jurisdiction and prosecute the offender in the United States. The bill would employ title 18, United States Code section 3238, which provides that an accused be tried in the U.S. district court where the offender first appears when he is brought back to the United States.

Finally, in order to prevent legal conflicts with a jurisdiction recognized by the United States, this bill only applies if the host country has already prosecuted or is in the process of prosecuting the accused.

The need for this legislation was most recently described in a report submitted by the Overseas Jurisdiction Advisory Committee to the Secretary of Defense, the Attorney General, and to this Congress. This panel was established in section 1151 of the 1996 National Defense Authorization Act.

In the act, Congress recognized this jurisdictional loophole needed to be examined so it established this advisory committee to study the problems of civilians who commit criminal acts when accompanying the Armed Forces overseas. This committee was composed of experts in military and civilian law from all branches of the armed services, the Department of Justice, and the State Department. The advisory committee found that this problem was serious enough that "legislation is needed to address misconduct by civilians accompanying the forces overseas in peacetime settings." These experts believed that the jurisdictional void must be closed to "maintain order and discipline."

The American Government must have the authority to discipline people it sends overseas to represent and serve this country. It is inconsistent with the American system of justice that a civilian employee working with service members and dependents of service members not be subject to American criminal laws. This piece of legislation is an important step toward recognizing the changing nature of our Armed Forces and making sure that the Criminal Code is keeping pace with the military's changing dynamic.

As a former U.S. attorney for 12 years myself, and one who has met frequently with victims, nothing can be more frustrating than to see a person or a family victimized by some awful act and have to tell them: There is no law that will vindicate you. Even though under various other circumstances it would be a plain crime, for some technical reason there is not a way to legally right this wrong.

So I believe this is an important bill. It closes a loophole involving more and more Americans each year. We simply do not need to cede away the authority to prosecute criminal acts to nations that may have no interest whatsoever in vindicating the rights of an American service man or woman who has been a victim of a crime.

I believe this is an important act. It has broad support, the support of the military and support of other officials of this Government. We think it is a needed step and I commend it to my fellow Members of the Senate.

I also want to express my appreciation for an Alabama family whose child was a victim of a crime, a sexual act, in a foreign country, who is here in this Capitol today, at the Senate today, and without whose support and encouragement this piece of legislation would not become law and would not have reached this point.

Mr. DEWINE. Mr. President, I rise today with my colleague, Senator SES-

SIONS, to reintroduce legislation that would close the loopholes that permit civilians accompanying the Armed Forces and those serving with the Armed Forces from evading punishment for crimes they committed while abroad. Under current law, many illegal acts committed abroad by dependents, civilian employees, and those servicing with the Armed Forces go substantially unaddressed by either military or civilian courts. Administrative punishments have proven equally inadequate to address this problem.

When civilians accompany the Armed Services outside the United States, they are not subject to prosecution under Federal criminal law or the Uniform Code of Military Justice. This has proven to be a double-edged sword. While foreign nations frequently have no interest in vindicating crimes committed by American civilians against other Americans, despite the extreme seriousness of the offense, there have been instances where the United States has had to turn over American civilians to host countries for potentially harsh punishment because of the absence of appropriate enforcement action. Unfortunately, this problem is likely to worsen as there are a large number of dependents overseas, and the number of civilian employees of the Armed Services overseas is increasing. As for those serving with the Armed Forces, criminal prosecutions by the military court or administrative alternatives sometimes simply discharge the individual and send them home, rather than imposing any serious punishment for a crime.

The case that has united Senator SESSIONS and me behind this legislation is that of an Ohio resident, Amy McGough, who was stationed in Germany, along with her husband who is from Alabama. Mrs. McGough's 8-year-old son and 5-year-old daughter were repeatedly raped and molested by a neighbor boy who was supposed to be baby-sitting them. While the Criminal Investigations Division of the Army found sufficient facts, neither the Army nor Federal prosecutors had jurisdiction to prosecute the case, and the German government would not intervene because of the age of the perpetrator.

In such cases, our bill would guarantee that civilians, or those serving with the Armed Forces in certain circumstances, who commit an illegal act punishable under the Federal law by more than a year's imprisonment, will be subject to the special maritime or territorial jurisdiction of the United States for prosecution by a military court or for Federal criminal prosecution. Neither civilians connected with the Armed Forces nor those serving with the Armed Forces abroad accused of rape, child molestation or some other serious felony will simply be allowed to resign or leave the foreign country to avoid punishment. They will be subject to Federal prosecution.

We need to make sure that an appropriate criminal process exists in these circumstances. Letting these individuals back on America's streets does little to hold them accountable, and nothing to protect our communities here at home. I appreciate the efforts of my colleague, Senator SESSIONS, who is also a member of the Armed Services Committee, in working with me to introduce this legislation to address our mutual concern.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 769. A bill to provide a final settlement on certain debt owed by the city of Dickinson, ND, for the construction of the bascule gates on the Dickinson Dam; to the Committee on Energy and Natural Resources.

THE DICKINSON DAM BASCULE GATES SETTLEMENT ACT OF 1999

Mr. CONRAD. Mr. President, I rise today to introduce the Dickinson Dam Bascule Gates Settlement Act of 1999 and I am pleased that my colleague from North Dakota, Senator DORGAN, is an original cosponsor of the bill. This legislation would permit the Secretary of the Interior to accept a one-time, lump-sum payment for the city of Dickinson, ND, in lieu of the annual payments required under the city's existing repayment contract for construction of the "bascule gates" on the Dickinson Dam on the Heart River. This bill would resolve a long-standing issue for the city of Dickinson and the Bureau of Reclamation. The Dickinson Dam Bascule Gates Settlement Act is nearly identical to a bill I introduced last June, and it is my hope that the Senate will quickly consider and pass this important piece of legislation.

Mr. President, the history of the bascule gates is long and complex. The Bureau of Reclamation constructed the Dickinson Dam on the Heart River in 1949 and 1950 to supply water to the city of Dickinson, and for flood control, recreation, and other purposes. The reservoir created by this dam was named Patterson Lake in about 1960.

The need for additional water supply for the city was identified in the early 1970's, and the bascule gates were constructed in the early 1980's, to provide additional water storage capacity in Lake Patterson. At the time, the city expressed reservations over the cost of the bascule gates and the viability of the gates, since the city was not aware of any other location in a northern climate in which the gates had been tested or proven. In 1982, shortly after the gates were operational, a large ice block caused excessive pressure on the hydraulic system, causing it to fail. Construction modifications were made to the gate hydraulic system and a de-icing system were added in 1982, adding further costs to the project.

In 1991, the city began to receive its municipal water supply from the Southwest Pipeline Project, a project constructed in part with funds provided for North Dakota's statewide water

project, the Garrison Diversion project, which is another Bureau of Reclamation project. The Southwest Pipeline brings high-quality water from Lake Sakakawea on the Missouri River to the city of Dickinson and other communities in southwest North Dakota. The water is of much higher quality than the water from the city's previous supply from Lake Patterson, and has helped spur economic development in the region. While the citizens of the area now benefit from a higher quality water supply, the city no longer benefits from the additional water supply provided by the bascule gates. The result is the city is paying for two Bureau of Reclamation projects, while it is using water from only one of those projects for its municipal water supply. The city has repaid more than \$1.2 million to the United States for the bascule gates, despite the fact that the gates now provide almost no direct benefit to the city.

The city has previously investigated alternatives to the current situation. The city has discussed the option of assuming title to the dam and bascule gates, as well as attempting to negotiate a new agreement with the Bureau of Reclamation administratively. However, because the terms of the existing contract are outlined statutorily, new legislation is required to make any changes to the current repayment contract.

The legislation I am introducing today would do three primary things. First, it would permit the Interior Secretary to accept a lump-sum payment of \$300,000 from the city and terminate the remaining annual payments required under the existing repayment contract. This is an increase from last year's legislation, which called for a \$150,000 final settlement. Enacting this legislation would end the issue of paying for the construction of these gates for both the city and the Federal government.

Second, my bill would require the Secretary to reallocate the costs of operation and maintenance for the bascule gates and the Dickinson Dam. The bill does not prescribe any particular reallocation formula, but does require the Secretary to consider the fact that the current benefits of the dam and bascule gates are primarily for flood control, recreation, and fish and wildlife purposes. In my view, operation and maintenance costs should be borne by those who benefit from a particular project.

Finally, my bill would permit the Secretary to enter any appropriate water service contracts in the future if the city or any other entity uses water from Patterson Lake for municipal water supply or for other purposes. It is only fair that if the city benefits in the future from the water stored behind the bascule gates that we preserve an option for recovering additional costs from those beneficiaries.

Mr. President, this legislation represents a win-win situation for the

residents of the Dickinson area and for the Federal Government. I hope this Congress will carefully study this issue and quickly pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 769

*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 "Dickinson Dam Bascule Gates Settlement Act of 1999".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than \$1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **BASCULE GATES.**—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) **CITY.**—The term "City" means the city of Dickinson, North Dakota.

(3) **DAM.**—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) **LAKE.**—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

**SEC. 4. FORGIVENESS OF DEBT.**

(a) **IN GENERAL.**—The Secretary shall accept a 1-time payment of \$300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments

made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—

(1) IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

(2) CONSIDERATION OF BENEFITS.—The reallocation of costs shall reflect the fact that the benefits of the Dam and bascule gates are mainly for flood control, recreation, and fish and wildlife purposes.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

Mr. DORGAN. Mr. President, I rise to join my colleague from North Dakota, Mr. CONRAD, in introducing a bill to provide a final settlement on certain debts owned by the City of Dickinson, North Dakota, to the Bureau of Reclamation. The legislation is virtually identical to that introduced during the last Congress.

The Dickinson Dam Bascule Gates Settlement Act will provide long overdue relief to the citizens of Dickinson. Let me briefly explain why the debt liquidation is needed and appropriate. For one thing, the Bureau of Reclamation built a faulty project. The debt was incurred by the City of Dickinson for construction of a dam with gate structures which never worked properly. In addition, the need for the dam to help provide a reliable local water supply was eclipsed by the construction of the Southwest Pipeline, a project of the same Bureau of Reclamation.

The legislation itself is actually quite simple. It would permit the Secretary of the Interior to accept one final payment from the City of Dickinson in place of a series of payments now required by city's current repayment contract.

My colleague has described in some detail the complicated and frustrating story of the dam and bascule gates project. Let me underscore a couple of major points. In 1949 and 1950, the dam was constructed to provide an adequate water supply for the City of Dickinson, as well as some flood control and recreation. The bascule gates were added to augment storage capacity in the reservoir called Patterson Lake. Despite the city's concerns about the use of a gate structure on the dam, which had not previously been used in a northern climate, the gates actually failed in 1982. The ensuing modifications increased the cost of the project.

Another twist in the story is that by 1991 the city no longer needed the Patterson Lake water supply. As noted, it began to receive its water supply from the Southwest Pipeline. This is a major distribution network of the Garrison Diversion Unit, another Bureau of Reclamation project. This system provides both higher quality and more reliable

water supplies than the city's previous supply from Patterson Lake.

Consequently, it makes no sense for the City of Dickinson to have two water supply systems when it needs only one—especially when the first system was a faulty one. The city has already repaid more than \$1.2 million for the bascule gates, even though they now provide virtually no benefit to the city.

Last year, I was able to pass an appropriations amendment to provide partial relief for the city's debt. Unfortunately, this provision stalled in the conference committee. The North Dakota delegation also added an amendment for more complete debt relief to a package of water management projects, which did not pass in the last days of 1998 session.

Thus, we need to provide authority for Dickinson to settle its debt, to reallocate costs for operation and maintenance of the bascule gates and Dickinson Dam, and to permit the Secretary of the Interior to enter into appropriate water service contracts with the city for any beneficial use of the water in Patterson Lake. The proposed legislation will address those three objectives while also providing a fair settlement for the Federal Government and the City of Dickinson.

I want to commend my colleague from North Dakota for his leadership and cooperation in developing a sound solution to this problem. In term, I urge my colleagues to consider and pass this needed legislation.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. MURKOWSKI, Mr. INOUE, Mr. HARKIN, and Mr. WELLSTONE):

S. 770. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE TELEHEALTH ACT OF 1999

Mr. CONRAD. Mr. President, today, I am pleased to be joined by Senator DASCHLE, Senator WELLSTONE, Senator INOUE, Senator HARKIN, and Senator MURKOWSKI to introduce legislation to help improve health care delivery in rural and underserved communities throughout America through the use of telecommunications and telehealth technology.

Telehealth encompasses a wide variety of technologies, ranging from the telephone to high-tech equipment that enables a surgeon to perform surgery from thousands of miles away. It includes interactive video equipment, fax machines and computers along with satellites and fiber optics. These technologies can be used to diagnose patients, deliver care, transfer health data, read X-rays, provide consultation and educate health professionals. Telehealth also includes the electronic storage and transmission of personally identifiable health information, such as medical records, test results, and insurance claims.

The promise of telehealth is becoming increasingly apparent. Throughout

the country, providers are experimenting with a variety of telehealth approaches in an effort to improve access to quality medical and other health-related services. Those programs are demonstrating that telecommunications technology can alleviate the constraints of time and distance, as well as the cost and inconvenience of transporting patients to medical providers. Many approaches show promising results in reducing health care costs and bringing adequate care to all Americans. For the first time, technological advances and the development of a national information infrastructure give telehealth the potential to overcome barriers to health care services for rural Americans and afford them the access that most Americans take for granted. But it is clear that our nation must do more to integrate telehealth into our overall health care delivery infrastructure.

Because so many rural and underserved communities lack the ability to attract and support a wide variety of health care professionals and services, it is important to find a way to bring the most important medical services into those communities. Telehealth provides an important part of the answer. It helps bring services to remote areas in a quick, cost-effective manner, and can enable patients to avoid traveling long distances in order to receive health care treatment.

We have made progress. The Balanced Budget Act of 1997 includes a provision that provides for some Medicare reimbursement of telehealth services. Unfortunately, however, the Health Care Financing Administration interpreted the legislative language too narrowly and severely limited the services that are covered. This bill clarifies the intent of Congress regarding Medicare reimbursement and thereby increases access to these services in underserved areas.

The first element of my proposal clarifies and expands Medicare reimbursement for telehealth. Medicare reimbursement policy is an essential component of helping to integrate telehealth into the health care infrastructure and is particularly important in rural areas, where many hospitals do as much as 80% of their business with Medicare patients. Because the Secretary defined reimbursable services so narrowly in the BBA, this legislation clarifies that all services that are covered under Medicare Part B if you drive to a doctor's office, are covered via telehealth. In particular, it clarifies that the technology called "store and forward", which is a cost-effective method of transferring information, is included in this reimbursement policy. Finally, this bill expands coverage from health professional shortage areas, as enacted in 1997, to cover all rural areas.

The second element of this proposal asks the Secretary of Health and Human Services to submit a report to the Congress on the status of efforts to

ease licensing burdens on practitioners who cross state lines in the course of supplying telehealth services. Currently, consultation by almost any licensed health professional in this situation requires that the practitioner be licensed in both states.

In talking with telehealth providers in my state, and with experts on the Ad Hoc Committee, I have been told repeatedly that this is one of the most significant barriers to developing broad, integrated telehealth systems. More importantly, they tell me states have actively been using licensure to close their borders to innovative telehealth practice. Many states have taken legislative action to ensure that out-of-state practitioners must be fully licensed in their state in order to provide telehealth services, even if they are fully licensed in their own state. During a discussion with a telehealth practitioner from my home state of North Dakota, I was told about a group of telehealth specialists who, among their small group practice, were licensed in more than thirty different states. That means they pay thirty different fees, are responsible for thirty different continuing education requirements, and are overseen by thirty different regulatory bodies. This is a costly and burdensome procedure for many practitioners, but the burden falls particularly heavily on rural practitioners, who face long travel times to acquire continuing education, and who frequently run on lower profit margins than urban practitioners.

While I am not prepared at this time to propose that the federal government get involved with professional licensure, I have asked the Secretary to study the issue and report to Congress yearly on the status of efforts by states and other interested organizations to address this issue. This will allow us to reach out to the states and work together to find solutions to cross-state licensure concerns. As part of this report, I have asked to the Secretary to make recommendations to Congress, if appropriate, about possible federal action to lower the licensure barrier.

A third element of my proposal involves coordination of the Federal telehealth effort. The Department of Health and Human Services has created an informal interagency task force that is examining our federal agency telehealth efforts. This group reported on Federal activities related to telehealth and provided a thorough examination of many of the important issues in telehealth.

My bill attempts to use that task force to inventory Federal activity on telehealth and related technology, determine what applications have been found successful, and recommend an overall Federal policy approach to telehealth. Many departments and agencies of the Federal government are engaged in telehealth activity, including the Veterans Administration, Department of Defense, Department of Agriculture, Office for the Advancement of Telehealth, and many others. The more these agencies work together to coordi-

nate the Federal effort and consolidate Federal resources, the more effective the Federal government will be in contributing to telehealth in a positive way. I believe this is especially important in light of the GAO report calling for an expanded role for this group and more coordination of telehealth issues across the Federal agencies. The efforts of this group, along with the ongoing activities of the Congressional Ad Hoc Steering Committee, will provide a renewed focus for telehealth across the Federal government. Such coordination will also help protect the American taxpayer from unnecessary duplication of effort.

The fourth part of my proposal helps communities build home-grown telehealth networks. It attempts both to build a telehealth infrastructure and foster rural economic development and incorporates many of the most important lessons learned from other grant projects and studies on telehealth from across the Federal government.

Clearly, the scarcity of resources in many rural communities requires that the coordination and use of those resources be maximized. My bill encourages cooperation by various local entities in an effort to help build sustainable telehealth programs in rural communities. It plants seed money to encourage health care providers to join with other segments of the community to jointly use telecommunications resources. Using a unique loan forgiveness program, it rewards telehealth systems that supply appropriate, high-quality care while reducing overall health care costs.

Most importantly, it does not create a system where various technological approaches are imposed upon communities. Rather it enables potential grantees to determine user-friendly approaches that work best for them. This home-grown approach to developing user-friendly telehealth systems, as well as the preference for coordinating resources within communities, will help ensure the long-term viability of such programs after the grant expires.

Mr. President, my proposal continues our national efforts to integrate telecommunications technology into the rapidly evolving health care delivery system. I am very encouraged by the positive feedback I have received from telehealth networks across the country. I have continued to work with telehealth networks and representatives to strengthen this proposal. As a result, I have made several changes in the bill that I believe will make this a stronger proposal. But, as with any complex issue, I understand that some may prefer different approaches. I would like to continue to encourage all interested parties to come forward with creative solutions to these important issues. It is my hope that telehealth legislation can be included in the comprehensive rural health care legislation in this Congress so we can continue to improve access to needed health care services for rural and underserved populations.

By Mr. ROBB:

S. 771. A bill to amend title 38, United States Code, to authorize the memorialization at the columbarium at Arlington National Cemetery of veterans who have donated their remains to science, and for other purposes; to the Committee on Veterans' Affairs.

#### VETERANS LEGISLATION

Mr. ROBB. Mr. President, late last summer, a Virginian contacted my office to request my intervention in a matter which had brought considerable anguish and frustration to her family.

She informed me that her father, a decorated veteran of World War II and a career civil servant, had recently passed away. Before his death, however, he made two simple requests: one, that his body be donated to science, and two, that his ashes be placed in the Arlington National Cemetery. His widow, now 72, honored the first of those wishes. But in honoring the first request, she found out that the second was precluded.

The family learned that, due to various legal concerns, ashes of organ donors who donate their bodies to science are not returned to the families of the donors. Unfortunately, due to the regulations governing Arlington National Cemetery, veterans cannot be memorialized in the Columbarium unless their remains are actually interred there. Oddly, it so happens that if his spouse had predeceased him, her remains would already have been interred in a niche at Arlington, awaiting his remains.

While I can appreciate that limited space at Arlington has necessitated adherence to strict guidelines for burial and memorialization, I cannot see the virtue in denying appropriate recognition for an entitled veteran simply because he has donated his remains to science. In fact, I would like to encourage more veterans to do just that.

All of us recognize the great need for viable remains for both transplantation and for medical study. Veterans who make this courageous commitment should be suitably recognized and their loved ones should know that a grateful nation has made a place for them at one of our country's most sacred memorials.

With that said, I submit this bill which seeks to modify current regulations to allow otherwise qualified veterans, who have donated their remains to science, to be memorialized at the Columbarium in Arlington National Cemetery, notwithstanding the absence of their cremated remains.

Mr. President, I salute these veterans and their devoted families, and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 771

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

**SECTION 1. MEMORIALIZATION AT COLUMBARIUM AT ARLINGTON NATIONAL CEMETERY OF VETERANS WHO HAVE DONATED THEIR REMAINS TO SCIENCE.**

(a) AUTHORITY TO MEMORIALIZE.—(1) Chapter 24 of title 38, United States Code, is amended by adding at the end the following:

**“§2412. Arlington National Cemetery: memorialization at columbarium of veterans who have donated their remains to science**

“The Secretary of the Army may honor, by marker or other appropriate means at the columbarium at Arlington National Cemetery, the memory of any veteran eligible for inurnment in the columbarium whose cremated remains cannot be inurned in the columbarium as a result of the donation of the veteran’s organs or remains for medical or scientific purposes.”.

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following:

“2412. Arlington National Cemetery: memorialization at columbarium of veterans who have donated their remains to science.”.

(b) APPLICABILITY.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply to veterans who die on or after January 1, 1996.

By Mr. ROBB:

S. 772. A bill to amend section 8339(p) of title 5, United States Code, to clarify the computations of certain civil service retirement system annuities based on part-time service, and for other purposes; to the Committee on Governmental Affairs.

**CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES CLARIFICATION**

Mr. ROBB. Mr. President, I rise to introduce legislation that will correct current calculations of federal retirement annuities that unfairly penalizes federal civil servants who switch to part-time service at the end of their careers.

The Congress included provisions in the 1986 Civil Service amendments contained in the Consolidated Omnibus Budget Reconciliation Act that reformed the part-time service calculations for retirement, so that part-time workers would not receive the same annuities as full-time workers. I believe that was a fair and equitable reform. However, after receiving a letter from one of my fellow Virginians, L. David Jones, it is clear that there have been errors in the interpretation of the provision.

Mr. Jones worked for the Naval Research Lab until his retirement in February, 1995. He worked there full-time for 30 years and part-time for five years after his 30 years of full-time service. He elected part-time service at the end of his career to not only to ease into retirement, but to help his colleagues better manage an increased workload. But because of the misinterpretation of the provision, he would have been better off retiring at the end of his 30 years. Instead of being praised for his additional service, his situation now serves as a cautionary tale for others who wish to transition into retirement and help their colleagues: if you switch to part-time service after a long career

as a full-time worker, your annuities will be reduced. Clearly, that is not the intent of the provision.

Mr. Jones and his wife sought judicial remedies to no avail. He and his family simply want his annuity calculated accurately. That is why I am introducing this legislation today.

Mr. President, by passing this legislation we will ensure that federal retirees like Mr. Jones and others are not unjustly penalized for working part-time at the end of their careers. I look forward to working with my colleagues on the Government Affairs Committee to ensure its consideration and favorable recommendation as quickly as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 772

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

**SECTION 1. CIVIL SERVICE RETIREMENT SYSTEM ANNUITY COMPUTATIONS BASED ON PART-TIME SERVICE.**

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply to any service performed on a part-time basis before, on, or after April 7, 1986;

“(B) subparagraph (B) of such paragraph shall apply to all service performed on a part-time or full-time basis on or after April 7, 1986; and

“(C) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.”.

(b) APPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made under subsection (a) shall apply to the computation of any annuity with a date of commencement on or after April 7, 1986.

(2) ANNUITY PAYMENTS.—The computation of an annuity based on the amendment made under subsection (a) shall apply only with respect to annuity payments made on or after the first day of the first applicable pay period beginning 90 days after the date of enactment of this Act.

By Mr. BREAUX:

S. 773. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

**AMENDMENT TO INTERNAL REVENUE CODE SECTION 355(B)(2)**

Mr. BREAUX. Mr. President, I rise today to again introduce a bill that would make a technical change in the Internal Revenue Code. We often talk about the need to simplify the Tax Code. The change I propose today would do that.

This change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small tech-

nical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

The Treasury Department agrees that there is a technical problem with the drafting of the Tax Code and has agreed to work with me on this proposal. In fact, the President included a similar provision to correct this problem in his budget. I am introducing today the same bill I introduced during the last session of Congress, but expect to work with Treasury to perfect the language and make sure that corporations are not further hampered by this problem.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statute true to Congress’s original purpose.

More specifically, section 355 (and related provisions of the Code) permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of a corporate division, or “spinoff,” including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earnings and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355(b)(2)(A) currently provides an attribution or “lookthrough” rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in an active business.

This lookthrough rule inexplicably requires, however, that "substantially all" of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling (less than 80 percent) interests in subsidiaries, controlled subsidiaries that have been owned for less than five years (which are not considered "active businesses" under section 355), or a host of nonbusiness assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355(b)(2)(A), they must first undertake one or more (often a series of) preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reason, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one has ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which is elsewhere adequately addressed, not consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355(b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 773

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

**SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION.**

(a) IN GENERAL.—Section 355(b)(2) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by

adding at the end the following: "For purposes of subparagraph (A), all corporations that are members of the same affiliated group (as defined in section 1504(a)) shall be treated as a single corporation."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions or transfer after the date of the enactment of this Act.

By Mr. BREAUX:

S. 774. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

**BUSINESS MEAL DEDUCTION FOR SMALL BUSINESSES**

Mr. BREAUX. Mr. President, I rise today to introduce a very important bill for small businesses in Louisiana and throughout our country that I also introduced during the 105th Congress. My bill would restore the 80 percent deduction for business meals and entertainment expenses, thus eliminating a tax burden that has seriously hampered many small businesses in our country.

Small business is a powerful economic engine, both nationwide and in Louisiana. Small businesses have helped to create the prosperity that we have all enjoyed in the last few years. They are leaders in the innovation and technology development that will sustain our economy in the 21st century. Nationwide, small business employs 53 percent of the private work force, contributes 47 percent of all sales in the country, and is responsible for 50 percent of the private gross domestic product.

For these reasons, I believe the tax code should encourage, not discourage, small business development and growth. For the more than 225,000 self-employed and for the thousands of small businesses in Louisiana, business meals and entertainment take the place of advertising, marketing, and conference meetings. These expenses are a core business development cost. As such, a large percentage of these costs should be deductible.

For many years, businesses were allowed to deduct 100 percent of business meals and entertainment expenses. In 1987, this deduction was reduced to 80 percent. The deduction was further reduced in 1994 to 50 percent because of the misconception that these meals were "three martini lunches."

Contrary to this perception, studies show that the primary beneficiary of the business meal deduction is not the wealthy business person. Studies indicate that over two-thirds of the business meal spenders have incomes of less than \$60,000 and 37 percent have incomes below \$40,000. Low to moderately priced restaurants are the most popular types for business meals, with the average check equaling less than \$20. In addition, 50 percent of most business meals occur in small towns and rural areas.

In 1995, just one year after the deduction was reduced to 50 percent, the

White House Conference on Small Business established the restoration of the deduction as one of its top priorities for boosting small business. In Louisiana alone, it is expected that the positive economic impact of this proposal could exceed \$67 million in industries, such as the travel and restaurant industry, that employ over 120,000 people. I urge my colleagues to support this legislation.

By Mr. TORRICELLI:

S. 775. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Environment and Public Works.

**THE RIGHT TO KNOW ABOUT AIRPORT POLLUTION ACT**

Mr. TORRICELLI. Mr. President, I rise today to introduce the Right To Know About Airport Pollution Act, and ask that my remarks be placed in the RECORD at the appropriate place. This important legislation will allow the Environmental Protection Agency (EPA), in conjunction with the FAA, to conduct a nationwide study of air, water, solid waste and noise pollution generated by airports across the U.S. every day. In addition, the bill will direct the EPA to determine whether current air emission standards are sufficient to protect the environment, and will require airports to be listed under Community Right To Know laws governing the use of hazardous materials.

Many of my colleagues and I hear everyday from constituents who are concerned by the pollution, including noise pollution, created by airports in our states. In 1996, a Natural Resources Defense Council (NRDC) report confirmed that US airports rival smokestack industries in the amount of pollution they release into the environment. This growing problem affects every state in our nation and millions of our constituents. You do not have to be from a state with a large airport to understand that pollution associated with these facilities severely affects the health and impacts the quality of life of our constituents.

While we must recognize that airport expansion is an inevitable by-product of a vibrant economy, and that the government has a responsibility to foster economic growth and jobs, we also have an equal responsibility to mitigate the hazardous affects of pollution and noise on our constituents. The studies produced as a result of this legislation will give us a better idea as to the magnitude of the pollution problem caused by airports, and will allow us to prepare a commensurate response.

Again, I would like to thank my colleagues who have demonstrated interest in this issue and look forward to the passage of this important legislation.

By Mr. FITZGERALD:

S. 777. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture, Nutrition, and Forestry.

FREEDOM TO E-FILE ACT

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to streamline the process our farmers follow when filing paper work with the Department of Agriculture (USDA). Currently, when farmers are required to fill out USDA paper work, they are required to travel to their local USDA county offices, complete the paper work, wait in long lines and file these documents in paper form. This process is very inefficient and time consuming.

The bill that I introduce today simply requires USDA to develop a system for farmers to access and file this paper work over the internet. This legislation entitled the "Freedom to E-file Act" simply makes good common sense. As our society has become more technologically advanced so have our farmers. In fact, a 1998 Novartis survey found that over 72 percent of all farmers with 500 acres or more had personal computers. Overall, over fifty percent of all farmers surveyed had computers.

Our agriculturalists use computers not only for financial management and market information but for sophisticated precision agriculture management systems. These sophisticated small business owners could easily file necessary farm program paperwork from their homes and offices if only this option was available.

Farmers are often frustrated with the long lines at county USDA offices, especially during their most hectic times such as harvest season. Our nation's farmers are clearly overburdened by government-required paperwork. This bill is the first step in the right direction toward regulatory reform for our U.S. food producers.

This legislation is budget neutral and USDA would implement the bill using existing funds. I want to recognize and commend my colleague, Congressman RAY LAHOOD, for championing the companion to this bill in the House of Representatives. This bill should enjoy bipartisan support. I urge my colleagues to join me in co-sponsoring this bill important to our nation's farmers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 777

*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 "Freedom to E-File Act".

**SEC. 2. ELECTRONIC FILING AND RETRIEVAL.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department of Agriculture and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

(b) PROGRESS REPORTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to Congress on the progress made toward implementing subsection (a).

By Mr. ABRAHAM (for himself,  
Mr. FITZGERALD, Mr. MOYNIHAN,  
and Mr. SCHUMER):

S. 779. A bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs; to the Committee on Finance.

HOLOCAUST ERA ASSETS TAX EXCLUSION ACT OF 1999

Mr. FITZGERALD. Mr. President, I rise today to introduce the Holocaust Era Assets Tax Exclusion Act of 1999, along with my colleagues Senators MOYNIHAN and SCHUMER. Mr. President, survivors of the Holocaust who had assets withheld from them by Swiss banks or others have finally received justice in the form of a settlement between the banks and the survivor's attorneys in August 1998. The settlement was for \$1.25 billion for survivors worldwide. This settlement will finally return the assets to survivors more than fifty years after they first entrusted them to the banks.

In addition to these recipients, there are survivors who are needy and have received one-time payments from the Swiss Humanitarian Fund established by the Swiss government. In both cases, any payment from the Swiss banks or other similar sources like this, should be excluded from taxation because they are receiving back what was rightfully theirs to begin with. The sum total of payments coming to the needy Holocaust survivors in the United States from this fund is \$31.4 million.

Moreover, funds are being established by banks and corporations in France, Austria, Italy, and Germany to compensate claimants for wrongfully held bank deposits, insurance policies, slave labor, and other losses.

Survivors who have sued banks, insurance companies, and manufacturers which profited from slave labor during the Holocaust, did so because there was no other way for them to seek justice. Deprived of their assets, or those of their families for over fifty years, survivors fought unsuccessfully until now to receive what belonged to them.

With the average age of Holocaust survivors at 80, there is little time for debate over these payments which will ease life for the survivors in their final years. To tax them for the long overdue receipt of assets would be wrong and immoral. What these survivors will receive from the various funds will be

money that is rightfully theirs in the first place.

The survivors of man's greatest inhumanity to man deserve justice. After escaping death at the hands of the Nazis, they were again victimized by European bankers and insurers. Those who endured the tortures of slave labor have never been compensated for their servitude to the Nazis. Now that they have received some measure of justice, let us not make them wait any longer for what is rightfully theirs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 779

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

**SECTION 1. NO FEDERAL INCOME TAX ON AMOUNTS RECEIVED BY HOLOCAUST VICTIMS OR THEIR HEIRS.**

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by an individual (or any heir of the individual)—

(1) from the Swiss Humanitarian Fund established by the Government of Switzerland or from any similar fund established by any foreign country, or

(2) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY), C.A. No. 96-4849, or as a result of any similar action.

(b) EFFECTIVE DATE.—This section shall apply to any amount received before, on, or after the date of the enactment of this Act.

Mr. ABRAHAM. Mr. President, I am pleased to join Senators FITZGERALD, MOYNIHAN, and SCHUMER in introducing this important legislation, which would prevent the federal government from taxing away any monies obtained by Holocaust survivors or their families in a settlement related to thefts by the Nazis or their sympathizers.

The horrors of the Nazi regime and its atrocities remain very much with us. Many people in America and around the world, particularly Jews, must live every day with memories of atrocities suffered or witnessed, either by themselves or by those they love, during the Nazi terror. Ghettos, death camps and simple murder were the stuff of daily life for millions of innocent people during this terrible time of Nazi power.

Only recently has public attention been properly directed toward another great crime of the Nazi regime and those who cooperated with it: A 1998 study by the Institute of the World Jewish Congress estimates that between \$90 billion and \$140 billion in today's dollars was stolen from the Jewish populations of countries occupied by the Nazis. In addition to committing outright theft and looting, the Nazis seized liquid assets that could be converted easily into cash, such as insurance policy proceeds and bank accounts. Documents discovered by Risk International Services, Inc., an insurance archaeology firm, show that the Nazis specifically targeted insurance policies held by Jews as a source of

funding for their expansionist, totalitarian regime.

Some insurance companies also specifically (and illegally) targeted Jewish families. Knowing that Jewish policy holders soon would be taken to concentration camps, these firms sold specifically tailored policies, taking as much cash as possible up front, with no intention of honoring their obligations.

After the war, Holocaust survivors attempted to collect on their policies, access their bank accounts and/or reclaim assets that had been illegally seized. Unfortunately, governments, banks and insurance companies failed to fulfill their duty to treat Holocaust victims with justice and dignity. Instead, Mr. President, they refused to honor policies or return stolen assets. In this way they compounded crime with crime and denied people who already had suffered more than most of us could bear the rightful means by which to rebuild their lives.

Finally, after over 50 years of injustice, Holocaust survivors and their families are reclaiming what is rightfully theirs. But, even as we support these efforts to reclaim stolen property, I believe we must do our part in protecting the proceeds. Under current law, any money received by Holocaust survivors in their settlements with banks and other organizations that once cooperated with the Nazis would be treated as gross income for federal tax purposes.

Mr. President, I firmly believe that victims of the Holocaust have suffered far too much for any such taxation to be just. These settlements represent but a fraction of what is owed to those who suffered under Nazi tyranny. To treat them as income subject to taxation would be wrong.

This is why this legislation is so important. It will prevent the federal government from taxing away any monies obtained by Holocaust survivors or their families in a settlement related to thefts by the Nazis or their sympathizers. It will prevent yet another injustice from being done to those who survived the brutal Nazi regime. It will also keep our nation firmly on the side of justice.

By Mrs. FEINSTEIN:

S. 781. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications; to the Committee on the Judiciary.

TELEPHONE PRIVACY ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce today the "Telephone Privacy Act of 1999." This legislation would prohibit the recording of a telephone call unless all the parties on the call have given their consent.

I am introducing this bill because our nation's telephone privacy laws are confused and in conflict. We need a na-

tional law governing telephone privacy so that telephone users have a uniform standard to rely on.

Currently, thirty-seven states require only the consent of one party to record a phone call. Fifteen states require the consent of all parties to be taped. This jumbled collection of telephone privacy laws leaves most consumers confused about their rights to protect their phone calls from surreptitious taping.

Today, consumers who seek to block surreptitious taping of their phone calls face an incredible burden. The problem is especially acute during interstate calls because the legality of surreptitiously recording a phone call depends on the state where the call is recorded. Thus, when a party makes an interstate call, one's rights may depend on the laws governing taping in other states.

The recent well-publicized taping of Monica Lewinsky's phone conversations by Linda Tripp illustrates this problem. Maryland, where Linda Tripp recorded the conversations, is a state that requires the consent of all parties. However, Washington D.C., where Monica Lewinsky lived at the time, requires only one-party consent. Two people living within a half-hour drive from each other should have the same laws apply to them.

In practice, any person who wants to protect herself against surreptitious recording must know the telephone privacy laws of other states. Our laws cannot reasonably expect a consumer to have this knowledge. People who make lots of interstate calls might be forced into the position of knowing the telephone privacy laws of all 50 states.

Not only will the Telephone Privacy Act of 1999 promote uniformity of laws, it will also create a standard that better protects privacy. The Telephone Privacy Act would require an all-party consent standard for taping phone calls no matter where one lived in the United States. It would end the practice of one-party consent that exists under Federal law and in a number of states.

While surreptitious taping has legitimate uses, such as lawful surveillance by the police, our laws should not reward the practice of surreptitious taping. This practice violates individual privacy and offends common decency.

Phone calls remain one of the few avenues of communication where people still feel safe enough to have intimate conversations. We should protect this expectation of privacy. If a telephone user intends to tape a phone call, the other party on the line ought to be informed.

Moreover, the one-party consent standard is an anachronism. It is inconsistent with other more privacy-respecting provisions of our communication laws. Federal law makes it a felony, for example, for a third party to tap or record a telephone conversation between others. It is also a felony to surreptitiously tape a cellular telephone call.

The bill has been carefully drafted so that it does not affect the rights of law enforcement officials to tape or monitor conversations as they are carrying out their duties.

Nor does it affect the practice of businesses taping customer calls, as long as the customer is notified at the outset that the call is being taped. It also does not affect the right of people to surreptitiously tape threatening or harassing phone calls.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 781

*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 "Telephone Privacy Act of 1999".

**SEC. 2. REVISION OF CONSENT EXCEPTION TO PROHIBITION ON INTERCEPTION OF ORAL, WIRE, OR ELECTRONIC COMMUNICATIONS APPLICABLE TO TELEPHONE COMMUNICATIONS.**

Paragraph (d) of section 2511(2) of title 18, United States Code, is amended by striking "unless such communication" and all that follows and inserting "unless—

"(i) such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State; or

"(ii) in the case of a telephone communication, any other party to such communication has not given prior consent to such interception."

By Mrs. FEINSTEIN:

S. 782. A bill to amend title 18, United States Code, to modify the exception to the prohibition on the interception of wire, oral, or electronic communications to require a health insurance issuer, health plan, or health care provider obtain an enrollee's or patient's consent to their interception, and for other purposes; to the Committee on the Judiciary.

PATIENTS' TELEPHONE PRIVACY ACT

Mrs. FEINSTEIN. Mr. President, today I introduce a bill to protect the medical privacy rights of patients when they talk to their health care insurers or providers. The bill requires health care insurers and providers to obtain patients' "express consent" before tape-recording or monitoring conversations.

Today, the health insurance industry routinely tape-records and monitors incoming telephone calls of patients with questions about their health insurance coverage. This bill halts that common practice with two simple rules.

First, health insurance companies and health care providers must obtain the patient's "express consent" before tape-recording or monitoring a conversation. Second, health insurance companies and health care providers must give patients the option not to be tape-recorded or monitored.

The bill puts control of medical privacy back where it belongs—in the hands of patients who have no choice but to share personal information with their health insurance and health care providers.

The bill protects all patients—

Whether covered by private or public health plans,

Whether covered by group, individual, or self-insured health plans,

Whether covered by Medicare or Medicaid,

Whether covered by Federal health plans, or

Whether covered by the Children's Health Insurance Plan.

Let me emphasize again who would be subject to the bill—the health insurance and health care industry—a huge industry that necessarily affects all of us. First, the bill would cover communications between patients and health insurers. Second, the bill would cover communications between patients and “health care providers,” which includes physicians and other health care professionals.

Federal law now requires that only one party must consent to the tape-recording or monitoring of a telephone conversation. In California, state law provides that all parties must consent before a telephone conversation may be tape-recorded. Nearly a dozen other states have adopted similar two-party consent laws. They include Delaware, Florida, Illinois, Kansas, Maryland, Massachusetts, Michigan, Montana, New Hampshire, Pennsylvania, and Washington.

Even two-party consent laws, however, do not adequately address this problem. Health insurance companies tape-record or monitor patients' calls based on the patient's implied consent. Implied consent arises from the patient talking after hearing the health insurer's recording that the call may be tape-recorded or monitored. In this case, courts have held that consent is given implicitly.

Consequently, merely changing federal law to a two-party consent rule would not solve the problem. The key requirement must be that the health insurer or health care provider obtains the patient's express consent. Only this change will protect individuals when they call their health insurance provider with questions about their health care coverage. When my office contacted the top 100 health insurance providers in this country, we learned from nearly all who responded that they routinely monitor or tape-record calls received from patients.

Let me share with my colleagues some responses that we received. Kaiser Permanente operates in nineteen states and the District of Columbia, and provides care to more than nine million members. Their practice varies from state to state, depending on applicable state laws.

Kaiser Permanente may: Monitor randomly selected calls, in which case it may, or may not, notify patients in

advance; or tape-record all or randomly selected calls, in which case it may, or may not, notify patients in advance.

United HealthCare wrote to me that they did not believe that tape-recording or monitoring calls even presents a privacy issue. Their rationale was that they only randomly tape-record calls and only after advising the caller that they may record the call.

Great-West responded that a patient has the option of communicating in writing if the patient does not want a telephone call to be tape-recorded. Let me say simply—that is not good enough for me. Imagine the undue burden the task of writing a letter may place on elderly or seriously ill patients.

Despite the two-party consent rule in California, New York Life Care Health Plans, Inc., asserted that no violation of California law occurs without a “confidential communication.” Under California state law, the definition of a “confidential communication” does not include communications where the parties may expect that the may be recorded. New York Life asserted that, since they told patients that their calls could be monitored, their calls were not confidential calls.

New York Life's display of legal bootstrapping shows little, if any, regard for medical privacy rights. Their interpretation of the word “confidential” turns its commonly understood meaning on its head! In the minds of most people, what could be more confidential than matters about one's personal health problems? Surely little, if anything. How many of my colleagues in the Senate would say that communications about their health problems with health insurance or health care providers are not confidential?

Blue Cross Blue Shield of the National Capital Area does not give patients any notice that their calls may be monitored. Their Associate General Counsel responded that, in both Maryland and the District of Columbia, telephone communications in the normal course of business do not meet the definition of an “interception.” Thus, consent is not required. Although Virginia law considers a telephone to be an “intercepting device,” Virginia follows the one-party consent rule.

Finger Lakes Blue Cross Blue Shield randomly tape-records calls from patients and only now is setting up a front-end recording to inform patients of that practice. New York requires only one party to consent.

None of the health insurance providers who responded to my office gave me a valid reason for tape-recording or monitoring patients' calls. The standard response from health insurers was that they tape-record or monitor patients' calls for so-called “quality control,” an ambiguous term at best. Indeed, no one explained what that term means, how tape-recording calls benefits patients, or why tape-recording calls was necessary.

Of course, health insurance providers are not the only business entities that

tape-record telephone conversations. How many of us realize that when we call for airline tickets, bank account information, mutual fund transfers, or any myriad of other daily concerns, the other party on the telephone line will be tape-recording the conversation? Yet, personal health information is far more personal in nature and, accordingly, entitled to greater protection. It stands alone as uniquely different from other commercial transactions.

This bill does not attempt to change the consent rule for other business entities. It would apply only to health insurance and health care providers. Most patients today have almost no choice about their health insurer provider or, increasingly, about their health care provider. In turn, the health insurer may give the patient no option except to submit to tape-recording the conversation. An elderly, or seriously ill patient, is simply not going to object.

Admittedly, much disclosure of medical information occurs both with patient consent and for valid medical reasons. For instance, insurance companies receive information from physicians based upon a written consent form signed by the patient at the physician's request. Yet, increasingly, threats to medical health privacy have become less visible and, in that sense, more alarming. Many individuals are left with a false sense of privacy. The potential for misuse of personal health information is real and growing.

A fundamental right to medical privacy is embedded in American society. Most Americans presume that telephone conversations about their health problems are confidential. Sadly, they are wrong.

Conversations with our health insurance and health care providers often contain deeply personal information, including prescription drugs, psychiatric care, alcohol dependency—the list goes on and on. Surely they deserve protection. Traditionally, Americans have relied upon a confidential relationship with their doctors.

Let's restore at least some measure of protection to telephone conversations about our personal health problems. This bill allows health insurance and health care providers to continue their routine practice of tape-recording or monitoring patients' calls—but only with the patient's express consent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 182

*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 “Patients' Telephone Privacy Act of 1999”.

**SEC. 2. MODIFICATION OF EXCEPTION TO PROHIBITION ON INTERCEPTION OF COMMUNICATIONS.**

(a) MODIFICATION.—Section 2511(2)(d) of title 18, United States Code, is amended—

(1) by striking "It shall not be unlawful" and inserting "(i) Subject to clause (ii), it shall not be unlawful"; and

(2) by adding at the end the following:

"(ii)(I) With respect to a wire, oral, or electronic communication between a health insurance issuer or health plan and an enrollee of such health insurance issuer or health plan, or between a health care provider and a patient, it shall not be unlawful under this chapter for a health insurance issuer, health plan, or health care provider to intercept such communication only if the patient has given prior express consent to such interception.

"(II) In this paragraph—

"(A) the term 'health insurance issuer' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

"(B) the term 'health plan' means a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), an individual or self-insured health plan, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.), the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, and a health plan offered under chapter 89 of title 5; and

"(C) the term 'health care provider' means a physician or other health care professional."

(b) RECORDING AND MONITORING OF COMMUNICATIONS WITH HEALTH INSURERS.—

(1) COMMUNICATION WITHOUT RECORDING OR MONITORING.—Notwithstanding any other provision of law, a health insurance issuer, health plan, or health care provider that notifies any customer of its intent to record or monitor any communication with such customer shall provide the customer the option to conduct the communication without being recorded or monitored by the health insurance issuer, health plan, or health care provider.

(2) DEFINITIONS.—In this subsection:

(A) HEALTH CARE PROVIDER.—The term "health care provider" means a physician or other health care professional.

(B) HEALTH INSURANCE ISSUER.—The term "health insurance issuer" has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b).

(C) HEALTH PLAN.—The term "health plan" means—

(i) a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

(ii) an individual or self-insured health plan;

(iii) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(iv) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(v) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(vi) the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, United States Code; and

(vii) a health plan offered under chapter 89 of title 5, United States Code.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date that is 60 days after the date of enactment of this Act.

By Mrs. FEINSTEIN (for herself, and Mr. SESSIONS):

S. 783. A bill to limit access to body armor by violent felons and to facili-

tate the donation of Federal surplus body armor to State and local law enforcement agencies; to the Committee on the Judiciary.

JAMES GUELFF BODY ARMOR ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I am pleased today to introduce the James Guelff Body Armor Act of 1999.

Currently, Federal law does not limit access to body armor for individuals with even the grimmest history of criminal violence. However, it is unquestionable that criminals with violent intentions are more dangerous when they are wearing body armor.

Many will recall the violent and horrific shootout in North Hollywood, California, just two years ago. In that incident, two suspects wearing body armor and armed to the teeth, terrorized a community. Police officers on the scene had to borrow rifles from a nearby gunshop to counteract the firepower and protective equipment of these suspects.

Another tragic incident involves San Francisco Police Officer James Guelff, for whom this act is named. On November 13, Officer Guelff responded to a distress call. Upon reaching the crime scene, he was fired upon by a heavily armed suspect who was shielded by a kevlar vest and bulletproof helmet. Officer Guelff died in the ensuing gunfight.

Lee Guelff, James Gueff's brother, recently wrote a letter to me about the need to revise the laws relating to body armor. He wrote:

It's bad enough when officers have to face gunmen in possession of superior firepower . . . But to have to confront suspects shielded by equal or better defensive protection as well goes beyond the bounds of acceptable risk for officers and citizens alike. No officer should have to face the same set of deadly circumstances again.

I couldn't agree with Lee more. Our laws need to recognize that body armor in the possession of a criminal is an offensive weapon. We need to make sure that our police officers on the streets are adequately supplied with body armor, and that hardened-criminals are deterred from using body armor.

The James Guelff Body Armor Act of 1999 has three key provisions to achieve these goals. First, it increases the penalties criminals receive if they commit a crime wearing body armor. Specifically, a violation will lead to an increase of two levels under the Federal sentencing guidelines. Second, it makes it unlawful for violent felons to purchase, use, or possess body armor. Third, this bill enables Federal law enforcement agencies to directly donate surplus body armor to local police.

I will address each of these three provisions.

Enhancing criminal penalties for individuals who wear body armor during the commission of a crime: Criminals who wear body armor during the commission of a crime should face enhanced penalties because they pose an enhanced threat to police and civilians alike. Assaultants shielded by body

armor can shoot at the police and civilians with less fear than individuals not so well protected.

In the North Hollywood shoot-out, for example, the gunmen were able to hold dozens of officers at bay because of their body armor. This provision will deter the criminal use of body armor, and thus deter the escalation of violence in our communities.

Making it unlawful for violent felons to wear body armor: This bill makes it a crime for individuals with a violent criminal record to wear body armor. It is unconscionable that criminals can obtain and wear body armor without restriction when so many of our police lack comparable protection.

The bill recognizes that there may be exceptional circumstances where an individual with a brutal history legitimately needs body armor to protect himself or herself. Therefore, it provides a mechanism for violent felons to obtain specific permission from the Secretary of the Treasury to wear body armor.

This provision has already been codified into law in California. Several other states are also actively considering legislation to restrict violent felons access to body armor.

California police applied the law for the first time earlier this year. Police arrested an individual for wearing body armor who had a violent criminal record. Besides a conviction for second-degree assault in 1993, the suspect is independently facing charges for threatening to kill his ex-girlfriend. He also is facing trial for issuing death threats against security guards at a West Hollywood Nightclub.

Direct donation of body armor: The James Guelff Body Armor Act of 1999 speeds up the procedures by which Federal agencies can donate surplus body armor to local police.

It is disturbing that so many of our local police officers do not have access to bullet-proof vests. The United States Department of Justice estimates that 25% of State, local, and tribal law enforcement officers, approximately 150,000 officers, are not issued body armor.

Getting our officers more body armor will save lives. According to the Federal Bureau of Investigation, greater than 30% of the 1,182 officers killed by guns in the line of duty since 1980 could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest.

Last year, Congress made some inroads into this shortage of body armor by enacting the "Bulletproof Vest Partnership Grant Act of 1998." This act established a \$25 million annual fund to help local and State police purchase body armor. The James Guelff Body Armor Act of 1999 will provide a further boost to the body armor resources of local and State police departments.

This legislation has attracted the support of a broad cross-section of the

law enforcement community. The Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs' Association, the National Troopers Coalition, the International Association of Police Chiefs, the Federal Law Enforcement Officers Association (FLEOA), the Police Executive Research Forum, the International Brother of Police Officers, and the National Association of Black Law Enforcement Executives, have all endorsed the legislation.

Richard J. Gallo, President of the Federal Law Enforcement Officers Association notes:

In the past, FLEOA members have confronted individuals, with prior criminal convictions, wearing body armor and violently resisting arrest. Federal, state and local law enforcement officers, and the public, deserve protection from this, and at the very least, will now know these felons will receive enhanced sentences for using body armor during the commission of a criminal act.

Robert Stewart, Executive Director of the National Organization of Black Law Enforcement Executives, writes:

There is a societal obligation to assure the men and women in blue are afforded all the protection they need to maintain public order. Very real fiscal constraints can, however, compromise the ability of local governments to accomplish that critical goal. Hence, NOBLE heartily endorses the James Guelff Body Armor Act of 1999.

I look forward to working with my fellow Senators from both sides of the aisle in turning this bill into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 783

*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 "James Guelff Body Armor Act of 1999".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gun-

fire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **BODY ARMOR.**—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

#### SEC. 4. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) **SENTENCING ENHANCEMENT.**—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) **APPLICABILITY.**—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

#### SEC. 5. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) **DEFINITION OF BODY ARMOR.**—Section 921 of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment."

(b) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**"§931. Prohibition on purchase, ownership, or possession of body armor by violent felons**

"(a) **IN GENERAL.**—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence if it occurred

within the special maritime and territorial jurisdiction of the United States.

"(b) **EXCEPTION.**—

"(1) **APPLICATION.**—A person who is subject to the prohibition of subsection (a) whose employment, livelihood, or safety is dependent on the ability to possess and use body armor, may file a petition with the Secretary for an exception to the prohibition of subsection (a).

"(2) **ACTION BY SECRETARY.**—Upon receipt of a petition under paragraph (1), the Secretary may reduce or eliminate the prohibition of subsection (a), impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition, as the Secretary determines to be appropriate, based on a determination that the petitioner—

"(A) is likely to use body armor in a safe and lawful manner; and

"(B) has a reasonable need for such protection under the circumstances.

"(3) **FACTORS FOR CONSIDERATION.**—In making a determination under paragraph (2) with respect to a petitioner, the Secretary shall consider—

"(A) any continued employment of the petitioner;

"(B) the interests of justice;

"(C) any relevant evidence; and

"(D) the totality of the circumstances.

"(4) **CERTIFIED COPY OF PERMISSION.**—The Secretary shall require, as a condition of granting any exception to a petitioner under this subsection, that the petitioner agree to maintain on his or her person a certified copy of the Secretary's permission to possess and use body armor, including any conditions or limitations.

"(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to—

"(A) require the Secretary to grant relief to any particular petitioner; or

"(B) imply that any relief granted by the Secretary under this subsection relieves any other person from any liability that may otherwise be imposed.

"(c) **IMMUNITY FROM LIABILITY.**—

"(1) **IN GENERAL.**—An officer or employee of a law enforcement agency who enforces the prohibition specified in subsection (a) against a person who has been granted relief pursuant to subsection (b), shall be immune from any liability for false arrest arising from the enforcement of this section unless the person has in his or her possession a certified copy of the permission granting the person relief from the prohibition, as required by subsection (b)(4).

"(2) **RULE OF CONSTRUCTION.**—The immunity from liability described in paragraph (1) shall not relieve any person or entity from any other liability that may otherwise be imposed."

(2) **CLERICAL AMENDMENT.**—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons."

(c) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both."

#### SEC. 6. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) **DEFINITIONS.**—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) DONATION OF BODY ARMOR.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

- (1) in serviceable condition; and
- (2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

By Mr. ROCKEFELLER (for himself, Mr. MACK, Mr. FRIST, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SARBANES, Mr. CONRAD, Mr. JOHNSON, Mr. WELLSTONE, Mr. SMITH of Oregon, Ms. COLLINS, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. INOUE, Mr. CRAIG, Mr. GRAHAM, Mr. KERRY, Mr. HARKIN, and Mr. LEAHY):

S. 784 A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

MEDICARE CANCER CLINICAL TRIALS COVERAGE ACT

Mr. ROCKEFELLER. Mr. President, I am pleased to be introducing the "Medicare Cancer Clinical Trials Coverage Act of 1999" with my colleague from Florida, Senator MACK. This legislation would establish a demonstration project to assure Medicare beneficiaries with cancer that Medicare will cover their routine patient costs when part of a clinical trial.

I would like to thank Senator MACK for his leadership and dedication on this issue. It has been a pleasure to work with Senator MACK, a tireless champion for cancer patients throughout his years of service in the Senate.

With 1,500 deaths due to cancer each day and 1.3 million new cancer diagnoses this year, there is a clear and urgent need for this legislation. Our senior population is especially at risk—

Medicare beneficiaries make up half of all cancer diagnoses and 60% of all cancer deaths. Yet, Medicare's policy toward covering quality cancer care is ambiguous and its enforcement practices are unpredictable.

Our legislation represents a significant step forward in the fight to prevent, detect and treat cancer quickly and effectively. It is based on a very simple premise: given the disproportionate impact that cancer has on older Americans, Medicare should be responsible for the routine patient care costs associated with approved clinical trials.

Cancer clinical trials often represent a cancer patient's best hope for survival, especially when their cancer fails to respond to traditional therapies. Yet, under current law, Medicare beneficiaries can be denied coverage for the routine patient care costs associated with clinical trials. However, if the same care is provided outside of a clinical trial setting, it is covered by Medicare.

It is a tragedy that the costs of participating in a clinical trial are discouraging patients from using what might be their best weapon in a battle with cancer. Medicare beneficiaries who are cancer patients are left with only two choices: pay the costs out of their own pocket, or forgo treatment all together. It is unfair, and unconscionable, that we force cancer patient to make this decision.

There are other compelling reasons to cover these costs. By paying for these routine costs, we provide incentives for researchers to include more Medicare beneficiaries in cancer clinical trials. Researchers know that patients who are at different stages physically, mentally, and emotionally will react very differently to treatments—even if they are fighting the same cancer. But what they don't know is how age and health interact with the safety and effectiveness of new drugs and treatments. Our bill helps them find the answers to those critical questions.

Our bill saves money in the long-run by ensuring the Medicare program pays for treatments that work. Clinical studies can determine which interventions work the best, and when they are the most effective.

Finally, in establishing a demonstration project, this bill will also provide valuable information about the costs and benefits of providing coverage for clinical trials for other life-threatening diseases. We started with cancer first because cancer is a major affliction of Medicare beneficiaries. In addition there is a well-established national clinical cancer trial system to deliver this patient care.

Mr. President, our legislation does not create a new benefit. It merely ensures that patients enrolled in clinical studies receive Medicare coverage for the same type of routine patient care costs, such as hospital and physician fees, that would be covered outside of a trial setting. We are not asking Medicare to pay for the cost of research. These expenses will still be covered by

trial sponsors, including pharmaceutical companies.

The "Medicare Cancer Clinical Trials Coverage Act" is a modest proposal, but it has the potential to become a new weapon in the fight against cancer. But we must act now. We have fought for this proposal in previous sessions of Congress, and I believe the momentum is building to get the legislation passed this year. I look forward to working with Senator MACK and others to take an important step forward for cancer patients.

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

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

S. 784

*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 "Medicare Cancer Clinical Trial Coverage Act of 1999".

**SEC. 2. MEDICARE CANCER PATIENT DEMONSTRATION PROJECT.**

(a) ESTABLISHMENT.—Not later than January 1, 2000, the Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall establish a demonstration project that provides for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of routine patient care costs—

(1) that are provided to an individual diagnosed with cancer and enrolled in the medicare program under such title as part of the individual's participation in an approved clinical trial program; and

(2) that are not otherwise eligible for payment under such title for individuals who are entitled to benefits under such title.

(b) APPLICATION.—The beneficiary cost-sharing provisions under the medicare program, such as deductibles, coinsurance, and copayment amounts, shall apply to any individual participating in a demonstration project conducted under this Act.

(c) APPROVED CLINICAL TRIAL PROGRAM.—For purposes of this Act, the term "approved clinical trial program" means a clinical trial program that is approved by—

(1) the National Institutes of Health;

(2) a National Institutes of Health cooperative group or a National Institutes of Health center;

(3) the Food and Drug Administration (in the form of an investigational new drug or device exemption);

(4) the Department of Veterans Affairs;

(5) the Department of Defense; or

(6) a qualified nongovernmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

(d) ROUTINE PATIENT CARE COSTS.—

(1) IN GENERAL.—For purposes of this Act, "routine patient care costs" shall include the costs associated with the provision of items and services that—

(A) would otherwise be covered under the medicare program if such items and services were not provided in connection with an approved clinical trial program; and

(B) are furnished according to the design of an approved clinical trial program.

(2) EXCLUSION.—For purposes of this Act, "routine patient care costs" shall not include the costs associated with the provision of—

(A) an investigational drug or device, unless the Secretary has authorized the manufacturer of such drug or device to charge for such drug or device; or

(B) any item or service supplied without charge by the sponsor of the approved clinical trial program.

**SEC. 3. STUDY, REPORT, AND TERMINATION.**

(a) **STUDY.**—The Secretary shall study the impact on the Medicare program under title XVIII of the Social Security Act of covering routine patient care costs for individuals with a diagnosis of cancer and other diagnoses, who are entitled to benefits under such title and who are enrolled in an approved clinical trial program.

(b) **REPORT TO CONGRESS.**—Not later than January 1, 2004, the Secretary shall submit a report to Congress that contains a statement regarding—

(1) any incremental cost to the Medicare program under title XVIII of the Social Security Act resulting from the provisions of this Act; and

(2) a projection of expenditures under the Medicare program if coverage of routine patient care costs in an approved clinical trial program were extended to individuals entitled to benefits under the Medicare program who have a diagnosis other than cancer.

(c) **TERMINATION.**—The provisions of this Act shall not apply after December 31, 2004.

Mr. FRIST. Mr. President, I am pleased to join today with my colleagues, Senators ROCKEFELLER and MACK to introduce legislation that will provide Medicare patients who are battling cancer with coverage of their health care costs when they participate in approved clinical trials. For patients suffering from life-threatening illness such as cancer, the opportunity to participate in clinical trials often offers them their best hope for access to the latest and most advanced treatment modalities.

Medicare currently does not pay the costs of patient care associated with clinical trials because they are experimental therapies. Our bill proposes that we begin a demonstration project through Medicare—the nation's largest third party payor—to provide coverage of routine patient care costs associated with approved cancer clinical trials. It is a demonstration program because there has been much debate over the costs associated with clinical trials and a clear need exists to gather better cost data. Unfortunately, dispute still exists over how to distinguish between routine patient care costs and those associated with the trial. The full impact on health care costs is not yet known.

Thus our bill requires the Secretary of Health and Human Services to conduct this demonstration project to study the feasibility of covering patient care costs for beneficiaries diagnosed with cancer and enrolled in clinical trials approved by the National Institutes of Health, the Food and Drug Administration, Department of Defense, and the Department of Veteran Affairs. The Secretary is required to report to Congress concerning the incremental costs attributed to the trial and the advisability of covering other diseases. Once Congress has these data in hand, we will be able to make the determination to enact legislation to make the

coverage of routine care costs in clinical trials a permanent part of the Medicare program.

We have spent many years debating this bill and urging the Administration to begin this demonstration project. As a research investigator involved in clinical trials, as a thoracic cancer surgeon, and as co-director of the Thoracic Oncology Clinic at Vanderbilt University Medical Center, I know first-hand the critical importance of clinical trials in determining the very best therapies in our battles against cancer. Only through participation in clinical trials can we advance quality care for patients with cancer.

Since I have come to the United States Senate, I have urged my colleagues to make federal funding for both basic and clinical research a national priority by doubling the budget of the National Institutes of Health over the next five years. Last year we witnessed an historic increase of \$2 billion that brought us closer to this goal. But we cannot stop there. If we do not capitalize on this investment by further supporting our clinical research infrastructure and the conduct of clinical trials, we will not reap the full benefits of our investment.

Clinical trials are scientific studies that allow us to investigate how new medicines and clinical treatments work in patients. Patients should recognize that clinical trials are by their nature investigational and therefore are not a magic bullet or without risk. Patients should be fully informed of the potential benefits and, equally important, the potential risks of participating in a clinical investigation. With this in mind, patients should be given the opportunity to participate in clinical investigations which may allow them to receive cutting-edge treatments that may improve their chances of survival. Clinical investigations advance our scientific knowledge and help bring about medical innovations to find better treatments for patients.

We must continue to foster both public and private efforts to support clinical trials. I believe our foremost federal responsibility is to address access to clinical trials in our publicly-financed programs such as Medicare. We must first determine the criteria the Medicare program will use to evaluate which clinical trials are eligible for coverage and which costs will be covered. This has not been an easy task.

We have also been reviewing the proposal to require private health plans and insurers to cover routine costs associated with standard patient care while participating in a clinical trial. The Senate Health and Education Committee, on which I serve, had an informative debate last month on the issue of clinical trials coverage during our consideration of S. 326, "The Patients' Bill of Rights." The amendment we were considering went beyond the Medicare demonstration project by requiring private sector health plans to cover costs associated with clinical

trials for patients with any life-threatening or serious illness. Several members of our committee, including myself, expressed concern that before mandating such broad requirements on the private sector, we should first determine what costs would be incurred. In a time of rising health care costs, we must be cautious in our efforts to provide patient protections that do not drive up costs further or we will not be serving patients well.

Therefore, I offered an amendment to have a comprehensive study conducted by the Institute of Medicine to assess patient access to clinical trials and the coverage of routine patient care costs by private health plans and insurers. Our efforts should not end there. That is just the beginning. I am encouraged by recent collaborative efforts between the National Institutes of Health and the American Association of Health Plans to increase participation of patients in clinical trials and to encourage health plans to cover routine patient costs. We need to monitor this effort closely and explore other ways to promote public-private collaboration and to gather the necessary data that will reveal the true impact on health care costs. I will continue to pursue this effort in a systematic way with my colleagues.

We must not wait any longer to launch the Medicare demonstration project that our bill today addresses. The longer we wait, the longer patients are denied access to potentially life-saving therapies and the longer it will take for new therapies to become standard therapy. And we must continue to address the issue of clinical trial coverage by the private sector to bring about patients' access to new clinical therapies while being mindful of the costs we are imposing. Patients and their families deserve that we give thoughtful consideration to both of these legislative proposals this year.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, and Mr. LOTT):

S. 786. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

**SOCIAL SECURITY FAMILY PROTECTION ACT**

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to the people of the United States of America.

For the third Congress in a row, I am joining in a bipartisan effort with my friend and colleague, Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I are introducing the Social Security Family Protection Act. This bill addresses retirement security and family security. We want

the middle class of this Nation to know that we are going to give help to those who practice self-help.

What is it I am talking about? We have found that Social Security does not pay benefits for the last month of life. If a Social Security retiree dies on the 18th of the month or even on the 30th of the month, the surviving spouse or family members must send back the Social Security check for that month.

I think that is a harsh and heartless rule. That individual worked for Social Security benefits, earned those benefits, and paid into the Social Security trust fund. The system should allow the surviving spouse or the estate of the family to use that Social Security check for the last month of life.

This legislation has an urgency, Mr. President. When a loved one dies, there are expenses that the family must take care of. People have called my office in tears. Very often it is a son or a daughter that is grieving the death of a parent. They are clearing up the paperwork for their mom or dad, and there is the Social Security check. And they say, "Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, mom's rent, or her mortgage, or health expenses. Why is Social Security telling me, 'Send the check back or we're going to come and get you?'"

With all the problems in our country today, we ought to be going after drug dealers and tax dodgers, not honest people who have paid into Social Security, and not the surviving spouse or the family who have been left with the bills for the last month of their loved one's life. They are absolutely right when they call me and say that Social Security was supposed to be there for them.

That is what our bill is going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. When we talk about retirement security, the most important part of that is income security. And the safety net for most Americans is Social Security.

We know that as Senators we have to make sure that Social Security remains solvent, and we are working to do that. We also don't want to create an undue administrative burden on the Social Security Administration—a burden that might affect today's retirees. But it is absolutely crucial that we provide a Social Security check for the last month of life.

How do we propose to do that? We have a very simple, straightforward way of dealing with this problem. Our legislation says that if you die before the 15th of the month, you will get a check for half the month. If you die after the 15th of the month, your surviving spouse or the family estate would get a check for the full month.

We think this bill is fundamentally fair. Senator SNOWE and I are old-fash-

ioned in our belief in family values. We believe you honor your father and your mother. We believe that it is not only a good religious and moral principle, but it is good public policy as well.

The way to honor your father and mother is to have a strong Social Security System and to make sure the system is fair in every way. That means fair for the retiree and fair for the spouse and family. That is why we support making sure that the surviving spouse or family can keep the Social Security check for the last month of life.

Mr. President, we urge our colleagues to join us in this effort and support the Social Security Family Protection Act.

By Mr. BURNS (for himself, Mr. ENZI and Mr. CRAIG):

S. 788. A bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture may not be used for imported meat and meat food products; to the Committee on Agriculture, Nutrition, and Forestry.

USDA GRADE RESCISSION ACT OF 1999

Mr. BURNS. Mr. President, I rise today to sponsor a bill on an issue of great importance to my state and the agricultural industry. The issue is that of rescinding the USDA Grade Stamp on foreign meat products coming into America from other countries and unfairly receiving the USDA Grade Stamp.

This language offered today will insure that all meat products imported from a foreign country will not be graded USDA. For years other countries have used the USDA Grade Stamp to their advantage. Particularly, Canada and Mexico ship livestock into the United States and reap the benefits of the premium given for USDA Prime, USDA Choice or USDA Select.

USDA Prime and USDA Choice grades are given a premium price. Competition from foreign countries effectively prevents that same number of American livestock producers from receiving a premium. USDA should mean just that the meat was raised and slaughtered in the United States, and given the stamp by the United States Department of Agriculture.

Currently, boxed beef is not eligible to receive the USDA Grade Stamp. However, agricultural producers across the border ship livestock to the United States and feed them for a short period of time in order to bypass that restriction. The animals are then slaughtered here as United States product. This is not only unfair, it is a betrayal of trust. It is one that we will no longer tolerate. My bill provides for a 90 day feeding period to prevent this from happening, yet maintain the profits light-weight cattle from foreign countries bring to American feeders.

The huge influx of imports from both Canada and Mexico that American agricultural producers are currently faced with has provided an added hard-

ship to the agricultural economy. Additionally, when consumers see the USDA Grade Stamp on a meat product they are under the assumption they are buying U.S. made product. In fact, this is usually not the case. Even though carcasses are required to have a "foreign origin marking", it is trimmed off for marketing purposes.

Essentially, this bill will protect both the American producer and the American consumer. The USDA Grade Stamp on foreign product is a detriment to both. It is a detriment to the producer because foreign countries get the benefit of the grade stamp, without having to pay for it. America's producers need the assurance that the USDA label really means just that—produced in the U.S. It is a detriment to the consumer because they deserve to know that they are buying American. I've said it before and I'll say it again. U.S. consumers deserve to know that they are buying absolutely the safest food supply in the world, which is grown by American farmers and ranchers. With this in mind we then should be informing the American consumer that they really are purchasing American product.

I am proud and very pleased to serve as sponsor of this bill and I look forward to moving it through the legislative process so we may give our consumers and producers the information and advantage of knowing their meat was produced in the USA.

By Mr. MCCAIN:

S. 789. A bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees; to the Committee on Armed Services.

LEGISLATION TO AUTHORIZE SPECIAL PAY FOR SEVERELY DISABLED RETIRED VETERANS

Mr. MCCAIN. Mr. President, I am introducing legislation today to authorize special compensation for severely disabled military retirees who suffer under an existing law regarding "concurrent receipt." As many of my colleagues know, current law requires military retirees who are rated as disabled to offset their military retired pay by the amount they receive in veterans' disability compensation. This requirement is discriminatory and wrong.

Today, America's disabled military retirees—those individuals who dedicated their careers to military service, and who suffered disabling injuries in the course of that service—cannot receive concurrently their military retirement pay, which they have earned through at least 20 years of service in the Armed Forces, and their veterans' disability compensation, which they are owed due to pain and suffering incurred from military service. In other words, the law penalizes the very men and women who have sacrificed their physical or psychological well-being in uniformed service to their country.

The legislation I am introducing today does not provide for full payment

to eligible veterans of both the disability compensation and the retired pay they have earned. I regret that such a proposal, which I support in principle, would be far more expensive than many of my colleagues could accept. I learned that lesson the hard way in the course of sponsoring more ambitious concurrent receipt proposals in previous Congresses.

My current legislation would instead authorize special compensation for the most severely disabled retired veterans—those who have served for at least 20 years, and who have disability ratings of between 70 and 100 percent. More specifically, it would authorize monthly payments of \$300 for totally disabled retired veterans; \$200 for retirees rated as 90 percent disabled; and \$100 for retirees with disability ratings of 70–80 percent.

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices. At \$42 million per year, this legislation comes nowhere near approaching the price tag of more expansive concurrent receipt proposals. Moreover, it involves only discretionary, not mandatory, spending.

In short, it is affordable. And it is the right thing to do. But don't take my word for it. The Military Coalition, an organization of 30 prominent veterans' and retirees' advocacy groups, supports my legislation, as do many other veterans' service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

My interest in actively resolving the concurrent receipt issue dates to 1993, when I included a provision in the Fiscal Year 1994 Defense Authorization bill directing the Department of Defense (DoD) to submit a concurrent receipt legislative proposal to the House and Senate Armed Services Committees. When that deadline was not met, I took the opportunity at a Senate Armed Services Personnel Subcommittee hearing to ask the then-Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy about the status of the concurrent receipt report. Although he replied that Congress would receive it in June 1993, the report arrived seven months late. Clearly, the concurrent receipt issue was not then a DoD priority, nor is it today.

I also worked with the Armed Services Committee to include legislation in the FY 1994 Defense Authorization bill to exempt military retirees who are rated as 100 percent disabled from the requirement to offset their mili-

tary pay by the amount they receive in veterans' disability pay. Although I had assumed that no one could deny a military retiree with 100 percent disability from receiving both his retirement and his disability pay, my legislation was never enacted into law.

Undeterred, in 1994 I introduced legislation, which was included in the Senate version of the Defense Appropriations bill for FY 1995, directing the Secretary of Defense to authorize the concurrent payment of military retired pay and veterans' disability compensation. Although my amendment had 16 cosponsors and received bipartisan support in the Senate, it was regrettably reduced to just a study by the House of Representatives during conference negotiations on the bill.

This amendment was heralded by more than 30 separate veterans' associations as a means of redressing the unjust offset of retirement pay with disability compensation. It provided for concurrent payment of retirement and disability compensation if the following criteria were met:

- (1) the veteran had completed 20 years of military service;
- (2) the disability was incurred or aggravated in the performance of duty in military service; and
- (3) the disability was rated as 100 percent at the time of retirement or within four years of the veteran's retirement date.

I introduced these concurrent receipt amendments because the existing requirement that military retired pay be offset dollar-for-dollar by veterans' disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans' disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental "pain and suffering." This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected.

In the 105th Congress, I was proud to have co-sponsored S. 657, a bill sponsored by Senator DASCHLE that would eliminate the offset on a graduated scale based on the inverse of the retiree's disability rating. For instance, a veteran who is 90 percent disabled would have to offset his retirement pay by an amount equal to 10 percent of his total VA disability. This compromise would establish the right of a disabled military retiree to receive at least a

portion of his earned military retirement. Unfortunately, the full Congress did not act on this legislation before adjourning in October 1998.

In the past, Congressional attempts to rectify discrimination against disabled career service members have been accompanied by staggering cost estimates, dooming to failure again and again proposed remedies to the concurrent receipt dilemma. The concurrent receipt legislation I supported in the 105th Congress reflected an attempt to ease the offset burden on retired disabled service members while avoiding significant deficit expansion. My current legislation in the 106th Congress is even more conscious of the costs associated with properly compensating disabled military retirees.

Unfortunately, cost concerns must remain a consideration as we seek to promote a system of concurrent receipt that is both equitable and consistent with our balanced budget objective. While I would prefer to implement a system aimed first and foremost at severely disabled veterans, as my earlier legislation proposed, I believe S. 657 represented a step in the right direction and was worthy of Congress' support. Similarly, I believe the special compensation authorized by my current legislation makes progress by targeting the most severely disabled veterans, even if it does not revoke the discriminatory concurrent receipt restrictions that remain in place today.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is hard to disagree with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing limitations on concurrent receipt of the benefits they deserve. In the meantime, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 789

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

**SECTION 1. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.**

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

**"§1413. Special compensation for certain severely disabled uniformed services retirees**

"(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

“(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

“(1) For any month for which the retiree has a qualifying service-connected disability rated as total, \$300.

“(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, \$200.

“(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, \$100.

“(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

“(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

“(2) has a qualifying service-connected disability.

“(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term ‘qualifying service-connected disability’ means a service-connected disability that—

“(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

“(2) is rated as not less than 70 percent disabling—

“(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

“(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

“(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

“(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

“(g) OTHER DEFINITIONS.—In this section:

“(1) The term ‘service-connected’ has the meaning give that term in section 101 of title 38.

“(2) The term ‘disability rated as total’ means—

“(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

“(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

“(3) The term ‘retired pay’ includes retainer pay, emergency officers’ retirement pay, and naval pension.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1413. Special compensation for certain severely disabled uniformed services retirees.”.

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

By Mr. LAUTENBERG:

S. 790. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water

to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

THE BOTTLED WATER SAFETY AND RIGHT-TO-KNOW ACT OF 1999

Mr. LAUTENBERG. Mr. President, I am introducing today the Bottled Water Safety and Right-to-Know Act of 1999. This legislation is designed to ensure that bottled water safety standards protect public health, and to give consumers the right to know about contaminants in their bottled water.

Mr. President, I have been interested in bottled water for several years. Bottled water consumption has doubled in the U.S. since 1987, largely due to the public perception that bottled water is cleaner and safer than tap water. This is especially true in my state, where we hear so often about contamination of tap water. Unfortunately, bottled water today does not have to meet all the same safety standards met by tap water. Nor do consumers have the right to know about the contaminants found in bottled water. Let me discuss each of these issues in more detail.

There is an important disparity between contaminant standards for bottled water and those for tap water. Bottled water is regulated as a food by the Food and Drug Administration (FDA) under the Food, Drug, and Cosmetic Act, while tap water is regulated by the Environmental Protection Agency (EPA). Unfortunately, several contaminants are regulated less stringently in bottled water by the FDA than in tap water by the EPA. In particular, the FDA has no standard for phthalate, a probable human carcinogen which leaches out of some plastic bottles, no ban on fecal coliform of E. Coli, and weaker standards for several other contaminants. In addition, the infrastructure guaranteeing the safety of bottled water is far weaker than the regulatory programs the EPA and its state and local partners have established for tap water.

There is, in addition, a disparity in the transparency of information about the two types of water. Public water systems have long been required to monitor contaminant levels and allow no more than a maximum amount of contamination in their water. Facing only these regulatory requirements, however, water companies had little incentive to provide more than the minimum-required level of drinking water protection. The Safe Drinking Water Act Amendments of 1996 changed that by adding consumer Right-to-Know requirements to the existing regulatory programs. The purpose of the Right to Know requirements is to increase public understanding of drinking water threats, foster public demand for prevention of those threats, and thereby lead water companies and state and local agencies to go beyond the minimum requirements in preventing the threats.

Unfortunately, no equivalent Right to Know exists for bottled water. Consumers have no way to know whether

the bottled product—hundreds of times more expensive than what comes out of the tap—is the safer, cleaner product. In other words, Mr. President, bottled water is the snake oil of the 1990’s—it is sold as a cleaner product purely on the basis of claims and perception, not facts.

The Bottled Water Safety and Right-to-Know Act of 1999 would correct these deficiencies, establishing contaminant standards and Right-to-Know requirements for bottled water at least as stringent as those placed on tap water.

First, the bill would give the FDA two years to make all standards for contaminants in bottled water as protective of public health as the tap water standards established by the EPA, the State of California, the World Health Organization, and the European Union. If the FDA failed to implement this requirement, the bill would transfer regulatory authority over bottled water to the EPA.

Second, the bill would require that bottled water companies list, on their products’ labels, the concentration of any regulated contaminant found at levels high enough to cause adverse health effects, and of any other contaminants whose presence in tap water would be disclosed to the public under federal law. Bottled water without contamination would require no such contaminant labelling. In addition, labels would name the source of the water, the type of treatment applied, and whether the treatment meets the EPA’s criteria of full protection of immuno-compromised individuals from Cryptosporidium and other microbial pathogens.

Finally, the bill would require bottled water companies to send the FDA information on the contaminants in the water, the source of the water, and type of treatment applied. The FDA would then make the reported information, information on the recent inspection and enforcement history of the relevant bottled water facilities, and other background information available to the public through the Internet and in paper form through a 1-800 number, both of which would be printed on bottle labels.

Mr. President, bottled water consumers have the right to bottled water that is as safe as tap water, and they have the right to know about the contaminants in their bottled water.

I urge my colleagues to co-sponsor this legislation, and ask unanimous consent that the bill be printed in the RECORD.

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

S. 790

*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 “Bottled Water Safety and Right to Know Act of 1999”.

**SEC. 2. CONSUMER CONFIDENCE REPORTS.**

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) in subsection (b), by adding at the end the following:

“(5) The Secretary shall—

“(A) not later than 6 months after the date of enactment of this paragraph identify contaminants for which—

“(i) the Administrator has established a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1) and the Secretary has not established a standard of quality regulation for such contaminant or has established a standard of quality regulation or monitoring requirement that may be less protective of public health than the national primary drinking water regulation; or

“(ii) the Secretary has established a standard of quality regulation for such contaminant that may be less protective of public health than the standard for such a contaminant issued by the World Health Organization, the European Union, or the State of California; and

“(B) not later than 12 months after that date of enactment, propose an interim standard of quality regulation, for each contaminant identified under subparagraph (A), that contains a standard or monitoring requirement that is at least as protective of public health as the more protective of—

“(i) the national primary drinking water regulation described in subparagraph (A); or

“(ii) a standard issued by the World Health Organization, European Union, or the State of California; and

“(C) not later than 24 months after that date of enactment, issue a final regulation of the standard described in subparagraph (B), for each identified contaminant.

“(6) The Secretary is authorized to award grants to the States for the enforcement of the regulations described in paragraph (5).

“(7)(A) Not later than 24 months after the date of enactment of this paragraph, the Secretary shall publish final regulations as described in paragraph (5) in the Federal Register.

“(B) If the Secretary fails to publish the regulations described in subparagraph (A), then—

“(i) all functions that the Secretary of Health and Human Services exercised before the effective date of this subparagraph (including all related functions of any officer or employee of the Department of Health and Human Services) relating to inspections and enforcement concerning bottled water shall be transferred to the Environmental Protection Agency;

“(ii) all references to the Secretary in paragraph (5), notwithstanding the references in clause (i) and (ii) of subparagraph (A), and all references in paragraph (6) and subsections (c), (d), and (e) shall instead be to the Administrator;

“(iii) except as otherwise provided in this subparagraph, the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under clause (i), subject to section 1531 of title 31, United States Code, shall be transferred to the Environmental Protection Agency, and unexpended funds transferred pursuant to this subparagraph shall be used only for the purposes for which the funds were originally authorized and appropriated;

“(iv) all orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

“(I) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subparagraph; and

“(II) that were in effect before the effective date of this subparagraph, or were final before the effective date of this subparagraph and are to become effective on or after the effective date of this subparagraph;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator or other authorized official, a court of competent jurisdiction, or by operation of law;

“(v) this subparagraph shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Secretary on the effective date of this subparagraph, with respect to functions transferred by this subparagraph;

“(vi) such proceedings and applications described in clause (v) shall be continued and orders shall be issued in such proceedings and appeals taken from the orders, and payments shall be made pursuant to the orders, as if this subparagraph had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law;

“(vii) nothing in this subparagraph shall be construed to prohibit the discontinuance or modification of any such proceeding described in clause (v) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subparagraph had not been enacted;

“(viii) this subparagraph shall not affect suits commenced before the effective date of this subparagraph, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subparagraph had not been enacted;

“(ix) no suit, action, or other proceeding commenced by or against the Secretary, or by or against any individual in the official capacity of such individual as an officer of the Secretary, shall abate by reason of the enactment of this subparagraph;

“(x) any administrative action relating to the preparation or promulgation of a regulation by the Secretary relating to a function transferred under this subparagraph may be continued by the Administrator with the same effect as if this subparagraph had not been enacted; and

“(xi) a reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

“(I) the Secretary with regard to functions transferred under this subparagraph, shall be deemed to refer to the Administrator; and

“(II) the Department of Health and Human Services with regard to functions transferred under this subparagraph, shall be deemed to refer to the Environmental Protection Agency.

“(C) As used in subparagraph (B), the term ‘Federal agency’ has the meaning given the term ‘agency’ by section 551(1) of title 5, United States Code.”; and

(2) by adding at the end the following:

“(c)(1) Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations that require each manufacturer of bottled water to

submit reports and display information as required under paragraph (2).

“(2) The regulations issued under paragraph (1) shall require that each manufacturer of bottled water shall—

“(A) not later than 36 months after the date of enactment of this subsection and annually thereafter, prepare and submit in electronic form, on a form provided by the Secretary, an annual report to the Secretary that describes, at a minimum—

“(i) the source of the water purveyed;

“(ii) the type of treatment to which the water has been subjected and whether such treatment meets the Secretary’s criteria for full protection of immuno-compromised individuals from cryptosporidium and other microbial pathogens;

“(iii) the amount and range of any regulated contaminant detected in the water during the reporting year, the maximum contaminant level goal for the contaminant, if any, and whether the goal was exceeded during the reporting year; and

“(iv) the amount and range of any unregulated contaminant detected in the water during the reporting year that is subject to unregulated contaminant monitoring or notification requirements under sections 1445 or 1414, respectively, of the Safe Drinking Water Act (42 U.S.C. 300j-4; 300g-3), or that the Secretary determines may present a threat to public health; and

“(B) for the second and each subsequent reporting year, display on the labels of the bottled water—

“(i) if the maximum contaminant level goal or lowest health advisory level under the Safe Drinking Water Act (whichever is lower) for a regulated contaminant is exceeded during the preceding reporting year—

“(I) the amount and range of the regulated contaminant in the bottled water;

“(II) the maximum contaminant level goal for the contaminant; and

“(III) a plain definition of ‘maximum contaminant level goal’ as determined by the Administrator;

“(ii) the amount and range of any unregulated contaminant detected in the water during the preceding reporting year that is subject to unregulated contaminant monitoring or notification requirements under sections 1445 or 1414, respectively, of the Safe Drinking Water Act (42 U.S.C. 300j-4; 300g-3) or that the Secretary has determined may present a threat to public health;

“(iii) the source of the water;

“(iv) the type of treatment, if any, to which the water has been subjected and whether such treatment meets the Secretary’s criteria for full protection of immuno-compromised individuals for cryptosporidium and other microbial pathogens;

“(v) the address for the Internet website described in paragraph (3)(A); and

“(vi) the toll-free telephone number described in paragraph (3)(B).

“(3) Not later than 6 months after the date on which an annual report referred to in paragraph (2) is submitted to the Secretary, the Secretary shall make the report available to the public—

“(A) on an Internet website maintained by the Secretary; and

“(B) in paper form, in English, Spanish, and in any other language determined to be appropriate by the Secretary, upon request made through use of a toll-free telephone number maintained by the Secretary.

“(4) In addition to submitting an annual report under paragraph (2), the manufacturer may also submit a supplement to the Secretary that contains additional information that the manufacturer determines to be appropriate for public education. The Secretary may make the supplement available

to the public in the same manner as the annual report is made available to the public under paragraph (3).

"(5) In the same manner as the annual report is made available to the public under paragraph (3), the Secretary shall make the following information available to the public:

"(A) The definitions of the terms 'maximum contaminant level goal' and 'maximum contaminant level'.

"(B) For any regulated contaminant described in paragraph (2)(A), a statement setting forth—

"(i) the maximum contaminant level goal;

"(ii) the maximum contaminant level; and

"(iii) if a violation of the maximum contaminant level has occurred during the reporting year, the potential health concerns associated with such a violation.

"(C) For any unregulated contaminant described in paragraph (2)(A), a statement describing the health advisory or explaining the reasons for determination by the Secretary that the contaminant may present a threat to public health.

"(D) A statement explaining that the presence of contaminants in bottled drinking water does not necessarily create a health risk.

"(E) The date of the last Federal and State inspections of the bottled water facilities relating to the safety of the water.

"(F) A statement describing any violations discovered at the facilities during the inspections described in subparagraph (E) and any enforcement actions that were taken as a consequence of the violations.

"(G) The date of recall of any bottled water and the reasons for the recall.

"(d) Every manufacturer of bottled water who is subject to any requirement of this section shall maintain such records, make such reports, conduct such monitoring, and provide such information as the Secretary may reasonably require by regulation in order to assist the Secretary in establishing regulations under this section, in determining whether the manufacturer has acted or is acting in compliance with this section, in evaluating the health risks of unregulated contaminants, or in advising the public of such risks.

"(e) Not later than 12 months after the date of enactment of this subsection, and annually thereafter, the Secretary shall make available to the public, in the same manner as the annual report is made available under subsection (c)(3), information regarding violations of bottled water regulations relating to inspections, and any enforcement actions taken in regards to such violations. The Secretary shall establish and administer a grant program to fund the gathering of such information.

"(f) In this section:

"(1) The term 'bottled water' means all water sold in the United States that—

"(A) is intended for human consumption;

"(B) is sealed in bottles or other containers; and

"(C) may be still or carbonated, but has no sweeteners or juices added to the water, except for trace levels of flavorings.

"(2) The term 'contaminant' means any physical, chemical, biological, or radiological substance or matter in water.

"(3) The term 'maximum contaminant level' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

"(4) The term 'maximum contaminant level goal' means a goal established by the Administrator under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1).

"(5) The term 'regulated contaminant' means a contaminant that is regulated under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1).

"(6) The term 'unregulated contaminant' means a contaminant that is not regulated under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1)."

### SEC. 3. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(aa) The failure by a manufacturer of bottled water to submit an annual report or display the required information on labels of bottled water in accordance with section 410(c)."

By Mr. SHELBY (for himself and Mr. SESSIONS):

S.J. Res. 18. A joint resolution honoring World War II crewmembers of the U.S.S. *Alabama* on the occasion of the 1999 annual reunion of the U.S.S. *Alabama* Crewmen's Association; to the Committee on Veterans' Affairs.

#### JOINT RESOLUTION FOR THE SAILORS OF THE BATTLESHIP USS ALABAMA

Mr. SHELBY. Mr. President, I rise today to honor a number of American heroes. During World War Two, over 6,300 sailors and Marines were members of the crew of the Battleship U.S.S. *Alabama*. The ship and crew were instrumental in the defeat of both Germany and Japan. The crew was credited with the downing of 22 enemy aircraft and was awarded numerous citations and medals including the European-African-Middle Eastern Medal and the Asiatic-Pacific Campaign Medal with nine battle stars.

This week, the U.S.S. *Alabama* Crewmen's Association is holding its annual reunion at Battleship Memorial Park in Mobile, Alabama. I ask the Senate to pass this Joint Resolution which commends and recognizes the gallant crewmen of the U.S.S. *Alabama*. To those men I say congratulations and thank you for a job well done.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

#### S.J. RES. 18

Whereas the members of the crew of the battleship U.S.S. *Alabama* (BB-60) during World War II were a courageous group who braved both Arctic chill and Pacific heat to help defend our great country against enemy oppression;

Whereas the U.S.S. *Alabama* crewed by those men was awarded nine battle stars and shot down 22 enemy aircraft; and

Whereas the U.S.S. *Alabama* Crewmen's Association is holding its annual reunion on April 15 to 18, 1999; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMMENDATION AND RECOGNITION OF CREWMEN OF THE U.S.S. ALABAMA.

The United States honors the 6,300 persons who were members of the U.S.S. *Alabama*'s crew during World War II, commends and thanks them for their sacrifice and service in the defense of the United States, and recognizes those among them who are assembling April 15 to 18, 1999, as the U.S.S. *Alabama* Crewmen's Association on the occasion of the association's 1999 annual reunion.

#### ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 97

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 348

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 380

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 380, a bill to reauthorize the Congressional Award Act.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 459

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 511

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 511, a bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

S. 512

At the request of Mr. GORTON, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Florida (Mr. MACK), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 537

At the request of Mr. LUGAR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 537, a bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993.

S. 581

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 581, a bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

S. 607

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 628

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 628, a bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 632

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) 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. 655

At the request of Mr. LOTT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, non-repairable, and rebuilt vehicles.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Hawaii (Mr.

INOUE) and the Senator from New Jersey (Mr. TORRICELLI) 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.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 693

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 706

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

S. 712

At the request of Mr. LOTT, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Georgia (Mr. CLELAND), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 761

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 767

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

At the request of Mr. COVERDELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 767, *supra*.

## SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

## SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. DASCHLE), the Senator from Ohio (Mr. DEWINE), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. HELMS), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

## SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Hawaii (Mr. INOUE), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. KOHL), the Senator from Idaho (Mr. CRAIG), the Senator from Maine (Ms. SNOWE), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

## SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Nebraska (Mr. KERREY), the Senator from Hawaii (Mr. AKAKA), the Senator from Hawaii (Mr. INOUE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 72

At the request of Mr. TORRICELLI, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. DEWINE), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 72, a resolution designating the month of May in 1999 and 2000 as "National ALS Awareness Month."

## SENATE CONCURRENT RESOLUTION 25—URGING THE CONGRESS AND THE PRESIDENT TO FULLY FUND THE FEDERAL GOVERNMENT'S OBLIGATION UNDER THE INDIVIDUALS WITH DISABILITIES ACT

Mr. JEFFORDS (for himself, Mr. GREGG, Ms. COLLINS, Mr. LOTT, Mr. DEWINE, Mr. HAGEL, Mr. ENZI, Mr. BROWNBACK, Mr. HATCH, Mr. ASHCROFT, and Mr. COVERDELL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. CON. RES. 25

Whereas all children deserve a quality education, including children with disabilities;

Whereas Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1247 (E. Dist. Pa. 1971), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (Dist. D. C. 1972), found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94-142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure a free, appropriate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas the Federal Government has provided only 9, 11, and 12 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student (\$13,323) is more than twice the national average per pupil cost (\$6,140);

Whereas research indicates that children who are effectively taught, including effective instruction aimed at acquiring literacy skills, and who receive positive early interventions demonstrate academic progress, and are significantly less likely to be referred to special education;

Whereas the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act drain school budgets, jeopardize

the quality of education provided by local schools, and place a significant burden on State and local taxpayers;

Whereas if the appropriation for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) exceeds \$4,924,672,200 for a fiscal year, the State funding formula will shift from one based solely on the number of children with disabilities in the State to one based on 85 percent of the children ages 3 to 21 living in the State and 15 percent based on children living in poverty in the State, enabling States to undertake good practices for addressing the learning needs of more children in the regular education classroom and reduce over identification of children who may not need to be referred to special education;

Whereas the Individuals with Disabilities Education Act has been successful in achieving significant increases in the number of children with disabilities who receive a free, appropriate public education;

Whereas the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education; and

Whereas the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Education Act to assist States and localities to educate children with disabilities: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress and the President—*

(1) should, working within the constraints of the balanced budget agreement, give programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) the highest priority among Federal elementary and secondary education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act prior to authorizing or appropriating funds for any new education initiative; and

(2) should meet the commitment described in paragraph (1) while retaining the commitment to fund existing Federal education programs that increase student achievement.

Mr. JEFFORDS. Mr. President, today, joined by many of my colleagues, I am submitting a Senate concurrent resolution calling for a delay in authorizing or appropriating of funds for new educational initiatives until we fully fund IDEA, the Individuals with Disabilities Education Act. My colleague, Representative GOODLING, is introducing a companion resolution in the House today as well.

In 1975 Congress made a commitment to contribute up to 40 percent of the national average per pupil expenditure (APPE) for each child with a disability being educated by our Nation's schools. We are nowhere close to that target of 40 percent. We are committed to achieving that target, and until we do reach the target, we should refrain from undertaking major new education commitments.

According to the latest estimates from the Department of Education, this school year there are 6.1 million children with disabilities being served by our Nation's schools. States and local communities are spending \$72.9 billion of non-federal dollars to educate

these children. The federal contribution available to use in this school year is \$3.8 billion. That level of funding represents 10.8 percent of the national average per pupil expenditure for each child with a disability. That represents a mere \$635.83 per child. It's time to deliver on the missing 29.2 percent.

In a letter of March 24, 1999, the National School Boards Association urges us to increase funding for IDEA by \$2.1 billion a year for the next ten years. It reports that 38 cents of every new tax dollar is being spent on special education. Local school districts desperately need our help. If IDEA had been fully funded in fiscal year 1999, my State, Vermont, would have received \$20 million more than the \$5.7 million it will receive this July 1.

By putting our urge to create and fund new initiatives on hold and by focusing on increased funding for IDEA as our first priority, we will be giving relief to school districts, resources to teachers, hope to parents, and opportunities to children with disabilities.

Please join us in cosponsoring this important resolution.

#### AMENDMENTS SUBMITTED

#### CONCURRENT RESOLUTION ESTABLISHING THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT

##### DOMENICI AMENDMENT NO. 252

Mr. DOMENICI proposed an amendment to the motion to instruct conferees proposed by Mr. KENNEDY to the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009; as follows:

At the end add the following in the conference report:

(1) amendment #176, offered in the Senate by Senator Roth and Breaux, regarding Medicare reform; and

(2) Section 209 of the Senate-passed resolution, offered in the Budget Committee by Senator Snowe and Wyden, regarding the use of on-budget surpluses for a prescription drug benefit.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a closed hearing has been scheduled before the Committee on Energy and Natural Resources. This hearing is titled: "Damage to the National Security from Chinese Espionage at DOE Nuclear Weapons Laboratories."

The hearing will take place on Wednesday, April 14, 1999, at 9:30 a.m. in room 219 of the Hart Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy

and Natural Resources, U.S. Senate, Washington, D.C. 20510.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 14, 1999, at 1:45 p.m. to conduct an oversight hearing on welfare reform implementation in Indian country. The hearing will be held in room 485 of the Russell Senate Office Building.

##### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing previously announced has been rescheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing scheduled for Wednesday, April 14, 1999, at 2 in room SD-366 of the Dirksen Senate Office Building in Washington, D.C. has been canceled.

Alternatively, the hearing will take place on Wednesday, April 28, 1999, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 415, a bill to amend the Arizona Statehood and Enabling Act in order to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from the funds, and S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mike Menge (202) 224-6170.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, April 13, 1999, in open session, to receive testimony from the unified commanders on their military strategy and operational requirements in review of the fiscal year 2000 Defense Authorization Request and Future Years Defense program.

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

##### COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 13, 1999, at 2:30 p.m., in closed/open session, to review submarine warfare in the 21st century.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Tuesday, April 13, 1999, at 9:30 a.m. on Telco/Broadband.

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

##### COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, April 13, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 13, 1999 at 2:30 p.m. to hold a hearing.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the reductions in force in the Veterans Health Administration (VHA) of the Department of Veterans Affairs.

The hearing will be held on Tuesday, April 13, 1999, at 2:30 p.m., in room 418 of the Russell Senate Office Building.

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

##### SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to hold a hearing during the session of the Senate on Tuesday, April 13, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building, on: "S. 467, the Antitrust Merger Review Act: Accelerating FCC Review of Mergers."

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

##### SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 3:30 p.m. on Tuesday, April 13, 1999, in open session, to receive testimony on Department of Defense land withdrawals and environmental programs in review of the defense authorization request for fiscal year 2000 and the Future Years Defense Program.

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

##### SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the

Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, April 13, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

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

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CAL RIPKEN, SR.

• Ms. MIKULSKI. Mr. President, on March 25, the game of baseball experienced a tremendous loss when former Baltimore Orioles' manager, coach and minor-league player Cal Ripken, Sr., passed away at the age of 63.

Cal Ripken, Sr. was a monumental figure in Baltimore's baseball heritage. For nearly four decades, Cal Sr. was the heart of the Baltimore Orioles' organization. He exemplified everything that is good about baseball and about America—hard work, dedication and integrity. He taught his sons, Cal Ripken, Jr. and Bill Ripken, to play baseball when they were young and inspired in them his own legendary love of our national pastime.

In 1987, Cal Sr. was named manager of the Orioles, and became the first father to manage two sons simultaneously at the major league level. Ripken Sr. retired in 1992, having spent 36 years with the Orioles' organization.

I will never forget going to the ball park, year after year, and seeing the competitive fire Cal Ripken Sr. brought to the Orioles. He knew how to bring out the best in the players he coached and managed.

Cal Ripken, Sr. will be remembered for what he instilled in his family, in Baltimore and in all of us: work hard, show up every day, and always give it everything you've got. His spirit will live forever in the hearts of every Baltimore Oriole and every Oriole fan.●

##### RECOGNIZING INNOVATIVE EDUCATION AT OAK HARBOR ELEMENTARY SCHOOL

• Mr. GORTON. Mr. President, today I would like to recognize a school in Oak Harbor, Washington for their wonderful success in becoming a 'school of choice.' Oak Harbor Elementary is another shining example for why I began my "Innovation in Education Award" program—to highlight to my colleagues in the good things that are happening in education at the local level.

When Oak Harbor Elementary underwent a massive remodel of its north annex, originally built in 1934, it had the opportunity to add 200 more students to its student body. Rather than change attendance boundary areas, the school board and superintendent saw it as an opportunity to make it a magnet school to draw students from the most crowded schools in the district.

Over the course of a year, Principal Glenda Merwine met with parents and

staff to determine what the ideal elementary school could look like. After many meetings, surveys, and discussions, the school chose to make a series of reforms including: requiring uniforms for all students in grades K-5; including curriculum in every classroom about various positive character traits like honesty, generosity and integrity; requiring parent compacts for participation in their children's education; and eventually implementing strong fine arts programs.

With this innovative new structure, Oak Harbor Elementary attracted over 200 student transfers from other schools including private schools and home-schooled children in the area.

The Oak Harbor "school of choice" is now in its second semester under the new plan. Staff and parents are highly enthusiastic over the improved discipline, motivation and achievements of the entire student body. Ms. Merwine said she has seen a dramatic change in the students' attitudes. The student body at Oak Harbor Elementary has increased by 230, yet Ms. Merwine said suspensions and disciplinary incidents decreased dramatically.

She gave one example of how the uniforms have brought down artificial barriers between students. Last year, a kindergartener frequently asked Ms. Merwine or a teacher to play with her, claiming the other children wouldn't. Ms. Merwine eventually observed another student telling the girl she wouldn't play with her because she wasn't wearing the "right brand of jeans." This year, on the first day of school, Ms. Merwine said she saw the same two girls—now in 1st grade and wearing nearly identical uniforms—happily playing in the school yard.

I hope my colleagues will recognize the importance educators like Glenda Merwine, and the exciting things happening in our local schools when they are given the freedom to innovate. I for one, want to do all I can to increase their flexibility and resources so local educators—our parents, teachers, principals, school board members and superintendents—can continue to make the best decisions about the education of our children.●

##### MICHAEL "MICK" BIRD AND THE TRANS-OCEANIC ROWING EXPEDITION

• Mr. INOUE. Mr. President, I rise today to bring my colleagues' attention to a very exciting expedition. In September 1998, Mr. Michael "Mick" Bird completed the second leg of an unprecedented 24,000 mile voyage around the world. On August 19, 1997, Mick Bird started rowing out to sea from Fort Bragg, California in his vessel Reach. After 66 days of rowing, on October 23, 1997, Mick arrived in Hilo Bay on the Big Island of Hawaii.

After putting the Reach in drydock in Hawaii, Mick returned to his home base in California to raise support and prepare for the next leg of his historic

journey. Mick returned to Hawaii last summer and put to sea in Reach on July 18, 1998 rowing for the Gilbert Islands, about 2500 miles southwest of Hawaii and halfway point between Hawaii and Australia. On September 22, 1998, 66 days and more than 2200 miles from Hawaii, Mick made landfall on Majuro in the Marshall Islands, a bit north of his intended destination in the Gilberts. Mick is now happily home in California with his family preparing for his next leg to the north central coast of Australia; another 2500 mile row.

Mick Bird, a former U.S. Air Force officer, is of Pacific Island descent and has family ties to the State of Hawaii. His voyage is more formally known as Trans-Oceanic, which is the name of the non-profit organization sponsoring this attempt at the world's first solo circumnavigation of the globe by a rowing vessel. The goals of this expedition are, among others, to explore the limits of the human spirit, to raise awareness about ocean ecosystems, to be an example of individual achievement as well as teamwork, and to generate support for the National Tuberos Sclerosis Association. The expedition is also using its World Wide Web sites ([www.naau.com](http://www.naau.com) and [www.goals.com/transrow](http://www.goals.com/transrow)) to create a direct link between Mick's vessel Reach and educators and students to share experiences and practical applications of math, science and geography.

I would like to congratulate Mr. Bird on his very impressive accomplishments to this point, and to express my good wishes for the safety and success of the rest of this voyage around the world. I also wish to commend him and Trans-Oceanic for enhancing public awareness and education. I encourage my colleagues to have a look at Trans-Oceanic's web sites and share them with educators at home to follow along with this amazing journey.●

##### TRIBUTE TO EDITH SCHMIDTCHEN ON HER RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Edith ("Edie") Schmidtchen on her retirement as the Town Clerk for Bedford, New Hampshire after thirty-five years of service. She has had an exceptionally distinguished career with the Town of Bedford.

Edie began her career in Bedford as the Assistant to the Town Clerk. She was promoted and served as the Deputy Town Clerk and then served as the Town Clerk for twenty-one years. Her dedication to the Town and the State of New Hampshire is truly admirable.

Edie has also been very active in the community during her time in the Town Clerk's office. She has been a volunteer teacher for the Bedford Mother's Club, an active member of the Bedford Presbyterian Church, and Secretary of the Town of Bedford Planning Board. She has also participated in

many other activities that have bettered her community.

My thoughts and best wishes are with Edie, her children and her grandchildren for success in their future endeavors. Once again, I congratulate her on her retirement and thank her for her thirty-five years of continual service to the Town of Bedford. It is an honor to represent her in the United States Senate.●

#### TRIBUTE TO MR. CARL D. SOMMERS

● Mr. TORRICELLI. Mr. President, I rise today to recognize Carl D. Sommers, a true leader and a dedicated spokesman for New Jersey's labor movement. He has served the many members of organized labor in my home state for over 25 years and at his retirement, he is to be honored for his contributions to the Sheet Metal Workers Union.

Born and raised in Lawrence Township, New Jersey, Carl graduated from the Trenton High Vocational Sheet Metal Program. He began his career by serving a four-year apprenticeship with Sheet Metal Workers Local #27, where he has remained a member until this day. He has served his union as a local Union Shop Steward, Trustee, Executive Board Member, and as a member of the Joint Apprenticeship Training Fund. Carl also served as a Trustee of the Education Fund, monitoring and managing the Financial Training Facility and Teacher programs. As a member of the Supplemental Unemployment Fund Board, Carl has helped his union colleagues during periods of unemployment.

Carl was elected as Business Representative of Local 27 in 1990. In this new position, he adeptly represented the concerns and the welfare of his Union in labor disputes and corrected violations of collective bargaining agreements. He was also responsible for the daily work assignments of all Local members and attended labor seminars in an effort to protect the union rights.

He has proudly served his members by serving on the Contract Negotiating Committee, and attending rallies to garner support for pro-labor legislation. He recently became a Trustee of the New Jersey State Labor Council of Sheet Metal Workers, a member of both the Camden County Building Trades Council and the Warren County Building Trades Council. For over two years, Carl has served as Financial Secretary-Treasurer of the Mercer-Burlington Counties and Vicinities Building Trades Council.

On the eve of his retirement, it brings me great pleasure to recognize the accomplishments of Carl Sommers and his actions and efforts should be commended. The New Jersey labor community should be proud to have had Carl as a member and should be assured that he will continue to monitor and participate in the labor movement.●

#### TRIBUTE TO BRAVE GEORGIAN RESCUERS

● Mr. COVERDELL. Mr. President, I rise today to recognize three Georgians who went above and beyond the call of duty in a daring rescue mission yesterday. We watched with awe as Robert Clines, Larry Rogers and Matt Mosely successfully rescued Ivers Sims, a construction worker who found himself suspended some 180-feet in the air trapped by a raging fire.

Roger Clines, a Georgia Department of Natural Resources pilot, and his navigator Larry Rogers negotiated their helicopter through treacherous wind, smoke and fire, as Atlanta firefighter Matt Mosely dangled on a rope to rescue Mr. Sims—a dramatic and heroic scene.

I want to take a moment to recognize and honor the teamwork, dedication and bravery that resulted in this successful rescue mission. These three men, in the true spirit of heroism, risked their lives for the sake of a fellow human being.

Additionally, I would like to take this opportunity to honor and pay tribute to all of Atlanta's firefighters, the Atlanta police officers, Sheriff's deputies, and the Cabbagetown residents themselves, who worked together to fight the massive fire that engulfed the historic cotton mill. Our firefighters, facing shortages of equipment and personnel, heroically fought and contained a fire that could have destroyed an historic neighborhood currently being revitalized. Residents at home during the fire helped by rescuing neighbors' pets, and used garden hoses to extinguish burning debris.

As devastating as it was for residents of Atlanta's Cabbagetown to watch this historic landmark burn, the heroism of the day—like Atlanta's symbol the Phoenix—rose from the ashes. Although we mourn the loss of this historic landmark, it is good to know that we will remember this day not for the tragedy that could have been, but for the heroism that was.●

#### NATIONAL LIBRARY WEEK

● Mr. SARBANES. Mr. President, this week from April 11-17 we are celebrating the 41st anniversary of "National Library Week." As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to take this opportunity to draw my colleagues' attention to this important occasion and to take a few moments to reflect on the significance of libraries to our nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the same principle of free and open exchange of ideas as the Constitution itself. Libraries have always been an integral part of all that our country embodies: freedom of information, an educated citizenry, and an

open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by traveling libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries gain even further significance in this age of rapid technological advancement where they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide audio-visual materials, computer services, internet access terminals, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network which provides interlibrary loans to the State's public, academic, special libraries and school library media centers. The Network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in Western, Southern, and Eastern Shore counties, and a Statewide database of holdings totalling 178 libraries.

The result of this unique joint State-County resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service by borrowing more public library materials per person than citizens of almost any other State, with 67 percent of the State's population registered as library patrons.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the nation in this week's celebration of "National Library Week." I look forward to a continued close association with those who enable libraries to provide the unique and vital services available to all Americans.●

#### TRIBUTE TO STANLEY J. CHERRY

● Mr. ABRAHAM. Mr. President, I rise today to honor Stanley J. Cherry, a World War I veteran and extraordinary citizen of Grand Traverse County, Michigan, who was recently awarded France's highest tribute, the Legion of Honor.

A son of Polish immigrants, Stanley Cherry enlisted in the United States Army in May 1918, after which time he was sent to England with the 330th Second Machine Company Battalion where he was trained to operate English Vickers, French Hodgkiss, and American Browning machine guns. He began his service in France in October of the same year where he remained after the signing of the armistice, assigned to secure provisions.

During his 62 year marriage to his wife Lucille, the couple owned and operated a general store in Elmira, Michigan, for over 30 years. In addition to running the store they raised two daughters, Joanne Hawly and Jeanette Galbraith, who both currently live in Traverse City, Michigan.

In commemoration of the 80th anniversary of the signing of the armistice, the French government chose to honor surviving allied war veterans who fought in France to help defeat the German Army. A representative of the French Consulate General office in Chicago was present at the February 19th ceremony to confer upon Mr. Cherry the rank of Chevalier of the National Order of the Legion of Honor. France's highest honor, the Legion of Honor was founded in 1802 by Napoleon as a way of recognizing citizens for their contributions to France.

In addition to the Legion of Honor award, Mr. Cherry was presented a certificate of merit voted by the Michigan Legislature and signed by Governor Engler.

Mr. President, Stanley Cherry is an outstanding American citizen. In April he will be celebrating his 103rd birthday. I salute him for his many remarkable contributions as a veteran and for his commitment to his community and family. I ask my colleagues to join me in honoring him on being conferred the rank of Chevalier of the Legion of Honor.●

#### HONORING CASSADAGA JOB CORPS

● Mr. SCHUMER. Mr. President, I rise today to honor the Cassadaga Job Corps in Cassadaga, New York, which

was recently rated the nation's top job center. The center's director, Andrew Carpenter, and his staff have earned top billing for overall training and job placement performance. In addition to winning national and county recognition, the Cassadaga Job Corps' achievements have also set state records.

Over the past four years, time and money has been invested in upgrading Cassadaga Job Corps facilities, including construction of an academic and training center which opened in 1997. Upcoming projects include dormitory renovations and construction, development of a waste water plant, and remodeling of the nursing education complex.

I would like to express my congratulations to the Cassadaga Job Corps' 120 staffers and 255 students who have earned the privilege of being named the best job training center in the nation, and my thanks to them for their hard work and dedication.●

#### LATIN-AMERICANS FOR SOCIAL AND ECONOMIC DEVELOPMENT, INC.

● Mr. LEVIN. Mr. President, I rise today to pay tribute to Latin-Americans for Social and Economic Development, Inc. (LA SED.) LA SED, a remarkable organization in my home state of Michigan, will celebrate its 30th Anniversary on May 5, 1999.

For thirty years now, LA SED has served Hispanics and the residents of Southwest Detroit through broad-based social programs. While championing the welfare of the Latino community, it has also addressed the issues that affect the diverse ethnic populations in Southwest Detroit. From education to advocacy and much more, LA SED's far-reaching hand has helped thousands of Detroit's most deserving citizens achieve a higher standard of living.

Over the years, LA SED has grown to become one of Detroit's premier multi-purpose social service agencies. As it celebrates this important milestone, I am sure its staff, friends and supporters will have the opportunity to recall its many successes. I am pleased to join with them in thanking LA SED for its efforts while applauding all the hard work and determination that have resulted in its prestigious reputation.

Mr. President, LA SED can take pride in the many important achievements of its first thirty years. I hope my colleagues will join me in saluting the accomplishments of LA SED's first three decades and in wishing it continued success for the future.●

#### TRIBUTE TO THE RAIMONDO FAMILY

● Mr. TORRICELLI. Mr. President, I rise today to recognize the Raimondo Family as they are honored by the Fort Lee Chamber of Commerce as Family of the Year. The Raimondo name and family are synonymous with the rich history of the Borough of Fort Lee.

Carmelo Raimondo, who emigrated from the Province of Coscenza in Southern Italy, founded Raimondo Construction with his wife Madeline Battaglia in 1923. In 1942, they moved to Fort Lee with their two sons Frank and Charles. Since that time, numerous members of the Raimondo family have helped build Raimondo Construction into the pinnacle of success that it is today. Raimondo Construction has been an integral part of the Fort Lee community, and the Raimondos have helped to make Fort Lee the Borough that it is.

The Raimondo Family is now spread throughout Bergen County and across the country, and every member of the family continues to be active in their community. Whether it is serving the United States in the Navy, caring for the sick as a nurse, or shaping the youth of our nation in the Boy Scouts, the Raimondo Family has contributed a great deal to society. They have worked on behalf of a diverse pool of civic organizations such as Christie Muhaw Scholarship Fund, the New Jersey Symphony, the Church of the Good Shepard, the York Street Project in Jersey City, the Bergen 200 Club, the Police Honor League of New Jersey, the Fort Lee Council of Youth and Community Services, and the Bergen County Catholic Youth Organization. The Raimondo Family has set a standard of community activism that we should all strive to meet.

The story of the Raimondo Family is the story of the American dream. It is the story of Carmelo Raimondo coming to America in search of the opportunity that this great country offers. The success that the Raimondos have experienced is a testament to the fact that America is truly the land of opportunity. My grandparents also came to America in search of opportunity, and it is this common experience that has built a bond between myself and the Raimondo Family.

I am proud to recognize the Raimondos on this occasion.●

#### THE ROCKVILLE HIGH SCHOOL RAMPAGE

● Ms. MIKULSKI. Mr. President, I rise to congratulate a group of young constituents and journalists at Rockville High School's newspaper, The Rampage. This year, the students on the staff of The Rampage and their journalism teacher, Kevin Keegan, won recognition as the best student newspaper in Maryland for the seventh year in a row. I am proud of these students for putting their minds and their hearts into creating a first-rate newspaper for the Rockville community.

More than 200 years ago, when the Framers of the United States Constitution created the First Amendment, they recognized and enshrined the importance of a free press in a democratic society. With its declaration that no law could abridge the freedom of the press, the First Amendment also bestowed on our Nation's journalists a

unique and special role. The Nation has given reporters the awesome responsibility to help communicate the needs of the Nation, report on and analyze the functioning of government, and chronicle the day-to-day events that affect our communities. In return, we hope those journalists recognize the importance of their responsibility and carefully tend their role as stewards of public information.

To maintain this profoundly important and delicate relationship, it is essential that journalists have strong training in writing, investigation, and ethics. That is why I am so proud of The Rampage, its staff, and its advisor. Mr. Keegan is teaching the important fundamentals of journalism, instilling in these young people the power and obligation of a free press, and encouraging them to grow personally and professionally in the process. Along the way, their hard work and commitment has earned these young journalists great respect and renown.

I would like to say a special word of thanks to The Rampage advisor, Mr. Keegan. He is well-known in Rockville and across the state for his commitment to teaching and to his students. As a journalism teacher and advisor for 20 years and coach of Team Maryland, a state all-star academic team, Mr. Keegan embodies all that is great and good about education in America. He inspires students personally, challenges them academically, and donates enormous amounts of energy and time to give kids the extra attention and encouragement they need to succeed. In 1997, he was recognized statewide when Hood College in Frederick honored him with its Maryland Distinguished Teacher award.

Mr. President, I have worked with quite a few journalists in my years of public service. I have been proud that many Maryland reporters and news outlets have earned national reputations and honors. But I am uniquely proud of The Rampage today because they represent great hope for maintaining a strong free press and a strong democratic society. In their ranks we may well find some of the next generation's Pulitzer Prize winners. I congratulate them today on their tremendous accomplishments and wish them all the best for their future endeavors. Maryland is very proud of them.●

MS. ROSA PARKS AND MR. OLIVER W. HILL

● Mr. ROBB. Mr. President, I wanted to say a few words today about two civil rights leaders to whom this nation owes an immense debt of gratitude. Ms. Rosa Parks and Mr. Oliver W. Hill, both, in very distinct ways, took action that has helped make our children more free, our society more enlightened, our culture more enriched.

I was pleased to add my name to the list of cosponsors of S. 531, legislation to award a Congressional Gold Medal to Ms. Rosa Parks, who as everyone

knows stood up to segregation by sitting down in the front seats of a city bus in Montgomery, Alabama. It is difficult to adequately put in words the courage it took on the part of Ms. Parks to oppose decades of institutionalized racism. It is also hard to describe the pride we feel today in Ms. Parks' action, and in how our nation's conscience grew, although too slowly, in response to the bus boycott that followed.

Ms. Parks' action set off a 382-day bus boycott by 40,000 people, which in turn led to a federal court challenge and the end of Montgomery's segregated buses. The decade of peaceful protests that followed brought us a string of liberating Supreme Court decisions and the Civil Rights Act of 1964. Today, Ms. Parks, an unassuming seamstress, stands like a giant in the history of the 20th century.

Mr. Oliver W. Hill, an aggressive attorney for the Civil Rights movement, is less well known. But Mr. Hill is no less courageous, and the contributions he made to this country deserve much greater recognition. For that reason, I've asked the President to award him the Presidential Medal of Freedom.

I describe Mr. Hill as "aggressive" because he trained as a warrior in the cause of justice: he went to law school specifically to overturn *Plessy v. Ferguson*. His training paid off. He prevailed in *Alston v. School Board of City of Norfolk* to grant equal pay for African American teachers. And he defended the rights of African American students in *Davis v. County School Board of Prince Edward County*, which was one of the five cases decided as part of *Brown v. The Board of Education*. Sadly, all this success was not without cost. Mr. Hill remembers the terrible telephone calls to his home, and the cross that was burned on his yard in Richmond.

The courage and accomplishments of this man and this woman are truly historic and important to our nation. I hope we can pass S. 531 quickly to recognize Ms. Parks, and I hope the President will decide very soon to reward Mr. Hill with the Presidential Medal of Freedom.●

DR. CHARLENE R. NUNLEY, PRESIDENT OF MONTGOMERY COLLEGE

Mr. SARBANES. Mr. President, I rise today to commemorate the installation of Dr. Charlene R. Nunley as the new President of Montgomery College. After a national search by the College's Board of Trustees, Dr. Nunley becomes the sixth President of Montgomery College, Maryland's largest community college, founded in 1946.

Dr. Nunley has already contributed enormously to this institution in her former position as Executive Vice President and Chief Administrative Officer, where she was responsible for a \$110 million budget, and provided academic leadership for 40,000 credit and

noncredit students each year on three different campuses. Dr. Nunley takes over the helm from Robert E. Parilla, whose two-decade tenure was critical to the vision and growth that enabled Montgomery College to become one of Maryland's premier community colleges. Not only was Dr. Nunley Mr. Parilla's personal choice for President, she also has been with Montgomery College even longer than he, beginning her involvement six months prior to the start of the Parilla Presidency. It is, in fact, Dr. Nunley's longevity that is at the root of her deep and personal dedication to this institution. This extensive institutional knowledge also gives her the wisdom and credibility to formulate a clear vision for the future growth of Montgomery College as we approach the new millennium.

Dr. Parilla and the Board of Directors were certainly not the only ones who felt strongly that Nunley was the right person for this job. Corporate securities advisor Gordon Macklin announced that he and his wife would be making a \$1.26 million gift to the school after Nunley became President. This gift, announced on January 27, 1999, constitutes the largest single charitable gift to a Maryland community college and will provide for the establishment of the Gordon and Marilyn Mack in Business Institute. The Macklin Institute, expected to open in the fall of 1999, will offer an honors program for second-year students who will be provided with a scholarship, a laptop computer, a summer internship, and a faculty and corporate mentor. Therefore not only does this Institute offer an increased business curriculum and high-tech training to Montgomery College students, but it will encourage strong business students to enroll at Montgomery College, and will promote economic development in the area.

Additionally, on March 24, 1999, Montgomery College received its second historic gift since Nunley was named President on January 4 of this year. Paul Peek, a computer systems manager from McLean, Virginia donated \$1.3 million to the College's Humanities Institute and Art Department. This represents the single largest individual gift ever to a Maryland community college, and will be used to support the ongoing work of both the Humanities Institute and the Department of Art. In appreciation for this gift, Montgomery College has named the Humanities Institute and the Rockville Campus's Art Building in Peek's name.

Dr. Nunley was educated at Pennsylvania State University and received a Ph.D. in Educational Policy Studies from George Washington University. Before joining Montgomery College 26 years ago, Dr. Nunley served as Director of Institutional Research at Howard Community College in Columbia, Maryland, and began her career in education at the Potomac State College of West Virginia University.

Mr. President, Dr. Nunley's creativity, effectiveness and dedication

have already contributed enormously to Montgomery College, and have significantly furthered the strength of its links with the local government and business communities. I have the utmost confidence in Dr. Nunley's ability to lead Montgomery College into the next century, and look forward to working with her during another successful 20-year tenure.●

TRIBUTE TO MR. MICHAEL A. FERRARA, JR.

● Mr. TORRICELLI. Mr. President, I rise today to recognize Michael A. Ferrara, Jr. as he is honored as an Outstanding Italian American by the Sons of Italy organization. Michael has enjoyed a fruitful legal career, multiple philanthropic endeavors, and a beautiful family.

Michael was born in South Philadelphia to the children of Italian immigrants. His father worked hard for the Pennsylvania Railroad and his mother worked for Wanamakers once Michael and his sister, JoAnn, were grown. He was raised in this city and stayed close after graduating high school, attending Villanova University on a NROTC scholarship. Michael graduated from Villanova with a degree in Mathematics and soon after, began his naval service.

In the Navy, Michael served aboard both a submarine and a destroyer, visiting Ireland, Spain, Italy, Greece, and Tunisia. His service was extended to five years due to the Vietnam War, which is where he spent his last year. While in DaNang, Michael taught English to Vietnamese children for the U.S. Information Agency and helped deliver Marines, tanks, and ammunition to river bases along the demilitarized zone. At the age of 23, Michael was in command of a mini-fleet of 25 boats and 250 men. His service in Vietnam was rewarded with several commendations including the Combat Action Ribbon, Navy Unit Commendations, Vietnam Campaign Medal and Vietnam Service Medal with three bronze stars.

After completing his military service, Michael attended law school at the University of San Diego. After graduation, he began his successful legal career. Michael has been elected President of the Association of Trial Lawyers of America, as well as President of the 2500 member New Jersey Trial Lawyer's Association. He has also served as President of the National Civil Justice Foundation. Recently he was selected, along with four other attorneys, to represent the Attorney General of New Jersey in the lawsuit against the tobacco industry.

In addition to his extensive legal career, Michael has served his community through various philanthropic endeavors, including the March of Dimes and the New Jersey State Aquarium's education program. As a fellow Italian American it gives me great pleasure to recognize Michael Ferrara and his

achievements, both in his career and his community. He is a man most deserving of this award and his actions should be highly commended.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COCHRAN. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: The Foreign Service nominee on the Secretary's desk. I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

IN THE FOREIGN SERVICE

Foreign Service nomination of Richard Lewis Baltimore III, which was received by the Senate and appeared in the Congressional Record of January 19, 1999

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CONGRESSIONAL AWARD ACT AMENDMENTS

Mr. COCHRAN. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 81, S. 380.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 380) to reauthorize the Congressional Award Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (S. 380) was considered read a third time and passed, as follows:

S. 380

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

SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.

(a) CHANGE OF ANNUAL REPORTING DATE.—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking "April 1" and inserting "June 1".

(b) MEMBERSHIP REQUIREMENTS.—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking "member of the Congressional Award Association" and inserting "recipient of the Congressional Award"; and

(2) in subparagraphs (B) and (C), by striking "representative of a local Congressional Award Council" and inserting "a local Congressional Award program volunteer".

(c) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking "and 1998" and inserting "1998, 1999, 2000, 2001, 2002, 2003, and 2004".

(d) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 1999" and inserting "October 1, 2004".

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 79, S. 148.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 148) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 148, the Neotropical Migratory Bird Conservation Act of 1999, introduced by Senator ABRAHAM. I am pleased to be a cosponsor of this legislation. The bill would establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds in the United States, Latin America and the Caribbean.

Each autumn, some 5 billion birds from 500 species migrate between their breeding grounds in North America and tropical habitats in the Caribbean, Central and South America. These neotropical migrants—or New World tropical migrants—are birds that migrate between the biogeographic region stretching across Mexico, Central America, much of the Caribbean, and the northern part of South America.

The natural challenges facing these migratory birds are profound. These challenges have been exacerbated by human-induced impacts, particularly the continuing loss of habitat in the Caribbean and Latin America. As a result, populations of migratory birds have declined generally in recent years.

While there are numerous efforts underway to protect these species and their habitat, they generally focus on specific groups of migratory birds or specific regions in the Americas. One program that stands out for its success is Partners in Flight, administered by the National Fish and Wildlife Foundation. Started in 1990, this program has

raised more than \$41 million for 480 projects for migratory bird conservation in the United States and Latin America.

The program established by S. 148 is intended to support and bolster these existing efforts. It does so by creating a comprehensive program to address the varied threats facing the numerous species of migratory birds across their range. Frequently there is little, if any, coordination among existing programs, nor is there any one program that serves as a link among them. A broader, more holistic approach would strengthen existing efforts, fill the gaps between these programs, and promote new initiatives.

I do not intend that this program would supplant or supersede existing efforts, nor do I expect that Federal funds for implementing S. 148 be diverted from funds going to these existing efforts. New money should go to this new program to assist neotropical migratory birds in new ways.

S. 148 is identical to a bill that was approved by the Senate last year, S. 1970, but was never passed by the House. The bill is based on bipartisan negotiations with the sponsors of the bill, the House Resources Committee, the administration, and the EPW Committee. Numerous groups, including conservation groups and the forest products industry, have supported this bill.

The bill allows for the Secretary to establish an advisory group, and I urge that the Secretary do so. The success of this initiative will depend on close collaboration with public and private organizations involved in the conservation of migratory birds.

I am very pleased with the legislation. I urge my colleagues to support it, and urge its speedy enactment. Thank you, Mr. President. I yield the floor.

Mr. ABRAHAM. Mr. President, today the Senate again will pass legislation to protect the habitat of the broad range of migratory birds which spend the spring and summer months in the United States. This legislation, which I introduced with my distinguished colleagues, Senator DASCHLE and Senator CHAFEE, is designed to protect over 90 endangered species of bird spending certain seasons in the United States and other seasons in other nations of the West Hemisphere. This is actually the second time this legislation has passed the Senate. Last year, after receiving considerable support from the environmental and conservation communities, this legislation passed the Senate by Unanimous consent. Unfortunately, time ran out for equal consideration in the House. Nevertheless, this year we returned with renewed determination and were able to again move this bill.

Every year, Mr. President, approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. Bird-watching is a source of great

pleasure to many Americans, as well as a source of important revenue to states, like my own state of Michigan, which attract tourists to their scenes of natural beauty. Bird watching and feeding generates fully \$20 billion every Year in revenue across America.

Birdwatching is a popular activity in Michigan, and its increased popularity is reflected by an increase in tourist dollars being spent in small, rural communities. Healthy bird populations also prevent hundreds of millions of dollars in economic losses each year to farming and timber interests. They help control insect populations, thereby preventing crop failures and infestations.

Despite the enormous benefits we derive from our bird populations, many of them are struggling to survive. Ninety species are listed as endangered or threatened in the United States. Another 124 species are of high conservation concern. In my own state we are working to bring the Kirtland's Warbler back from the brink of extinction. A few years ago, the population of this distinctive bird has been estimated at approximately 200 nesting pairs. Since then, a great deal of work has been done by Michigan DNR employees to preserve the Kirtland's Warbler habitat in the Bahamas, where they winter. Thanks in large part to this effort, the number of breeding pairs has recently increased to an estimated 800. This is an easily grasped problem. Since the entire species spends half of the year in the Bahamas, the significant efforts made by Michigan's Department of Natural Resources and concerned residents in Michigan will not be enough to save this bird if its winter habitat is degraded or destroyed.

This situation is not unique, among bird watchers' favorites, many neotropical birds are endangered or of high conservation concern. And several of the most popular neotropical species, including bluebirds, robins, goldfinches, and orioles, migrate to and from the Caribbean and Latin America.

Because neotropical migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this way can conservation efforts prove successful.

That is why Senator DASCHLE, Senator CHAFEE and I introduced the Neotropical Migratory Bird Conservation Act. This legislation will protect bird habitats across international boundaries by establishing partnerships between the business community, nongovernmental organizations and foreign nations. By teaming businesses with international organizations concerned to protect the environment we can combine capital with know-how. By partnering these entities with local organizations in countries where bird habitat is endangered we can see to it that local people receive the training they need to preserve this habitat and maintain this critical natural resource.

This act establishes a 4-year demonstration project providing \$8 million each year to help establish programs in the United States, Latin America, and the Caribbean. The greater portion of these funds will be focused outside the U.S. Approved programs will manage and conserve neotropical migratory bird populations. Those eligible to participate will include national and international nongovernmental organizations and business interests, as well as U.S. Government entities.

The key to this act is cooperation among nongovernmental organizations. The federal share of each project's cost is never to exceed 33 percent. For grants awarded outside the United States, the non-Federal match can be made with in-kind contributions. This will encourage volunteerism and local interest in communities that lack the financial resources to contribute currency. Since domestic organizations and communities are more financially secure, the matching portion of grants awarded within the United States will be required in cash.

The approach taken by this legislation differs from that of current programs in that it is proactive and, by avoiding a crisis management approach, will prove significantly more cost effective. In addition, this legislation does not call for complicated and expensive bureaucratic structures such as councils, commissions or multi-tiered oversight structures. Further, this legislation will bring needed attention and expertise to areas now receiving relatively little attention in the area of environmental degradation.

This legislation has the support of the National Audubon Society, the Nature Conservancy, the American Bird Conservancy, Defenders of Wildlife, the Ornithological Council, Ducks Unlimited, and the American Forest and Paper Association. These organizations agree with Senator DASCHLE, Senator CHAFEE, and I that, by establishing partnerships between business, government and nongovernmental organizations both here and abroad we can greatly enhance the protection of migratory bird habitat.

I want to take a moment to comment on the contributions of Senator DASCHLE and Senator CHAFEE with respect to this bill. For over a year, my colleagues and their staffs have dedicated a great deal of time and hard work to this legislation. This bill would not have advanced as it has, perhaps would not have moved at all, were it not for their efforts, and I wish to thank them for all they have done.

Mr. President, I yield the floor.

Mr. COCHRAN. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (S. 148) was considered read a third time and passed, as follows:

S. 148

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 "Neotropical Migratory Bird Conservation Act".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) ACCOUNT.—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

**SEC. 5. FINANCIAL ASSISTANCE.**

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or po-

litical subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in Latin America, the Caribbean, or the United States;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT REPORTING.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 33 percent.

(2) NON-FEDERAL SHARE.—

(A) SOURCE.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) FORM OF PAYMENT.—

(i) PROJECTS IN THE UNITED STATES.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) PROJECTS IN FOREIGN COUNTRIES.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

**SEC. 6. DUTIES OF THE SECRETARY.**

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

**SEC. 7. COOPERATION.**

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

**SEC. 8. REPORT TO CONGRESS.**

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

**SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.**

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by

the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$8,000,000 for each of fiscal years 2000 through 2003, to remain available until expended, of which not less than 50 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

#### APPOINTMENTS BY THE PRESIDING OFFICER

The PRESIDING OFFICER. Pursuant to the provisions of Executive Order No. 12131, the Chair appoint the following Members of the Senate to the President's Export Council: CONRAD BURNS of Montana; JOHN ASHCROFT of Missouri; MIKE ENZI of Wyoming; MAX BAUCUS of Montana; TIM JOHNSON of South Dakota.

#### APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the appointment of the following Senators on behalf of the Democratic Leader: Pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by Public Law 105-275, adopted October 21, 1998, and further amended by S. Res. 75 adopted March 25, 1999, I hereby appoint the following Senators to serve as members of the Senate National Security Working Group: ROBERT C. BYRD of West Virginia (Minority Co-Chairman); CARL LEVIN of Michigan (Minority Co-Chairman); JOSEPH R. BIDEN, Jr. of Delaware (Minority Co-Chairman); EDWARD M. KENNEDY of Massachusetts; J. ROBERT KERREY of Nebraska; DANIEL PATRICK MOYNIHAN of New York; PAUL S. SARBANES of Maryland; JOHN F. KERRY of Massachusetts; and RICHARD J. DURBIN of Illinois.

#### ORDERS FOR WEDNESDAY, APRIL 14, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Wednesday, April 14. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator KERRY of Massachusetts, 30 minutes; Senator BROWNBACK, 20 minutes; Senator BAYH, 10 minutes; Senators DOMENICI and WELLSTONE in control of a total of 15 minutes; Senator LEAHY, 15 minutes; and Senator CLELAND, 15 minutes.

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

#### PROGRAM

Mr. COCHRAN. Mr. President, it will be the leader's intention following morning business to begin consideration of S. 767, the uniformed services tax filing fairness bill. For the information of all Senators, the Senate will reconvene on Wednesday at 11:30 a.m. and begin a period of morning business until 1 p.m.

Following morning business, the Senate will begin consideration of S. 767, a bill introduced by Senator COVERDELL and others regarding tax filing extensions for certain members of the uniformed services. Following passage of that bill, it will be the leader's intention to begin consideration of the budget resolution conference report. There are 10 hours for debate on the conference report, but it is hoped that a significant portion of that time will be yielded back.

Members should, therefore, expect rollcall votes throughout Wednesday's session of the Senate in relation to the Coverdell bill or any other legislative or executive items cleared for action.

#### ORDER FOR ADJOURNMENT

Mr. COCHRAN. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DODD.

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

I thank the distinguished Senator for his patience and his forbearance.

The Senator from Connecticut.

#### TRIP TO MACEDONIA AND NATO HEADQUARTERS IN BRUSSELS

Mr. DODD. Mr. President, during the recent spring recess, I took the opportunity to travel to Brussels, Belgium, to meet with NATO officials about the situation in Kosovo. Last week, I traveled to Macedonia in order to make a firsthand assessment of the refugee problem confronting that small nation.

While in Brussels, I received an assessment of the ongoing military campaign against Yugoslav military and security forces and strategic installations from Gen. Wesley Clark, commander of our NATO forces. I also discussed NATO's objectives with respect to Kosovo and the more than 600,000 Kosovars now displaced with NATO Secretary General Javier Solana, NATO ambassadors, and NATO military officials.

I found that NATO ambassadors were unified in their resolve to stand up to Slobodan Milosevic. They expressed a willingness to carry on the air campaign for as long as it might take to degrade Serbian military and security forces.

Let me also say how deeply impressed I was with Gen. Wesley Clark, the supreme allied commander of NATO forces, our ambassador to NATO

and their staffs. I urge colleagues who have the opportunity to go to Brussels and meet with these NATO officials to do so. At the end of next week, there will be a gathering of the NATO nations' leaders here in Washington to celebrate the 50th anniversary of the most important strategic alliance of the 20th century. I hope that my colleagues will take advantage of the opportunity created by that historic gathering to speak with as many of these ambassadors and NATO staff and personnel as possible about the situation in Kosovo.

After these meetings in Brussels, I traveled to Macedonia on a military aircraft that was bringing urgently needed supplies to the refugee camps. It was a long flight from Ramstein Air Force Base in Germany to Macedonia, and I was deeply impressed by the young crew and their hard work. Before I left Ramstein Air Force Base, General Brady and his staff gave me an excellent briefing on how they are helping to relieve the suffering of the men, women and children displaced from their homes in Kosovo.

In Macedonia, I met with United States Ambassador Chris Hill and his staff. Let me reiterate to our colleagues here how fortunate we are to have someone of Chris Hill's talents and abilities representing us in Macedonia, particularly at a time such as this. He is a career foreign service officer, has spent time in the Balkans, knows the region well and is handling a very difficult and tense situation with a great deal of energy, vision and creativity.

While I was in Macedonia, I also met with U.S. military personnel who are a part of a unit called Able Sentry. A brigadier general and his staff briefed me on their operations. Before hostilities broke out, Able Sentry was intended as the base facility for a peacekeeping force in Kosovo. Now, these American service men and women are leading NATO's efforts to help the refugees on the ground.

I also spent some time with the enlisted personnel who make up the unit to which three young servicemen, Sergeants Ramirez and Stone and Specialist Steven Gonzales were assigned before their illegal capture by Serbian forces.

I wish all of our colleagues could have joined me in that small room last Saturday to hear these young American servicemen talk with great pride about the work of their colleagues Ramirez, Stone, and Gonzales. Ramirez, Stone and Gonzales were professionals doing a commendable job. When they were captured, they were not close to the Serbian border where they would have placed themselves and their units in any jeopardy. When I spoke with this unit of highly competent individuals just three days ago, they were deeply worried that Members of Congress in Washington would misunderstand the role that they were engaged

in and the professionalism with which they were conducting their responsibilities. I assured them that my colleagues here, regardless of party, had a deep respect for the job they were doing and admire them immensely. And, like them, I pray for the safe return of their three comrades.

The service men and women I met with are committed to getting the job done, Mr. President. They know why they are there. They understand the seriousness and importance of this issue and are conducting their jobs with a high degree of professionalism.

I wanted to take a moment here on the floor to express my confidence in them and speak their names on the floor of the Senate, as I assured them I would. I urge my colleagues to do likewise and express their support for the hard and commendable job our men and women in uniform are doing.

Mr. President, the efforts of all of these men and women in Macedonia today are focused on alleviating the suffering of the thousands of people who have been forced from their homes by Slobodan Milosevic's reign of ethnic cleansing. I fear that I am not capable of fully describing the scene at the refugee camps. For a generation of us who were born at the end of World War II, the sites of a concentration camp or of the thousands of homeless people in Europe at the end of World War II rest securely in the domain of documentary films and Hollywood depictions.

Most of us in this Chamber have not had occasion to encounter firsthand the kinds of scenes that our fathers and grandfathers witnessed. Senators THURMOND and HOLLINGS of South Carolina, Senator INOUE, Senator CHAFEE, Senator LAUTENBERG, and others who were veterans of World War II can also speak of personal recollections of those days.

In the past few days, however, the images from documentary films half a century old became a reality for me. I was profoundly struck by the sight of 45,000 people gathered together in makeshift huts or tents in an area only slightly larger than half of the Mall here in Washington. They were lining up for food, water, medicine and other basic necessities, and using open trenches as latrines. Mr. President, it was a sight to which TV film footage, television broadcasts, news descriptions—despite their talent and ability—cannot really do justice. It was a truly compelling sight.

I was deeply impressed with the work being done by the British military forces in this particular camp. It was stunning to learn that in less than 36 hours they had constructed and put up 4,000 tents to accommodate the 45,000 refugees that have poured into this particular part of Macedonia. There is another camp nearby in Brazda with some 12,000 people in it. I am told by the distinguished Ambassador from Macedonia that some 16,000 other Kosovars are living in the homes of people in Macedonia. In total, there are

some 120,000 Kosovars in that one small country, geographically the size of Vermont, with only 2 million people. To put it into perspective for Americans, this is equivalent to 5 million people arriving on our shores to seek asylum in a 72 hour period. This influx of refugees represents a tremendous disruption in the economic life of Macedonia as it has in Albania.

Mr. President, as I spent 4 hours or so wandering through the refugee camp walking by rows and rows of families huddled in tents or standing in lines to receive food and water, I noticed on every single tent a homemade sign written on cardboard with ballpoint pen or lipstick or whatever else that family could use. These signs would give a person's name and which town they had live in followed by: If you see or run into my mother, my father, my sister, my brother, or my child who is lost and separated, please tell them where I am. People wander by reading the signs, trying to find members of their own families. Teenagers are caring for small children who have been separated from their parents.

As people cross the border they tell the stories of being brutalized by the Serbian military and police forces in Kosovo. These stories of what they had to endure, how they were evicted from their homes, and separated from their families, Mr. President, are haunting and shocking.

I have seen a lot of hardship in my years. I was a Peace Corps volunteer in Latin America during the 1960s. I lived in countries where there is a great deal of poverty and suffering. I have been to Haiti many times. I have traveled throughout Central and Latin America over the years. But never, Mr. President, have I seen anything quite like the scene that I saw in this camp.

At times, however, there are moments amongst the despair of the present which speak to the potential optimism of the future. In the camp I visited is a field hospital operated by the Israeli military. Since the refugees began arriving, the Israeli doctors and nurses have delivered 6 babies. I pray, Mr. President, that these 6 infants will not know the horrors of ethnic-cleansing and hatred their parents have fled. Rather, may they grow up in the spirit of understanding and respect for each other which drives these Jewish doctors to care for mostly Muslim refugees.

If there is any doubt in anyone's mind about whether or not we were trying to do the right thing as a nation and as a group of nations under the alliance of NATO, I promise my colleagues that had they been with me last Saturday, seen what I saw, and talked to the people that I talked to, there would be absolutely no disagreement in this Chamber about whether or not the United States and NATO were taking the right course of action. Our efforts to restore these people to their rightful home, bring an end to this conflict, and thus save the lives of thou-

sands and prevent the spread of this conflict throughout the Balkans area are most assuredly the right thing to do.

I can only hope that Slobodan Milosevic will hear from this Chamber, from this Congress, and from NATO's member nations in the coming days a unanimous voice of determination to rid Kosovo of his brutal forces and stop to worst ethnic cleansing Europe has seen in decades. Furthermore, we must clearly state that we will not second guess the decisions of this administration, including President Clinton, Secretary of Defense Cohen and General Shelton, of our leaders in NATO, and of our colleagues in the diplomatic wing of NATO.

Mr. President, I think it is critically important that we demonstrate at this juncture as much bipartisan support as we can for NATO's military campaign in Yugoslavia. Once President Milosevic understands that the United States and other NATO countries are resolute in their common determination to continue a military campaign against Serbian targets until NATO's conditions have been met, I am convinced he will back down.

We must also be prepared to make clear that President Clinton has available all necessary means to carry out our mission against Serbian military and security forces. The Governments of Macedonia and Albania, together with international private relief organizations, have been confronted with a sea of refugees and are ill equipped to cope with this problem. International relief efforts to provide food, clothing, shelter, and medicines to the still-growing refugee community must continue—and on an expedited basis, I might add.

The United Nations, and specifically the United Nations High Commission for Refugees, must dramatically step up their efforts to respond to the refugee crisis in Albania and Macedonia.

It is also important to say a few words about the Governments of Albania and Macedonia. These are both poor countries that have been confronted with a situation even a wealthy nation like the United States would find difficult to cope with. While there have been some bumps along the road, I would like the Governments and the peoples of Macedonia and Albania to know that we in the United States appreciate deeply what they are trying to do to assist the Kosovar refugees and we recognize that they need substantial economic assistance to help them cope with this situation.

Macedonia and Albania should receive, in my view, bilateral and multilateral economic assistance including IMF assistance, debt relief in the form of debt forgiveness, trade assistance, in order to address war-related economic dislocation in both countries.

The hundred or so refugees with whom I spoke made it clear that they want to return to their home in Kosovo rather than be relocated throughout

the globe. They also expressed deep appreciation of the international community, and specifically the United States, in endeavoring to accomplish certain goals on their behalf. It does not go unnoticed by them that the United States, once again, is standing up for those who have been treated as poorly as these people have. It is in our heritage. It is part of our collective ethic in this Nation to try to help, try to do what is right rather than to be silent and stand by while outrages are perpetrated against innocent people.

I believe that what the United States and NATO are doing reversed the Serbian policy of ethnic cleansing and is a just cause that deserves the support of the Congress and the American people.

I pledge to do all I can to support this effort. Particularly, I want to support our President, our military, and NATO as they endeavor to achieve this worthy goal. I hope before this week is out that we might find some common ideas through some collective work here to express some issues on which we can all agree. There are differences of opinion on various aspects of this crisis, but I happen to believe we share a great deal in common on this issue.

I am confident that, under the leadership of the majority leader, TRENT LOTT, and the Democratic leader, TOM

DASCHLE, the chairmen and ranking members of the Armed Services Committee, the Foreign Relations Committee, and the Foreign Operations Subcommittee of the Appropriations Committee, as well as the chairman and ranking member of the Appropriations Committee and other interested Members of this body, we can find some common language and common ideas to send a clear, strong signal this week of how much we appreciate the efforts of our service men and women, of the front-line states, and of the international relief organizations. We must assure them that they do not stand alone and that we are going to do everything we can to ease the pressures and burdens that these poor refugees are facing. I am confident that we will speak with a common voice when we express our determination not to let Slobodan Milosevic's genocidal behavior stand.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11:30 A.M.  
TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). The Senate, under the previous order, will stand adjourned until 11:30 a.m., Wednesday, April 14, 1999.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, April 14, 1999, at 11:30 a.m.

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### NOMINATIONS

Executive nominations received by the Senate April 13, 1999:

#### DEPARTMENT OF STATE

ROBERT J. EINHORN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION). (NEW POSITION)

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. LESLIE F. KENNE, 0741

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### CONFIRMATION

Executive nomination confirmed by the Senate April 13, 1999:

#### FOREIGN SERVICE

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, OF NEW YORK