The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Winford L. Hendrix, Vienna Baptist Church, Vienna, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Winford L. Hendrix, offered the following prayer:

May we pray together, please.

On behalf of this assembly, Lord, thank You for another week of their service in Your kingdom and for our beloved country. And today we pray that You will grant the kind of understanding which will enable this Senate to see beneath the surface and identify the implications, consequences, and benefits of the decisions they shall make. May each Senator sense Your divine leadership in determining what is well founded, fair, and equitable; indeed, what is for the good of all the citizens of this great land. And I pray that You may reward all who respond to Your divine prompting with an inner sense of peace and fulfillment. In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL COVERDELL, a Senator from the State of Georgia, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. SPECTER. I thank the distinguished President pro tempore.

THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, let me comment at the outset what a great pleasure it is to see you opening the Senate again this morning, looking hale and hearty. We keep moving the time earlier and earlier; but no matter how early it is, you are always here first.

The PRESIDENT pro tempore. I thank the Senator very much.

SCHEDULE

Mr. SPECTER. On behalf of the leader, I have been asked to announce that we will now begin 30 minutes of debate on the amendment offered by the distinguished Senator from Maine, Ms. COLLINS, regarding diabetes. Following that debate, the Senate will proceed to a vote on the amendment at approximately 9:30 a.m.

The Senate is expected to continue consideration of the Labor-HHS bill during today's session. Senators who still intend to offer amendments to the bill are encouraged to work with the managers to schedule time for those amendments. Following the Labor-HHS bill today, there will be a period of morning business.

The leader advised me last night that the Senate will be proceeding to other business on Monday and Tuesday and that we will return to the Labor-HHS bill on Wednesday.

There are a great many amendments pending. As the chairman of the full committee announced yesterday, it is his intention, and for that matter, mine, too, to challenge any amendments which violate rule XVI; that is, to offer legislation on an appropriations bill. I encourage all Senators to consult with me or have their staffs consult with committee staff to work out time agreements and sequencing so that when the amendment is called we can move to it as promptly as possible.

The leader called my attention to the fact that following next week's session, we will be on the holiday for Columbus Day, so there may be some motivation for people to want to get the Senate business in order to be concluded as promptly as possible before the start of that 3-day weekend.

I thank the Chair.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Also, under the previous order, the Senate will now resume consideration of S. 1650, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized to offer amendment No. 1824 on which there will be 30 minutes of debate equally divided.

The Senator from Maine.

Ms. COLLINS. I thank the Chair.

AMENDMENT NO. 1824

(Purpose: To express the sense of the Senate that diabetes and its resulting complications have had a devastating impact on Americans of all ages in both human and economic terms, and that increased support for research, education, early detection, and treatment efforts is necessary to take advantage of unprecedented opportunities for progress toward better treatments, prevention, and ultimately a cure.)

Mr. President, I do call up amendment No. 1824, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:

The Senate from Maine (Ms. Collins), for herself, Mr. Breaux, and Mr. Grassley, proposes an amendment numbered 1824.

Ms. Collins. Mr. President, I ask unanimous consent that reading of the amendment be waived.

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

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. — Expressing the sense of the Senate to raise the awareness of the devastating impact of diabetes and to support increased funds for diabetes research.

(a) Findings.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the "epidemic of our time".

(4) In 1999, approximately 800,000 people will be newly diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) No method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) The tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created tremendous new opportunities and advances that might lead to better treatments, prevention, and ultimately a cure.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes;

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(C) increase the amount of funds, with-in their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-funded Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(D) Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, extreme thirst, fatigue, and irritability; and

(E) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. Collins. Mr. President, I ask unanimous consent that the Senator from Maine be authorized to join my co-chair of the Senate Diabetes Caucus, Senator Breaux, as well as the chairman of the Senate Special Committee on Aging, Senator Grassley, and the distinguished Senator from Michigan as cosponsors of this amendment.

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

Ms. Collins. I thank the Chair. Mr. President, I am pleased to join my co-chair of the Senate Diabetes Caucus, Senator Breaux, as well as the chairman of the Senate Special Committee on Aging, Senator Grassley, and the distinguished Senator from Michigan as cosponsors of this amendment.
He has to give himself an insulin shot or get his teacher or the school nurse or his parents to help him do so. Nathan can never take a day off from his disease. It does not matter whether it is Christmas or his birthday, he still has to prick his finger and check his blood sugar. He still has to inject himself with insulin in order to keep relatively healthy.

I will never forget the story a teacher told me of all the children in her class making a wish for Christmas. Some of them wished for a new toy, one wished to go to Disney World. But one little boy who had juvenile diabetes made the wish that he could just have Christmas without having to give himself “yucky” shots.

That story touched me deeply, and it hit home with the fact that this is a lifelong condition for children who are diagnosed with type I diabetes.

I will also never forget the anguish on a young mother’s face who told me her 5-year-old son had just been diagnosed with diabetes. “How do I tell him?” she said. “How do I tell him he is going to have to have shots every day, that he is going to have to constantly prick his finger to check his blood sugar? How do I tell him what this means for him and for all of us who love him?”

There is also some good news. Exciting research is underway that should lead to medical breakthroughs for Nathan and for other children, and for adults who have type I and type II diabetes. Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depends upon identifying the factors responsible for the disease and developing new methods for treatment, prevention, and ultimately a cure.

The next decade holds tremendous potential and promise for diabetes research. Improvements in technology and in the growth of our scientific knowledge have created unprecedented opportunities for advancements that might lead to better treatments, prevention, and a cure.

Earlier this year, the congressionally mandated diabetes research working group, an independent panel composed of 12 scientific experts of diabetes and 4 representatives of the lay diabetes communities, issued an important report. It is called “Conquering Diabetes: A Strategic Plan for the 21st Century.” This report details the magnitude of the problem, and it lays out a comprehensive plan for research conducted by the National Institutes of Health on diabetes.

In this report, the diabetes working group found that “many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms and a shortage of trained researchers.”

The report also concluded that the current level of funding, the level of effort, and the scope of diabetes research falls far short of what is needed to capitalize on these promising opportunities. The funding level, the report found, is so far short of what is required to make progress on this complex and difficult problem.

The report goes on to recommend a funding level of $827 million for diabetes research in the year 2000, and, indeed, many of our colleagues signed a letter to the Appropriations Committee requesting an appropriation of just that level to be included to advance the goals of this legislation.

I am a strong supporter of increased research and of efforts to double our investment in biomedical research over the next few years. There is simply no investment that would yield greater returns for the American taxpayers, and the commitment of the bill before us of an additional $2 billion in funding for NIH, which represents nearly a 13-percent increase, will bring us so much closer to that goal. This strategy is particularly important as we move into the new century when our public health and disability programs will be under increasing strains due to the aging of our population.

I am also very pleased and commend the Chairman of the Appropriations Committee, Senator SPECTER, and the ranking minority member, Senator HARKIN, for including very strong language in the report accompanying this bill which recognizes that diabetes research has been underfunded in the past and directs that funding for diabetes be increased at the National Institute for Diabetes and Digestive and Kidney Disease and other NIH institutes. Again, the chairman of the Appropriations Committee, Senator STEVENS, and the chairman and ranking member of the subcommittee, Senator SPECTER and Senator HARKIN, have all been tremendous advocates for people with diabetes and are to be commended for their strong leadership in this area.

The amendment I am offering today does not earmark a particular funding level for diabetes research. Rather, it is intended to heighten awareness of the devastating impact of this disease, and it is intended to affirm that diabetes research is a high priority. Most of all, the amendment expresses the clear intent of the Senate that the National Institutes of Health should substantially increase its investment in the fight against diabetes along the lines recommended in this landmark report, the $827 million recommendation.

We must ensure that sufficient resources are available to take full advantage of the extraordinary and unprecedented scientific opportunities identified by the diabetes working group. If we do so, we can better understand and ultimately conquer this devastating disease.

I thank the Chairman for his attention. I hope all of my colleagues will join us in supporting this resolution to send a clear signal that we are committed to conquering diabetes.

I reserve any remaining time I may have left.

Mr. GRASSLEY. Mr. President, I rise today in support of the sense-of-the-Senate resolution regarding diabetes. I thank my colleagues from Maine for sponsoring this resolution. Senator COLINS and I were among the original co-founders of the Senate Diabetes Caucus and have worked together to raise awareness of the disease and the need for a cure.

Diabetes is a devastating illness that affects people of every age, race, and nationality. More than sixteen million Americans suffer from diabetes and 800,000 new cases are diagnosed each year. It is the chronic illness affecting children, a special population with which it places an especially heavy burden.

Although many people with diabetes are able to survive with multiple daily injections of insulin, it is not a cure for this dread disease. Despite the availability of insulin, diabetes continues to cause serious health complications, including kidney failure and blindness, and it is the cause of nearly 200,000 deaths per year.

Diabetes costs our nation nearly $100 billion each year in direct and indirect costs. In fact, more than forty billion tax dollars are spent each year in treating people with diabetes through Medicare, Medicaid, veterans and federal employee health benefits.

Past investments in diabetes research at the National Institutes for Health (NIH) are beginning to show real promise for a cure and the number of research opportunities in the field continue to expand. We now stand at a pivotal juncture in the fight to cure diabetes and its complications.

A report released in February by the congressionally mandated Diabetes Research Working Group (DBWG) called upon NIH to substantially expand its support for diabetes research and has identified specific research recommendations as part of a new national plan to find a cure. As a result of this report, 37 of our colleagues was sent to Chairman SPECTER and Ranking Member HARKIN in requesting increased funding for diabetes research within NIH in accordance with the DBWG report. And, it is clear from the work of the Senate Appropriations Committee that diabetes has not been neglected. Therefore, in an effort to bolster the work of the committee, and I believe rightly so, this resolution is being introduced today to send a clear signal to all Americans that diabetes is a serious concern of the United States Senate.

We have not yet found a cure for diabetes. But, I am confident that in time and with sufficient support, a cure will be found and we will literally declare victory over this debilitating disease. Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I congratulate the distinguished Senator from Maine, Ms. COLINS, for offering this amendment. I agree with her that the amendment will appropriately...
focus attention on the problems of diabetes, especially among the young people in America.

I thank Senator Collins for noting the work of the subcommittee and the full committee in moving ahead with funding for the National Institutes of Health. As she noted, with the very strong language that is present in the bill encouraging the National Institutes of Health to move forward.

I think it appropriate to note for the record that on February 22 of this year we had a special hearing on diabetes. At that time, we had testimony from officials at the National Institutes of Health, the Director, Dr. Harald Varmus; Dr. Phillip Gorton, the Director of the Institute of Diabetes and Digestive and Kidney Diseases; as well as a number of others.

It is very important to put a human face on the issue, as Senator Collins did with the specific reference in her speech to the youngsters. At that time, we had coming forward the celebrity, Mary Tyler Moore, a juvenile diabetic; Mr. Tony Bennett, the famous singer, the grandfather of a child with diabetes; Mr. Alan Silvestri, a composer and the father of a child with diabetes; and also Ms. Collins, a consumer of the Senate Appropriations Committee. The amendment offered by the Senator from California, Mr. Boxer, offered the $200 million for afterschool programs.

Then Senator Dodd offered an amendment to add about $900 million more to day care. I have always supported. But again, when you have a bill of $91.7 billion, which is at the break-even point as to what this body will pass—and I think there is a question as to whether we will have 51 votes for that because it is a lot of money, although staying within the caps—and again with great reluctance, I could not support the amendment on day care.

Then we had a very important social service block grant, again where it is a matter of priorities. When it comes to health, I believe there is no higher priority. I have said with some frequency that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government.

In my position as chairman of the subcommittee, which has the baseline responsibility to fund the National Institutes of Health—and Senator Harkin has the same consideration—we receive requests constantly from people who know diseases. I have Parkinson’s disease. I had a hearing this week on Parkinson’s disease. We had a hearing on prostate cancer, a special concern on breast cancer, heart ailments, a very large number of unknown diseases.

I said on the floor yesterday that Senator Harkin is very frequently lobbying when he gets on the plane between Washington and Des Moines. I find a lot of people with unique ailments on the Metroliner between Washington and Philadelphia.

As Senator Collins has brought forward the issue this morning, I think it is a very profound message. But to accomplish what Senator Collins seeks, we have to approve the increase of $2 billion. Even then, if there are 10 doors with research projects behind them, 7 of those doors will not be opened, even with funding NIH at a level of $1.2 billion, there would not be room for funding for NIH, for programs such as diabetes.

Then we had an amendment come up on afterschool programs, again, a request for $200 million more. There is $1.2 billion, which I would like to have more for afterschool programs, but I had to vote against that amendment, because if we add money to afterschool programs, it has to come from some place. And NIH is a big target out there. The amendment adding the $200 million for afterschool programs was offered by the Senator from California, Ms. Boxer.

When it comes to health care, Senator Harkin and I took the lead, and as Senator Collins noted, it has made it necessary to reduce funding on some other proposals. I found myself in a very unique position in managing this bill. I have voted against amendments I never voted against before. I voted against an amendment to add $200 million on class size, because I would like to have supported. The bill continues the funding at $1.2 billion. If we added the $200 million on class size, in addition to the $1.2 billion, there would not be room for funding for NIH, for programs such as diabetes.

When we have assessed those priorities, in adding $2 billion, as we did last year.

I think it appropriate to note for the record from the Senator from Oregon (Mr. Wyden) and the Senator from California (Mrs. Boxer) and the Senator from Oregon (Mr. Wyden) are necessarily absent.
I also announce that the Senator from Michigan (Mr. LEVIN) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote ‘no.’

The result was announced—yea 93, nay 0, as follows:

YEAS—93

Abraham    Edwards    Lieberman
Akaka      Enzi        Lincoln
Allard     Feingold     Lott
Ashcroft   Feinstein    McConnell
Baucus      Fitzgerald  Mikulski
Bayh       Frist        Moynihan
Bennett     Gorton       Murkowski
Biden       Graham       Murray
Bingaman    Gramm        Nickles
Bond        Grassley     Reed
Browne      Gray              Reid
Brownback   Gregg        Robb
Bryan     Hagel            Roberts
Bunning    Hatch         Roth
Burns       Helms         Santorum
Byrd       Hollings       Sarbanes
Chafee      Hutchinson     Schumer
Cleland     Hutchison     Sessions
Coakley     Inouye        Smith (NH)
Conrad       Jeffords      Smith (OK)
Coverdell   Johnson       Snowe
Craig       Kennedy       Specter
Crappo      Kerry          Stevens
Daschle     Kerry          Thompson
DeWine      Kohl            Thurmond
Dodd        Kyl              Torricelli
Domenici    Lautenberg     Voinovich
Dorgan      Leahy          Weillstone
Durbin

NOT VOTING—7

Boozman    Mack              Wyden
Levin        McCain
Lugar        Thomas

The amendment (No. 1824) was agreed to.

Mr. HATCH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I ask to proceed as in morning business.

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered.

MEDICARE BENEFICIARY ACCESS TO CARE ACT OF 1999

Mr. DASCHLE. Mr. President, 2 years ago, we passed the Balanced Budget Act. It was a monumental example of what Congress can achieve when we work together.

Not only did we end 30 years of deficit spending with the Balanced Budget Act, we also extended the life of the Medicare Part A Trust Fund by 13 years. And we added important new preventive benefits, including mammograms and Pap smears, for Medicare beneficiaries.

We made many changes that achieved a lot of good.

We also know now that we made some miscalculations.

Frankly, that is to be expected. Very often, when you make a lot of changes, you don’t get everything right the first time.

But the miscalculations we made about Medicare in the Balanced Budget Act are causing real hardships for some of our most vulnerable citizens—hardships that cannot be justified on either financial or medical grounds. We did not anticipate these consequences when we passed the Balanced Budget Act. But now that we know about them, we have a responsibility to address them.

Today I am introducing the Medicare Beneficiary Access to Care Act of 1999.

This bill is not a comprehensive Medicare reform plan. Nor is it a wholesale revision of the Balanced Budget Act. Instead, it is a reasonable, targeted solution to certain specific problems with Medicare that Congress created inadvertently as part of the Balanced Budget Act.

Before I outline the specific remedies in my bill, I want to tell you about the real-life consequences of one of these changes we made to Medicare under the Balanced Budget Act.

Two years ago, Congress decided to limit how much it would pay for rehabilitation therapy. The new limits are $1,500 a year per patient for physical and speech therapy combined, and another $1,500 for occupational therapy.

For some Medicare patients who need rehabilitation therapy, the new limits on payments are not a problem. But for Ruth Irwin, they are a nightmare.

A while back, Mrs. Irwin had to have one of her legs amputated because of complications of diabetes. With an incredible amount of effort and the help of regular physical therapy, Mrs. Irwin was learning how to walk with a prosthetic leg and two canes.

Her goal was to learn to walk with one cane, so she would have one hand free. She was on the verge of reaching that goal—when she hit the $1,500 physical-therapy limit. She couldn’t afford to pay out of pocket, so she stopped seeing her physical therapist. Her condition deteriorated. Nor was it all.

After months later, she tripped on a curb and broke three ribs. Ruth Irwin is not alone.

It is estimated that 1 in 7 Medicare recipients who need physical therapy—about 200,000 Americans—will hit the caps this year. These are mostly patients who are recuperating from amputations, strokes, and head trauma, and people who suffer from serious degenerative diseases such as multiple sclerosis, Alzheimer’s, and Parkinson’s disease.

Mr. President, between 1990 and 1996, Medicare spending on rehabilitation therapy grew 18 percent a year, to $1 billion. We had good reason to try to curb that growth. But we now know, we chose the wrong way to accomplish our goal. It’s wrong to force stroke victims in nursing homes to decide whether they want to learn how to walk or talk. The Medicare Beneficiary Access to Care Act repeals the current, arbitrary caps rehabilitation therapy and replaces them with payments based on individual patients’ specific needs.

It also makes a number of other, targeted adjustments.

First: It adjusts the new payment system for nursing homes and skilled nursing facilities to better reflect the increased costs of caring for very sick patients.

Second: It postpones additional cuts in home health care payments for two years and deals with other serious problems that have come to light while the current ‘interim payment system’ has been in place.

Third: It protects hospitals from crippling losses they might otherwise suffer as the result of a new Medicare payment system for outpatient medical services.

This protection is especially important for people who depend on rural hospitals—like Mobridge Hospital, in Mobridge, South Dakota. Mobridge Hospital is the only source of inpatient hospital care for 100 miles. If it were forced to drastically reduce its services, or close, that would have a devastating impact on scores of communities. Because they serve a population that is generally older and less wealthy than average, America’s rural hospitals operate on lower profit margins, and they have virtually no margin for error. They need the relief that is in this bill.

A fourth area addressed by the bill are the deep cuts made by the BBA in payments to teaching hospitals. Major teaching hospitals represent only 6% of all hospitals. But they account for 70% of the burn units in America, more than half of the pediatric intensive care units, and they provide 44% of the indigent care in this country. The bill moderates these cuts.

When you combine other BBA cuts in payments with reductions in payments for indirect medical education, nearly half of America’s major teaching hospitals are projected to lose money during the next few years. We cannot sacrifice the high-quality care, teaching, and research activities these hospitals provide. We must make this fix, and keep these hospitals whole. This bill does it.

Fifth, Mr. President, the Medicare Beneficiary Access to Care Act provides new protections for seniors enrolled in Medicare+Choice, when their plan pulls out of their community.

Finally, the bill includes additional provisions to protect access to rural hospitals, hospice care, community health centers, and rural health clinics.

As I said, this is not a comprehensive solution to Medicare. There are still many questions we must work together to answer. How can we add the prescription drug plan both our parties—and the vast majority of Americans—say we support? How can we make sure Medicare remains solvent when the Baby Boomers retire—and beyond?

These are questions that must be answered. They are questions that must be addressed in legislation that falls outside the purview of the bill we introduce today. But make no mistake,
they are high priorities, and ones which will not go away, and will be addressed in future bills.

For now, though, there is no question that we made some miscalculations in 1997, when we changed the way Medicare pays for certain services. There is no question that those miscalculations are the result of a series of very specific provisions in the Balanced Budget Act of 1997, which have had profound consequences some of these miscalculations would have.

That is the other part of Ruth Irwin’s story. As a result of her three broken ribs, Mrs. Irwin received regular visits by a registered nurse and a home health aide—all paid for by Medicare. She also received physical therapy three times a week.

The bottom line: Her recovery was far longer, far more painful—and more costly—than it needed to be. We did a lot of good in 1997. We made some tough decisions that added years of solvency to Medicare, and enabled us to add life-saving new preventive benefits. But we also made some miscalculations.

We didn’t know at the time the harsh consequences some of these miscalculations would have.

Now that we do, we need to correct them—sooner, the better. So I urge all my colleagues to support this bill and to work with us to ensure its prompt consideration and passage.

This legislation was the result of a tremendous amount of work by a number of our colleagues. This is clearly a team effort. I thank in particular Senator MOYNIHAN for his extensive efforts to help us draft and craft this legislation. His expertise was invaluable in making very important decisions. I thank Senators MIKULSKI and DURBIN and KERRY for their commitment to solving the problem. I thank Senator JACK REED for his help on home health and Senators BAUCUS and CONRAD for their efforts on rural health. I thank especially Senator ROCKEFELLER and the distinguished senior Senator from Massachusetts for their consistent efforts to extend access to health care, to education, and to the array of issues they have raised throughout the work we have done on this bill to this date.

Mr. President, I now yield the floor and again thank Senator KENNEDY and others for their efforts on the floor this morning.

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.

S. 1678

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

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the “Medicare Beneficiary Access to Care Act of 1999”.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

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TITLES I—HOSPITALS

TITLE I—HOSPITALS

Sec. 101. Multiyear transition to prospective payment system for hospital outpatient department services.

(a) IN GENERAL.—Section 1831(t) (42 U.S.C. 1395t (t)) is amended by adding at the end the following:

“(10) MULTIYEAR TRANSITION.—

“(A) IN GENERAL.—In the case of covered OPD services furnished by a hospital during any transition year, the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital for the transition year equals the applicable percentage of the payment to cost ratio of the hospital for the previous year.

“(B) PAYMENT TO COST RATIO.—

“(i) IN GENERAL.—The payment to cost ratio of a hospital for any year is the ratio which—

“(I) the hospital’s reimbursement under this part for covered OPD services furnished during the year, including through cost-sharing described in subparagraph (D)(ii), bears to

“(II) the cost of such services.

“(ii) CALCULATION OF 1996 PAYMENT TO COST RATIO.—The Secretary shall determine each hospital’s payment to cost ratio for 1996 as if the amendments to this title by the provisions of section 4521 of the Balanced Budget Act of 1997 were in effect.

“(iii) TRANSITION YEARS.—The Secretary shall estimate each payment to cost ratio of a hospital for any transition year before the beginning of such year.

“(C) INTERIM PAYMENTS.—

“(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any transition year for which the Secretary estimates a payment is required under subparagraph (A).

“(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any transition year, the Secretary shall make retrospective payments to each hospital based on its settled cost report so that the amount of any additional payment made to a hospital for such year equals the amount described in subparagraph (A).
SEC. 102. LIMITATION IN REDUCTION OF PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS.

(a) In General.—Section 1886(d)(5)(F)(I)(x)—

(42 U.S.C. 1395ww(d)(5)(F)(I)(x)) is amended—

(1) in subclause (II)—


(4) by inserting “and” after the semicolon;

(5) by striking the “fiscal year 1999” and inserting “2000”;

(6) by striking subclauses (III), (IV), and (V); and—

(7) by redesignating subclause (VI) as subclause (III).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect if included in the amendments made by section 4403 of the Balanced Budget Act of 1997 (Pub. L. 105–33; 111 Stat. 475).
(1) by striking "(v) In determining" and inserting "(v) Subject to subclause (II), in determining";
(2) by striking "in the hospital with respect to which reasonable clinical social worker who is employed, or who is provided by a hospital and the hospital was not a Department of Veterans Affairs hospital under an agreement described in paragraph (4) that are furnished on or after January 1, 2000, and before July 31, 1998," as amended by section 402, is amended—
(a) 3-YEAR REPEAL.—Section 1833(g) (42 U.S.C. 1395g(e)) is amended by adding at the end of the following:
(4) Subject to paragraph (6), the provisions of paragraphs (1) through (3) shall not apply to outpatient services, outpatient occupational therapy services, and outpatient speech-language pathology services covered under this title and furnished on or after January 1, 2000.
(b) The payment system established under subparagraph (A) shall be designed so that the system shall not result in any increase or decrease in the expenditures under this title for differing amounts of therapy based on factors such as diagnosis, functional status, and prior use of services.
(6) If the Secretary for any reason does not implement the payment system described in paragraph (5) on or before January 1, 2003, paragraph (4) shall not apply with respect to services described in such paragraph.
that are furnished on or after such date and before the date on which the Secretary implements such payment system.

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 251).

Title VI—Physicians’ Services

Sec. 601. Technical Amendment to Update Adjustment Factor and Physician Sustainable Growth Rate.

(a) Update Adjustment Factor.—

(1) Calendar Year Basis.—Section 1848(d)(4) (42 U.S.C. 1395w-4(d)(4)) is amended—

(A) in paragraph (1), by striking subparagraph (E) and inserting the following:

“(E) Publication.—The Secretary shall publish in the Federal Register—

“(i) not later than November 1 of each year (beginning with 1999), the conversion factor that will apply to physicians’ services for the succeeding year and the update determined under paragraph (3) for such year; and

“(ii) not later than November 1 of 1999—

“(I) the special update for the year 2000 under paragraph (3)(E)(i); and

“(II) the estimated special adjustments for years 2001 through 2006 under paragraph (3)(E)(ii).”; and

(B) in paragraph (3)(C)—

(i) in the matter preceding clause (i), by striking “the 12-month period ending with March 31 of”; (ii) in clause (i)—

“(I) by striking “1997” and inserting “1996”; and

“(II) by striking “such 12-month period” and inserting “1996”; and

(iii) in clause (ii)—

“(I) by inserting a comma after “subsequent year”; and

“(II) by striking “fiscal year which begins during such 12-month period” and inserting “fiscal year involved”.

(2) Formula for Determining the Update Adjustment Factor.—Section 1848(d)(3) (42 U.S.C. 1395w-4(d)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking “divided by 100,” and inserting a period; and

(ii) by striking the matter following clause (i); and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “the sum of” after “Secretary to” and

(ii) by striking clauses (i) and (ii) and inserting the following:

“(i) determining the difference between the allowed expenditures for physicians’ services for the prior year (as determined under clause (C)) and the actual expenditures for such services during that period, corrected with the best available data;

“(II) dividing that difference by the actual expenditures for such services in that year; and

“(III) multiplying that quotient by 0.75; and

“(ii) the figure arrived at by—

“(I) determining the difference between the allowed expenditures for physicians’ services (as determined under subparagraph (C)) from 1996 through the prior year and the actual expenditures for such services during that period, corrected with the best available data;

“(II) dividing that difference by actual expenditures for physicians’ services for the prior year as increased by the sustainable growth rate under subsection (f) for the year whose update adjustment factor is to be determined;

“(III) multiplying that quotient by 0.33;”;

and

(C) by amending subparagraph (D) to read as follows:

“(D) Restriction on Update Adjustment Factor.—The update adjustment factor determined under paragraph (B) for a year may not be less than negative 0.07 or greater than 0.03.”;

(3) Special Provisions.—Section 1848(d)(3) (42 U.S.C. 1395w-4(d)(3)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (D)” and inserting “subparagraphs (D) and (E)”; and

(B) by adding at the end the following:

“(E) Special Update and Adjustments.—

“(i) Year 2000.—For the year 2000, the update determined under this paragraph shall be the percentage that the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred for that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.

“(ii) Years 2001–2006.—For each of the years 2001 through 2006, the Secretary shall make that adjustment to the update for that year which the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred for that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.

“(B) Sustainable Growth Rate.—Section 1848(f) (42 U.S.C. 1395w-4(f)) is amended—

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

“(1) Publication.—Not later than November 1 of each year (beginning with 1999), the Secretary shall publish in the Federal Register the sustainable growth rate as determined under this subsection for the succeeding year, the current year, and each of the preceding 2 years.

(B) by inserting after paragraph (2) the following:

“(2) Data To Be Used in Determining the Sustainable Growth Rate.—Section 1848(f) (42 U.S.C. 1395w-4(f)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) Methodology.—For purposes of determining the update adjustment factor under paragraph (1), the allowed expenditures under subsection (d)(3)(C) for a year, the sustainable growth rate for each year taken into consideration in the determination under paragraph (2) shall be determined as follows:

“(A) For purposes of such calculations for the year 2000, the sustainable growth rate shall be determined on the basis of the best data available to the Secretary as of September 1, 1999.

“(B) For purposes of such calculations for each year after the year 2000, the sustainable growth rate for such year shall be determined on the basis of the best data available to the Secretary as of September 1 of such year; and

“(C) the sustainable growth rate for each year preceding the years specified in clause (ii), if any, shall be determined in accordance with the calculation for the immediately preceding year.”;

(d) Effective Date.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 251).

(2) No Effect on Updates for 1998 and 1999.—The amendments made by this section shall have no effect on the updates established by the Secretary for 1998 and 1999, and such established updates may not be changed.

Title VII—Home Health Services

Sec. 701. Delay in the 15 Percent Reduction in Payments Under the PPS for Home Health Services.

(a) Contingency Reduction.—Section 40303(e) of the Balanced Budget Act of 1997 (42 U.S.C. 1395f note), as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105-277), is amended by striking “September 30, 2000” and inserting “September 30, 2002.”

(b) Prospective Payment System.—Section 1830(b)(3)(A) (42 U.S.C. 1395f(t)(3)(A)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105-277), is amended by striking clause (i) and inserting the following:

“(i) General.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts). Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system for fiscal year 2001 shall be equal to the total amount that would have been made if the system had not been in effect; and

“(II) for fiscal year 2002, shall be equal to the amount determined under subparagraph (A), updated under subparagraph (B); and

“(III) for fiscal year 2003, shall be equal to the total amount that would have been made for fiscal year 2001 by the system had not been in effect but if the reduction in limits described in clause (ii) had been in effect, and updated under subparagraph (B) for fiscal years 2001 and 2002.

Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and wage levels among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences whether or not the services or agencies are in an urbanized area.”;

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SEC. 702. INCREASE IN PER VISIT LIMIT.
(a) INTERIM PAYMENT SYSTEM.—Section 1861(v)(1)(L)(i) (42 U.S.C. 1395l(v)(1)(L)(i)), as amended by section 701(b), is amended—

(1) by inserting, by striking "or";

and

(2) in subparagraph (V)—

(A) by inserting "and before October 1, 1999," after "October 1, 1998,"; and

(b) ENSURING THE INCREASE IN PER VISIT LIMIT HAS NO EFFECT ON THE PROSPECTIVE PAYMENT SYSTEM.—The second sentence of section 1833(b)(1)(A)(ii) (42 U.S.C. 1395l(ff)(1)(B)(iii)(A)(ii)), as amended by section 5010(c)(1)(B) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277) and section 701(b), is amended—

(1) in subclause (I), by inserting "but if the reference in section 1861(v)(1)(L)(i)(V) to 112 percent were a reference to 106 percent" after "if the system had not been in effect"; and

(2) in subclause (III), by inserting "and if the reference in section 1861(v)(1)(L)(i)(V) to 112 percent were a reference to 106 percent" after "clause (ii) had been in effect".

SEC. 703. TREATMENT OF OUTLIERS.
(a) INDIVIDUAL FICA LIMITS FOR OUTLIERS.—Section 1861(v)(1)(L) (42 U.S.C. 1395l(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(b) CONFORMING AMENDMENT.—Section 1842(b)(6)(F) (42 U.S.C. 1395l(b)(6)(F)), is amended by inserting "including medical supplies described in such section" after "home health services".

SEC. 704. ELIMINATION OF 15-MINUTE BILLING REQUIREMENT.
(a) IN GENERAL.—Section 1895(c) (42 U.S.C. 1395ff(c)) is amended to read as follows:

"(c) REQUIREMENTS FOR PAYMENT INFORMATION.—With respect to home health services furnished on or after October 1, 1999, no claim for such a service may be paid under this title unless the claim has the unique identifier (provided under section 1842(r)) for the provider that furnished the applicable payment, the certification described in section 1814(a)(2) or 1835(a)(2)(A)."

SEC. 705. REFINEMENT OF OVERPAYMENTS.
(a) 36-MONTH REPAYMENT PERIOD.—In the case of an overpayment by the Secretary of Health and Human Services to a home health agency for home health services furnished during a cost reporting period beginning on or after October 1, 1997, as a result of payment limitations provided for under clause (v), (vi), or (vii) of section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395l(v)(1)(L)), the home health agency may repay such overpayment ratably over a 36-month period beginning on the date of notification of such overpayment.

(b) NO INTEREST ON OVERPAYMENT AMOUNTS.—In the case of an agency that makes an election under subsection (a), no interest shall accrue on the outstanding balance of the amount of overpayment during such 36-month period.

(c) TERMINATION.—No election under subsection (a) may be made for cost reporting periods or portions of cost reporting periods, beginning on or before the date of the implementation of the prospective payment system for home health services under section 1833 of the Social Security Act (42 U.S.C. 1395lff).

SEC. 801. DELAY IN ACR DEADLINE UNDER THE MEDICARE+CHOICE PROGRAM.
(a) DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES AND RELATED INFORMATION.—Section 1854(a)(1) (42 U.S.C. 1395w–24(a)(1)) is amended by striking "May 1" and inserting "July 1."

(b) ADJUSTED INFORMATION DISCLOSURE PROVISIONS.—Section 1851(d)(2)(A)(ii) (42 U.S.C. 1395w–22(d)(2)(A)(ii)) is amended in the first sentence by inserting "before the" after "time of preparation of the material for mailing", before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 802. CHANGE IN TIME PERIOD FOR EXCLUSION OF MEDICARE+CHOICE ORGANIZATIONS THAT HAVE HAD A CONTRACT TERMINATED.
(a) IN GENERAL.—Section 1851(c)(4) (42 U.S.C. 1395w–22(c)(4)) is amended by striking "5-year period" and inserting "3-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts beginning on or after January 1, 1999.

SEC. 803. ENROLLMENT OF MEDICARE BENEFICIARIES IN ALTERNATIVE MEDICARE+CHOICE PLANS AND MEDIGAP COVERAGE IN CASE OF INVOLUNTARY TERMINATION OF MEDICARE+CHOICE ENROLLMENT.
(a) PERMITTING ENROLLMENT IN ALTERNATIVE MEDICARE+CHOICE PLANS UPON RECEIPT OF NOTICE OF MEDICARE+CHOICE PLAN TERMINATION.—

(1) MEDICARE+CHOICE PLANS.—Section 1851(e)(4) (42 U.S.C. 1395w–21(e)(4)) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) the certification of the organization or plan under this part has been terminated, or

(ii) the organization or plan has notified the individual of an impending termination of such certification; or

(b) NO INTEREST ON OVERPAYMENT AMOUNTS.—In the case of a beneficiary described in the matter following clause (iii), no interest shall accrue on the outstanding balance of the amount of overpayment during such 36-month period.

(c) TERMINATION.—No election under subsection (a) may be made for periods, or portions of periods, beginning on or before the date of the implementation of the prospective payment system for home health services under section 1833 of the Social Security Act (42 U.S.C. 1395lff).

SEC. 706. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.
(a) IN GENERAL.—Section 1842(b)(6)(F) (42 U.S.C. 1395l(b)(6)(F)), is amended by inserting "including medical supplies described in such section" after "home health services".

(b) CONFORMING AMENDMENT.—Section 1862(a)(21) (42 U.S.C. 1395w–22(a)(21)) is amended by inserting "including medical supplies described in such section" after "home health services".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4603 of the Balanced Budget Act of 1997 (Public Law 105–33)."
October 1, 1999

SEC. 804. APPLYING MEDIGAP AND MEDICARE+CHOICE PROTECTIONS TO DISABLED AND ESRD MEDICARE BENEFICIARIES.

(a) ASSURING AVAILABILITY OF MEDIGAP COVERAGE.—

(1) IN GENERAL.—Section 1852(e) (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(A), by striking “is 65 years of age or older and is” and inserting “is first”;

(B) in paragraph (2)(D), by striking “who is 65 years of age or older as of the date of issuance and”; and

(C) in paragraph (3)(B)(vii), by striking “at age 65”.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

SEC. 805. EXTENDED MEDICARE+CHOICE DISENROLLMENT WINDOW FOR CERTAIN MEDICARE+CHOICE TERMINATED ENROLLERS.


(1) by inserting “(aa)” after “(III)”;

(2) by striking the period and inserting “,”; and

(3) by adding at the end the following: —

“(II)(aa) enrolls in a Medicare+Choice plan under part C, which enrollment is terminated or discontinued under the circumstances described in section 1831(e)(4)(A), and

(bb) subsequently enrolls, without an intervening enrollment, in another Medicare+Choice plan, and the enrollee from such plan by not later than 12 months after the effective date of the enrollment in the Medicare+Choice plan described in item (aa),

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

SEC. 806. NONPREEMPTION OF STATE PRESCRIPTION DRUG COVERAGE MANDATES IN CASE OF APPROVED STATE MEDIGAP WAIVERS.

(a) IN GENERAL.—Section 1856(b)(3) (42 U.S.C. 1395w–25(b)(3)) is amended—

(1) in subparagraph (A), by striking “The standards” and inserting “Subject to subparagraph (C), the standards”;

(2) by adding at the end the following:

“(C) Limitation on plan discontinuance. —(i) The State has a waiver in effect under section 1927(a) with respect to requiring such coverage under state and federal laws, regulations, and directions; and

(ii) the Secretary provides for a waiver for the State to impose such a requirement under section 1927(b)(4)(B).”;

(b) MEDIGAP WAIVER.—Section 1882(p)(6) (42 U.S.C. 1395ss(p)(6)) is amended—

(1) by inserting “(A)” after “(b)”;

(2) by adding at the end the following:

“(B) Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by such amendment) applies to terminations and discontinuations occurring on or after the date of enactment of this Act.

(3) CONFORMING AMENDMENTS.—


(A) in paragraph (2)(A), by striking “subsections (c) and (d)”;

(B) in paragraph (3)(D), by inserting “and paragraph (4)” after “section 1927(e)(4);”;

(C) by adding at the end the following:

“(4) EXEMPTION FROM RISK-ADJUSTMENT SYSTEM FOR FRAIL ELDERLY BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

“(A) IN GENERAL.—For purposes of this subparagraph, the individual frail (as determined under a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the types of factors described in subsection (i)(3)) is being fully implemented), and

“(B) PERIOD OF APPLICATION.—The period described in this subparagraph shall take effect on the date of enactment of this Act.

SEC. 807. MODIFICATION OF PAYMENT RULES FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.

(a) Modifiable Payment Rules.—Section 1927(a) (42 U.S.C. 1395w–23(a)) shall be applied—

(1) in subparagraph (a)(1), by striking “subject to subsections (a)(i) and (ii)” and inserting “subject to subsections (a)(i) through (ii)”;

(2) by adding at the end the following:

“(B) IN GENERAL.—For purposes of this subparagraph, the individual frail (as determined under a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the types of factors described in subsection (i)(3)) is being fully implemented), and

“(C) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(b) Initial Medicare Enrollees.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended—

(1) by striking “benefits under part A, enrollees” and inserting “benefits under part A—

“(I) enrollee”;

(2) by striking the period and inserting “,”; and

(3) by adding at the end the following:

“(II)(aa) enrolls in a Medicare+Choice plan under part C, which enrollment is terminated or discontinued under the circumstances described in section 1831(e)(4)(A), and

(bb) subsequently enrolls, without an intervening enrollment, in another Medicare+Choice plan, and the enrollee from such plan by not later than 12 months after the effective date of the enrollment in the Medicare+Choice plan described in item (aa),

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.
(ii) by redesignating subparagraph (B) as subparagraph (C); and
(iii) by inserting after subparagraph (A) the following:
"(B) the Secretary shall develop and implement a program to measure the quality of care provided in specialized programs for the frail elderly (as defined in section 1853(i)(3)) for that fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the first fiscal year for which paragraph (A) is in effect, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center or in accordance with the provisions of this subsection."
(2) FISCAL YEAR 2000.—For fiscal year 2000, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—
"(A) increased by the percentage increase in the MED (medical economic index) as defined in section 1842(i)(3) for that fiscal year; and
(B) adjusted to take into account any increase in the scope or nature of such services furnished by the center or clinic during that fiscal year.
"(3) FISCAL YEAR 2001 AND SUCCEEDING YEARS.—For fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—
"(A) increased by the percentage increase in the MED (medical economic index) as defined in section 1842(i)(3) for that fiscal year; and
(B) adjusted to take into account any increase in the scope or nature of such services furnished by the center or clinic during that fiscal year.
"(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic on or after October 1, 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the first fiscal year for which paragraph (A) is in effect, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is one-half of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2)."
"(B) ADMINISTRATION IN THE CASE OF MANAGED CARE.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care organization, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that equals the amount determined under paragraph (2) (regardless of whether any such amount is modified by paragraph (4) of this subsection).
"(C) ALTERNATIVE PAYMENT SYSTEM.—Notwithstanding any other provision of this section, the State plan may provide for payment to the center or clinic (at least quarterly) by the State or a supplemental plan (as defined in section 1905(a)(2)(D)) for the amount that is in excess of the amount otherwise required to be paid to the center or clinic under this subsection.".}

**SEC. 901. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERA LLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CENTERS UNDER THE MEDICAID PROGRAM.**

(a) IN GENERAL.—Section 1902(a)(13) (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking subparagraph (A), by adding "and" at the end; and
(2) in subparagraph (B), by striking "and" at the end; and
(3) by striking subparagraph (C).

(b) NEW PROSPECTIVE PAYMENT SYSTEM.—Section 1902 (42 U.S.C. 1396a) is amended by adding after section 1902—

"(aa) PAYMENT FOR SERVICES PROVIDED BY FEDERA LLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CENTERS—
"(1) IN GENERAL.—Beginning with fiscal year 2000 and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection."

(2) FISCAL YEAR 2000.—For fiscal year 2000, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—
"(A) increased by the percentage increase in the MED (medical economic index) as defined in section 1842(i)(3) for that fiscal year; and
(B) adjusted to take into account any increase in the scope or nature of such services furnished by the center or clinic during that fiscal year.
"(3) FISCAL YEAR 2001 AND SUCCEEDING YEARS.—For fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—
"(A) increased by the percentage increase in the MED (medical economic index) as defined in section 1842(i)(3) for that fiscal year; and
(B) adjusted to take into account any increase in the scope or nature of such services furnished by the center or clinic during that fiscal year.
"(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic on or after October 1, 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the first fiscal year for which paragraph (A) is in effect, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is one-half of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2)."

"(B) ADMINISTRATION IN THE CASE OF MANAGED CARE.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care organization, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that equals the amount determined under paragraph (2) (regardless of whether any such amount is modified by paragraph (4) of this subsection).
"(C) ALTERNATIVE PAYMENT SYSTEM.—Notwithstanding any other provision of this section, the State plan may provide for payment to the center or clinic (at least quarterly) by the State or a supplemental plan (as defined in section 1905(a)(2)(D)) for the amount that is in excess of the amount otherwise required to be paid to the center or clinic under this subsection.".}

**SEC. 902. CONFORMING AMENDMENTS.**

(a) Section 1902 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 347) is amended by striking "1902(a)(13)(E)" and inserting "1902(aa)".

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 1999.
slowing the rate of growth in provider payments and other policy reforms. These cuts were expected to total $116 billion over five years, and nearly $400 billion over ten years. Clearly, as experience now shows, these cuts are too deep for the Medicare program to sustain.

In fact, these cuts were more than double the amount ever enacted in any previous legislation. The Congressional Budget Office has now increased the estimate of these losses to total $200 billion over five years and more than $600 billion over ten years—far greater than Congress intended.

Not surprisingly, we are now hearing from large numbers of the nation's safety net providers—especially teaching hospitals, community hospitals, and community health centers. We are hearing from those who care for the elderly and disabled when they leave the hospital—nursing homes, home health agencies and rehabilitation specialists. We are hearing virtually from the whole group that cares for the 40 million senior citizens and disabled citizens on Medicare. They are saying—with great alarm and anxiety—that Congress went too far.

The Medicare Beneficiary Access to Quality Health Care Act that we are introducing today will alleviate much of this damage. It will provide $20 billion over the next ten years to reduce the pain created by the harshest cuts in the Balanced Budget Act. It will ensure that the nation's health care system is able to care responsibly for today's senior citizens, and is adequately prepared to take care of those who will be retiring in the future.

The current Balanced Budget Act is unfairly imposing a $1.7 billion cut over the next five years for Massachusetts hospitals alone. Our community hospitals are reeling. Many of our teaching hospitals have laid off staff, and are unable to continue to participate in Medicare HMO contracts. Some say that these cuts are needed to make Medicare more efficient. But Massachusetts teaching hospitals are already efficient. In the past six years, one out of five of our teaching hospitals and one out of four hospital beds have been closed. We cannot afford to compromise on patient care, doctor training, and the state-of-the-art medical research conducted at the nation's top hospitals.

In addition, children's hospitals deserve help as well. They currently receive almost no federal support for their important teaching and training activities. They train a majority of the nation's pediatricians and pediatric specialists. Yet current rules keep them from receiving the level of federal support available to other teaching hospitals. While this particular legislation does not address this problem, Senator Bob Kerry and I have proposed yet another bipartisan effort to correct this injustice and give children's hospitals the funding they deserve to train the pediatricians needed to care for the nation's children in the years ahead.

The home-bound elderly—our most vulnerable senior citizens—are also suffering. In Massachusetts alone, home health agencies are losing $160 million annually, and 20 agencies have closed their doors since the Balanced Budget Act went into effect. The ones that remain are seeing fewer patients, and seeing their current patients less often.

Massachusetts nursing homes are predicting losses of $500 million over the next five years. Eleven facilities have declared bankruptcy this year, and more are expected to follow.

With the impending retirement of the baby boom generation, the last thing we should do now is jeopardize the viability and commitment of the essential institutions that care for Medicare beneficiaries. Yet that is now happening in cities and towns across the nation. In the vast majority of cases, the people who care for Medicare patients are the same ones who care for working families and everyone else in their community. When hospitals who serve Medicare beneficiaries are threatened, health care for the entire community is threatened.

Nearly one million elderly and disabled Massachusetts residents rely on Medicare for their health care. This legislation is a sensible, affordable step that will continue to be there for them when they need it. It deserves prompt consideration and passage. I commend Senator Daschle for his leadership on this vital issue, and I urge the Senate to approve this important measure.

The PRESIDING OFFICER. The Democratic leader.

Mr. Daschle. Mr. President, I congratulate and thank my colleague from Massachusetts for his remarks and for his extraordinary commitment to this effort. He has been at every meeting. He has been engaged from the very beginning, and we are grateful, as on so many of the issues our caucus cares deeply about, for the leadership he has provided.

I am proud of the fact we have had the participation of well over 20 Members, and the senior Senator from Massachusetts has been the leader of the pack, as he is on so many other issues. I also thank Senator Rockefeller for the work he has put forth. As a member of the Finance Committee, no one has worked harder on many of these issues than has he. I am grateful for the participation and leadership he has provided to get us to this point.

Before I yield the floor, let me say how urgent this matter is. My colleagues yesterday discussed the urgency of this legislation again and again. I am disappointed and deeply concerned about the fact that, at least of the 20 agencies that have closed in Massachusetts, there is no date yet set for consideration and markup of a bill to repair the damage done in the 1997 act. We have to address and consider and ultimately pass such a bill prior to the time we leave the Senate this year. We will do anything, and everything we know how, to ensure that this becomes one of the highest legislative priorities left prior to the end of this session of Congress. It must be addressed. It must be fixed. We must get this legislation up soon in order for us to accomplish what I know is a bipartisan recognition of the shortcomings and the miscalculations made in the 1997 act.

I will say again, the fact that we have ever half of our community hospitals, and will probably have two-thirds of our caucus as cosponsors in the not-too-distant future, is a clear recognition of the depth of feeling our Members have on this bill and the importance we place on getting something done this year. We must do it. We will do it, and we will work with our Republican colleagues to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. Rockefeller. Mr. President, I strongly agree with the words our Democratic leader has offered, and I congratulate him for mobilizing this effort, but it is a mobilization not so much for Democrats as for Democrats in general. Hospitals and patients and skilled nursing facilities and home health agencies are not Republican or Democrat. The shortages, the closings, the health care for the entire community is threatened. When hospitals who serve Medicare beneficiaries are threatened, health care for the entire community is threatened.

This is a bipartisan matter. I know, without even having talked to but five or six of my colleagues on the other side of the aisle, when they went back to their homes during the August recess and when they have been back since, this has been the subject with which we have all been, in a sense, bothered in the best sense; that is, bothered by our own constituents, by our own voters, by people who are patients, by people who have had these problems.

It is right; we should be fixing this because Congress, in 1997, when we passed the Balanced Budget Act, made changes that were larger in Medicare than any in the history of the program, and we made mistakes. This is actually one of the reasons our colleagues on the other side of the aisle often criticize congressional action because we are trying to play doctor. We often try, but we often do it very badly. In this case, we did not. We made mistakes.

When we make a mistake, we are causing skilled working facilities, home health agencies, and hospitals to close. We are putting in jeopardy margins of profit, which have gone into the red already, of other hospitals, particularly rural hospitals. We have to correct it.

There is nothing more self-evident to me than the need for this Congress to take up the BBA corrections and, in fact, do them on a bipartisan basis. We do not have very much time. There
seems to be quite a lot of anxiouslyness to get out of here. That is not shared by the junior Senator from West Vir-
ginia. In that case, it puts more pressure
on us to do it. We need a date. We
need to do this. This is not a makeup
stuff, this is not a hangover, these are
takes.
In my State of West Virginia, which is
not large but our citizens are no less
important than anybody else’s, and to
me they are more important, in the
next 4 years our hospitals are going to
take an almost $900 million cut in pay-
ment because of mistakes we made in
the 1997 Budget Act. They did not
make the mistakes. They have not
been keeping their books incorrectly.
They have not been trying to be ineffi-
cient. We made the mistakes. We made
the mistakes in Congress, and it is up
to us to correct them.
Many critical public health services
will be cut back. That has happened al-
ready. It will continue to happen. Home care agencies in my State expect
there will be 55 counties and 1.8 million people. Eleven home health agencies is a lot; 2,500 on
a nationwide basis are closed. They
are not thinking about closing but have
closed because of mistakes we in Con-
gress have made in making these enor-
mous changes to Medicare. They have
been forced to close down because the
current payment system does not ade-
quately reimburse them for what they
have to do.
CBO originally estimated home
health reimbursement reductions
would be $16 billion. It turned out the
reduction was $17 billion. That was not
the hospitals’ fault; That was not the
home health agencies’ fault; that was
our fault. We made that mistake. We
have to correct that mistake.
The $1,500 cap on therapy is having
bad results on nursing home patients
with Parkinson’s disease, burns, and
other things. We need to correct that
because we made the mistakes.
I will end by saying, I agree on teach-
ing hospitals. We have three teaching
hospitals in West Virginia. Whatever
happens in general happens in a much
worse way in rural States. That is by
definition, rural. Therefore, rural States
lose more than those in larger and more
urban States. These were unintended
cuts we made, but we nevertheless
made them. The mistake is ours. It is
a bipartisan mistake. It came along
with a very good bill, the Balanced
Budget Act of 1997. Within it, there was
some cancer, and the cancer was
caused by us, and it is the mistakes we
made which are causing havoc all over
the health care world. We can change it
easily and change it before we leave
here, and surely we should. I yield the
floor.
Ms. MIKULSKI. Mr. President, I rise
today as a co-sponsor of Senator
DASCHLE’s legislation introducing the
cuts to Medicare under the Balanced
Budget Act of 1997 (BBA). I thank Sen-
ator DASCHLE for introducing this im-
portant piece of legislation.
I support this bill for two reasons.
First, I believe the BBA went too far
when it cut reimbursements to Medi-
care. Second, as we move towards the
millennium and our senior population
continues to grow, our seniors must be
able to rely on a sound and secure
Medicare Program. This bill will help
them do just that.
When I travel throughout the State
of Maryland, the issue my constituents
want to talk about most is cuts in
services for the elderly. I have worked
to fix problems that I have found to these
cuts. That is why I cosponsored an amend-
ment to the recent tax bill which placed a priority on fixing Medi-
care before providing for a tax cut.
That is why I am working on a new and
improved Older Americans Act, and that is why I am a cosponsor of Senator
DASCHLE’s legislation, which helps pro-
viders who are struggling under BBA
cuts to Medicare.
The BBA is one of the reasons why
we have a projected budget surplus. It
put us on the right track of fiscal pru-
dence, but it went too far in the case of
Medicare by imposing deep cuts on pro-
viders: It cut reimbursements to home
health agencies; it cut reimbursements
to nursing homes; it cut reimburse-
ments to Medicare HMOs. Our seniors
and our providers are now feeling the
effects of these cuts.
What exactly do these cuts mean? In
my State of Maryland, this means that
34 Home Health Agencies have closed
their doors and 1,800 patients without
a home health agency. Health Agencies remain. This is a par-
ticular problem in rural counties in
Maryland. Agencies in these areas are
committed to providing health care to
those who cannot travel to hospitals or
doctors offices. In fact, they are so
committed to providing home-bound
patients with care, I know some health
care providers who have traveled to
homes by a snowmobile in winter
months just to get to a patient. But be-
due to the current reimbursement
structure under BBA, these agencies are
left with no choice but to close their
doors; families lose these services, em-
ployees lose their jobs, and nobody
wins.
Our Skilled Nursing Facilities (SNFs)
also need the relief provided by this
legislation. The BBA changed the way
that payments are calculated so that
facilities do not get paid more money
when they provide expensive services
such as chemotherapy or pros-
thetics. The reimbursement
way that payments are calculated so that
cfabs at the facilities cannot afford to
take the patients who need a high
level of care. I hear stories about
patients who need chemotherapy treat-
ment but cannot find a facility to pro-
vide it. Why? The answer is because
Medicare does not pay enough to cover
the cost of the chemotherapy treat-
ment. Where does this patient go? They
goto a hospital, but frequently this is
more expensive, and often not
specialize in these services. Patients
and their families do not want to hear
crisis stories about payment meth-
ologies, or resource utilization
neat. What these families want to hear
is that their loved ones can get the
care that they need.
My State of Maryland has also had
a devastating problem with Medicare
HMOs. Because of payment changes,
reimbursements to many HMOs were cut.
What are the effects of these cuts? One
HMO in my state is projecting losses of
over $5 million this year in the rural
counties of Maryland alone. This HMO
can no longer afford to cover Medicare
patients so it is closing up shop. 14,000
senior citizens will lose their
Medicare HMO. Where do these seniors go? In the rural counties of
Maryland, these seniors do not have
any other Medicare HMO to choose.
They all left—not because they weren’t
profitable—they just couldn’t even break
even. Rural counties throughout Maryland and the nation
will have seniors with little or no
access to the extra benefits many HMOs
provide, including prescription drug
coverage and preventive services such
as dental, vision and hearing
screenings.
Imagine if your 85-year-old grand-
mother, living on a fixed income, got a
letter in the mail that says in 4 months
she will no longer have a Medicare
HMO. She might not understand what
it means. Is she losing her health care
coverage altogether? Is she losing her
doctor? Is she losing her medicine
coverage? In many cases, my constituents
are wondering where they should go
for a mammogram or prostate screening,
but if they can even go at all be-
cause their HMO is leaving town.
Some will say these cuts aren’t so
bad—why can’t you just buy a Medigap
policy? For around $150 a month you
could get some of the supplemental
benefits that HMOs provide. But many
of these senior citizens only have
$1,000 or $2,000 a year in retirement
income and many times their income is
subject to medical expenses. These seniors cannot afford
$150 a month for a Medigap policy, so
many of them will be forced to make
difficult choices between food, rent,
health care and prescription medica-
tions. This legislation provides needed
relief so that our seniors would not have to make these terrible decisions.
I also know that our non-profit
health facilities are having a particu-
larly rough time. These are providers
such as Hebrew Home in Rockville,
Maryland, or Mercy Hospital in Balti-
more, who are struggling to provide
care under current reimbursements. It
is especially difficult for these pro-
viders because the care they provide is
frequently uncompensated. This is health care that they frequently do not get reimbursed for, also known as charity care. In many cases, they provide the health services to seniors who have no other place to go. If we do not stop these cuts now, I fear that very soon we will see these seniors go to the get the care they need.

One of my priorities as a United States Senator has always been to honor your mother and father. It is a good and fair and good and just policy—in the federal law books and checkbooks. We must address these cuts in Medicare because our safety net for seniors is badly frayed, and senior citizens are being left stranded because many health care providers have no choice but to close their doors.

In 1965 when Medicare was created, the Federal Government promised that Americans who work hard all of their lives would have support when they retire. I believe that promises made should be promises kept. Senator Daschle’s bill will help us keep the promise we have made to the Nation’s senior citizens.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor the Medicare Beneficiary Access to Quality Health Care Act introduced today that works to correct the inequities of Medicare reforms included in the Balanced Budget Act of 1997.

I commend Senator Daschle for his tremendous efforts on this issue and for his leadership with the introduction of this bill. As well, I congratulate a number of my colleagues who have contributed immensely to the crafting of this critical piece of legislation, including Senators Moynihan, Kennedy, Rockefeller, Baucus, Conrad, and others.

As part of its effort to balance the Federal budget, the Balanced Budget Act of 1997 (BBA) provided for major reforms in the way Medicare pays for medical services. The Balanced Budget Act of 1997 (BBA) included numerous cuts in payments to health care providers. These changes were originally expected to cut Medicare spending by about $115 over five years, but recent CBO projections show spending falling nearly twice that much. In the face of these deep cuts, health care providers are struggling, and beneficiary access to care is threatened. The Medicare Beneficiary Access to Care Act is a targeted solution to certain specific problems that the Balanced Budget Act has created.

As implementation of these reforms proceeds, health care providers and patient advocacy groups have asserted that some of the reforms are having—or are likely to have—undesirable and unintended consequences. Areas in patient care such as rehabilitative therapy, skilled nursing facilities, home health services, and hospital outpatient services have already begun to feel the effects of the reforms set forth in 1997.

Not surprising, I have heard from many safety net providers in South Dakota about the devastating effects such reductions in reimbursements are having throughout the health care industry. Consumers are also feeling the pain, as many individuals are being turned away from hospitals and nursing homes who cannot afford to accept new patients because of the lower reimbursement rates included in the Balanced Budget Act. These cuts are devastating and feared to have severe implications on the quality and access of health care for the elderly, including South Dakota, unless Congress acts immediately to correct these problems. In South Dakota, and other rural parts of the country, hospitals and other health care providers have an extremely high percentage of Medicare beneficiaries making these cuts in reimbursement even more devastating. If Congress does not act in a timely fashion many of these providers may be forced to close their doors.

I look forward to continue working with my colleagues on passage of the Medicare Beneficiary Access to Quality Health Care Act which develops creative, cost-effective approaches to address the unintended, long-term consequences of the BBA. The proposed budget surplus provides Congress the unique opportunity to address many of the deficiencies in our nation’s health care system. We need to address the valid concerns of teaching hospitals, skilled nursing facilities, home health providers, rural and community hospitals, and other health care providers who require relief from the consequences of the BBA.

Mr. CLELAND. Mr. President, we are all hearing from our constituents about the hardships they have encountered from the unintended consequences of the Balanced Budget Act (BBA) of 1997. From rural hospitals to home health care agencies, cuts in Medicare reimbursement have forced these health care providers to absorb tremendous debt and have threatened patient care. Senator Daschle has proposed over 30 items that will provide immediate relief across the health care continuum. Among these provisions, the bill would redirect BBA surplus monies to provide a cap on hospital outpatient Prospective Payment System (PPS) loss, a delay on the proposed 15 percent cut to home health care reimbursement, a fix for the graduate medical education resident cap and the indigent care blend for rural home therapy caps, a technical correction to limit oscillations to Medicare physician reimbursement, a delay of risk adjustment for frail elderly/Evercare. Senator Daschle is to be commended for developing this comprehensive BBA relief bill in an incredibly short period of time. My colleague and I have not met the challenge of this urgent health care dilemma. I am proud of the role I played in developing this legislation, and as a consequence, save taxpayer money. They made billings changes that produced some savings. They are doing a better job of...
managing the taxpayers' money. Some of the savings have occurred as a consequence.

There is no question there is a fraction of that excess $100 million that has come as a result of our making some changes to take more out of the providers that we are not being paid. This legislation will put $23 billion back. I believe that is fair, reasonable, and defendable. I think it will have a tremendously positive impact on the ability of my State of Nebraska to get high-quality care; that is what is at stake. What is at stake is not just the health of health care institutions but the health of the citizens of the country who depend upon those institutions.

I believe this piece of legislation is needed. It is needed in Nebraska and by citizens who depend upon their doctors, who depend upon their hospitals, who depend upon this the way we call the health care system in the United States. It is an issue of life and death for them. It is a very important issue. It is a very personal issue.

When we talk to somebody in a hospital, it is easy to acquire the right sense of urgency to overcome whatever ideological differences we might have. The people of Nebraska need this Congress to act. It is not just something that we are being asked to do; it is something that is necessary in order to improve the quality of life in our State.

I will go through some of the things this legislation does. For hospitals, the 1997 act cuts hospital payments in several ways: Lower inpatient payments; a new outpatient prospective payment system; a special payments cut for low-income patients; and cuts in graduate medical education.

This legislation does not restore all of those cuts. It creates a 3-year transition period to protect hospitals under this new outpatient system, and there is additional protection for rural and cancer hospitals. The bill also moderates the cut in DSH and GME payments, a central concern of teaching and academic centers. And it takes action for pediatric hospitals.

I urge colleagues who have not studied this to examine the very low reimbursements for graduate medical education for pediatric hospitals. There is a glaring difference and it will create tremendous problems as we try to train pediatricians—a very important profession in the health care industry.

There are a number of changes that increase the quality of care in Nebraska hospitals and increase the chances, especially in rural hospitals, that we will not see a continuation of what we had in 1998 when two rural hospitals closed. My hospital administrators tell me there may be more of the same unless we make some reasonable adjustments.

The Balanced Budget Act made some changes in skilled nursing facilities. We understand the need to balance the budget. This does not undo that. It is paid for. The Balanced Budget Act created a prospective payment system for skilled nursing facilities. This does not adequately account for the costs of very sick patients and rare high-cost services. This bill attempts to address both of these problems by increasing payments for patients for whom payment is low and by paying separately for high-cost services, such as prosthetics, to ensure the nursing homes receive adequate payments. We have not taken into account the impact of therapy caps. I hope in addition to putting some money back into the providers, we can take the advice of the Senator from Oklahoma and get some structural changes enacted in Medicare. One of the problems we have as a Congress trying to make changes in Medicare is we don't know the full impact of changes.

Senators Breaux and Thomas were proposing the creation of a new Senate-confirmed board that has authority over HCFA. The Senate has the authority to offer fee-for-service plans on a competitive basis and make sure competitors have a level playing field to compete and offer their plans against the fee for service that HCFA has. The system is designed to address the problem of dealing with waste, fraud, and abuse and make it more likely the consumers receive good information when they are trying to make decisions about what to buy. The consumer in the physical world is also in the proposal of Senator Breaux, and as a consequence of consolidating those two programs, it would make it much more likely when dealing with medical procedures, such as therapy, that we get it right.

What we did with the Balanced Budget Act is create a 1,500-per-annual-beneficiary cap, but these are arbitrary. They don't allow any flexibility based upon the need of the patient. What we have done is to change it to a benefit cap, which it would be easy to repeal the caps until 2003 and require HCFA to implement a new system for therapy payments that is budget neutral to caps. It is designed to address the needs for varying amounts of therapy based upon a patient's condition. That is the point I was trying to make earlier, why we need structural changes, as well.

There are varying needs of the patient that are extremely difficult for HCFA to address. It is a central system. They have headquarters in the country making payments. It is still a centrally controlled system and awfully difficult to get it right in Ohio, Nebraska, and Missouri simultaneously. They have to apply a system nationwide. It is better, in my judgment, if we have a board of directors, Senate-confirmed, to manage HCFA, moving in a direction where the private sector is able to compete for HCFA's fee for service simultaneously, with HCFA offering its fee-for-service plans.

It makes changes in home health. We created under the BBA an interim payment system for home health agencies which limits payments on both a per beneficiary as well as a per visit basis. The temporary system locked in very low rates. This affects rural areas more than urban areas. There are very low rates for areas that had traditionally low costs such as Nebraska. We have low rates.

The IPS locked in those very low costs in October 2000, and the IPS is scheduled to be replaced by a new PPS system for home health services. Those payments will be reduced in an arbitrary fashion by 15 percent. We make three changes in the legislation that are vital: First, we postpone this 15-percent cut for 2 years; second, we assist low-cost agencies that have been disadvantaged under the IPS by increasing the per visit limit; finally, we make changes to HCFA to address the issue of fraud. We can't depend upon the agencies to do the billing for durable medical equipment.

We make changes for physicians. The BBA created a new system for physician payments based on a target rate of growth. The system includes bonus payments and reductions intended to create incentives to meet the target rate of growth. However, what we have done will cause payments to fluctuate widely, creating tremendous uncertainty in the physician communities and causing physicians who are out there trying to manage a clinic or their business to say: We can't depend upon HCFA. We can't depend upon a revenue stream. There is too much uncertainty in the system. We may opt out as a consequence.

They are facing a very big challenge in dealing with HCFA's representation that there may be fraud when, in fact, all that has occurred is there are a number of additional changes that will be very constructive for physicians, for Medicare+Choice, for rural health clinics, federally qualified health centers, and for hospice care where we have not had any rebasing of payments since 1982. It is a $1 billion—an extremely important program.

Unfortunately, we do not pay a lot of attention to the problem we are facing when individuals know for certain they are dying. Hospice addresses that. This is an important change, in my view, and I urge colleagues on both sides of the aisle to say, whether it is with the Daschle bill, which I support, or a bill that comes out of the Finance Committee, which I am apt to support as well. This is one of the things we need to do.

I hope we can at least get some minimal changes in Medicare as well, but we need to address this.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues in introducing the "Medicare Beneficiary Access to Care Act of 1999." I want to commend the leadership in the development of this legislation and hope
that the Congress will act upon this now, before we adjourn.

The bill is designed to modify some of the many, unforeseen consequences of the Balanced Budget Act of 1997. Daily I receive letters and calls citing the negative impact the Balanced Budget Act of 1997 has on access to quality care for our seniors and to rectify problems for the system that were created inadvertently. We must act now to provide for easy access to quality, continued health care for our citizens.

I look forward to working with all of my colleagues here in the Senate to see that this legislation is passed prior to adjournment.

Mr. VARRAY. Mr. President, I am pleased to join with my Democratic colleagues in introducing this important legislation. In the Balanced Budget Act of 1997, we reformed the Medicare program to extend its solvency. In the past year, we have seen the dramatic and negative impact of those reforms on patients and health care providers. The bill we are introducing today will fix those unintended consequences and will ensure that millions of senior citizens have access to quality health care. I urge the Republican leadership to act on it before we adjourn for the year.

Two years ago, the Medicare Program was in serious trouble—facing bankruptcy within 5 years. We had to make substantial changes to the program to extend its solvency. It was a painful and difficult process, but we made changes intended to slow the growth of Medicare expenditures. And overall, it worked. Medicare is still functioning and is on a more sound financial footing.

But the revisions we implemented went too far for one example. Based on the estimates we had at the time, our changes were supposed to reduce the overall growth in Medicare expenditures by $100 billion over 10 years. In reality, the changes we enacted will result in more than $200 billion in lost Medicare revenue for health care providers over the same period. This was not the order of change that we intended.

And today we see that those revisions are hurting our health care providers and making it more difficult for them to give patients the high quality care they need.

When I meet with health care providers in my state, this is their top concern. Each day we delay making these corrections, we make it harder for them to ensure that quality health care is available to millions of seniors.

I have heard from hundreds of hospital, from the University of Washington's School of Medicine and from hundreds of others. They have shared with me the impact of the 1997 changes and what it means for patient care. I believe the situation is critical.

If we fail to correct this, we will see hospitals closing. We will see home health agencies turning away patients. We will see skilled nursing facilities unable to take complex patients. We will see a devastated rural health system. Our health care system is in jeopardy.

The bill we are introducing today will go a long way toward correcting some of the unintended consequences of the Balanced Budget Act of 1997. I worked with my Democratic colleagues in drafting what I believe is a reasonable bill that provides immediate relief to hospitals, home health care agencies, skilled nursing facilities and hospice care to ensure that seniors in this country have access to quality, affordable health care services. The bill we have put forth is modest. It is not a cure-all, but it addresses the most pressing challenges. This is not about repealing the fiscal discipline imposed in BBA97. This is about adjusting the changes we made to reflect the current estimates. Our bill fixes the problems that have arisen since BBA97.

There is still much we have to do to provide quality and affordable health insurance to prescription drugs. However, if the hospitals close or seniors are denied quality care, the ability to pay is not an issue. The very foundation of our health care system is at stake. Congress even failed to do one of its most important jobs this year. This Congress has failed on too many vital issues this year. This Congress failed to pass a real Patients’ Bill of Rights—that would put patients and doctors, not insurance companies, in charge of their medical decisions. Earlier this week, this Senate failed our children, by cutting our commitment to putting 100,000 teachers in the classroom to reduce the size of our overcrowded classrooms. This Congress failed to help our farmers, and all those far too many rural families in rural America. Let me just say, that I am not giving up or letting up on any of those fights—because they are too important. And let’s not forget that this Congress even failed to do one of its most basic work—passing our appropriations bills on time, with real numbers—not gimmicks.

Mr. President, this is high time we bring some good news back to our constituents. I want my hospitals and health care providers, as well as the home health agencies in Washington State, to know I have heard their concerns and I recognize the dangerous implications of BBA97 on health care. It is high time
we show them we see the problems facing Medicare, we understand them, and we are acting to fix them. It is high time we move on our priorities. This is one of them. I urge my colleagues to support this legislation.

Mrs. LINCOLN. Mr. President, today I rise to voice my support for a bill which addresses the unintended consequences of the Balanced Budget Act of 1997. I am pleased to join my Democratic colleagues as an original cosponsor of the Medicare Beneficiaries Access to Care Act.

Since I’ve been in the Senate, one of the greatest concerns of Arkansans is the lowered Medicare reimbursement rate for a variety of services that resulted from the Balanced Budget Act. Yes, we must continue to rid our Medicare system of waste, fraud and abuse. That is a high priority for our government and it should remain so. However, changes were made as part of the Balanced Budget Act of 1997. Members of Congress did not intend to wreak havoc on the health care industry.

Enough time has elapsed to know the unintended consequences of the Balanced Budget Act. Hospitals have lost tremendous amounts of money due to changes in the outpatient prospective payment system. Many hospitals in my state are on the brink of closing due to the tremendous financial losses they have suffered. Nursing homes have not been reimbursed by Medicare at rates that cover the cost of patients with acute care needs. Payments for physical and occupational therapy have been arbitrarily capped. Teaching hospitals have lost funding to support their training programs. Home health agencies have been forced to absorb huge losses and limit services to the elderly. Rural health clinics have been forced to cope with even more losses and operate on a shoestring budget.

Not only do these cuts and changes in Medicare reimbursement wreak havoc with health care communities and force them to absorb unfair financial losses, but Medicare beneficiaries, the very people that Medicare was set up to help, lose access to critical services. We cannot allow our parents and grandparents to be denied access to coverage or receive limited medicare care because we didn’t take action to correct the devastating cuts of the Balanced Budget Act.

As a member of the Senate Rural Health Caucus and a member of the Senate Special Committee on Aging, I care deeply about the quality of health care and our citizens’ access to health care. Over the past few months I have cosponsored various pieces of legislation on all of the mentioned issues and the need to restore Medicare cuts. However, this legislation is “all encompassing” and if passed, would ensure that hospitals, skilled nursing facilities, physical therapy, home health agencies, rural health clinics, and hospice programs receive important financial relief.

Above all, this legislation is about priorities. Ensuring the health and well-being of our Nation’s seniors and most vulnerable citizens should be our highest priority. I thank my colleagues for their hard work on this proposal and I look forward to the passage of this legislation so we can deliver relief to our health care communities and let them know how much we value their services.

Mr. KERRY. Mr. President, I am pleased to join with Senators DASCHLE, KENNEDY, ROCKEFELLER and others to introduce the Medicare Beneficiary Access to Care Act of 1999.

In July, during consideration of tax relief legislation, I offered an amendment on the floor of the Senate to carve out $20 billion from the tax bill and devote it towards relief for Medicare providers from the unintended consequences of the Balanced Budget Act. Although the amendment received support, including seven of my Republican colleagues, it did not gather the necessary three-fifths majority required for passage. Today’s legislation, a $20 billion package of specific measures to address the shortcomings of the Balanced Budget Act, represents our continued commitment to ensure that this relief is enacted before the end of the congressional session.

Mr. President, I cannot fully express the urgency of this matter. Here in Washington, we often throw around numbers with little realization of the real impact on America’s communities. In this instance, I assure you, the impact is real. Take the town of Quincy, Massachusetts, population 88,000, and the birthplace of former presidents John Adams and John Quincy Adams. As we introduce this bill, the community hospital in Quincy, Massachusetts stands at the edge of closure. Jeffrey Doran, the hospital’s CEO, has been working overtime to ensure that if the hospital closes, patients will be safely transferred to health care providers outside the community. Over the past several weeks, I have been on the phone multiple times with our State leaders asking them to step in and provide the needed relief where the Federal Government has failed. Failed, Mr. President, because the Medicare cuts enacted in 1997 have gone above and beyond what we intended or desired. The budget savings have exceeded the levels we envisioned at the time of enactment.

Alternatively, Mr. President, let’s take a look at the home health care industry. Home health care providers deliver rehabilitative services to Medicare beneficiaries in the safety and comfort of their home. In the State of Massachusetts, just since passage of the Balanced Budget Act, we have witnessed the closure of 20 home health care agencies who are no longer able to operate on a shoestring as a result of cuts in Medicare payment reimbursements. The same is true with our nursing homes and extended care facilities.

And just to provide some perspective, the cost of the legislation we introduce today amounts to less than three percent of the cost of the tax bill President Clinton vetoed last month. The cost of the entire bill is less than one percent of the tax bill to subsidize the interest expenses of American multinational corporations operating overseas. In fact, we could have passed this bill, repealed the interest expense provision, and saved American taxpayers an additional $4 billion.

What a sad reflection on our state of affairs when the Senate would approve a tax provision to expand eligibility for Roth IRAs for people making over $100,000 a year, a provision that would cost over $6 billion, but has yet to address the dire needs of our teaching hospitals. A full legislative remedy for the Medicare payment problems facing teaching hospitals would cost $5.7 billion.

Mr. President, the time will come for this debate, and the time will come before we adjourn. The bipartisan support exists. Let’s keep the doors of our teaching and community hospitals, nursing homes, home health care agencies, and rural clinics open. Let’s accept responsibility for the unintended effects of our previous legislation. Let’s not wait any longer.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

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

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. NICKLES, Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. NICKLES, Mr. President, what is the pending business?

Mr. NICKLES. Mr. President, I call up amendment No. 1851.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1851.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2. PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds; and

(2) Social Security surpluses should only be used for Social Security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conference on the fiscal
Maybe because of emergencies we will spend the non-social security surplus. Those funds may well be spent—as a result of the hurricane, agricultural disasters, the events in Kosovo or East Timor, or whatever. There may be some emergencies that that $14 billion is going to be spent on, but absolutely not a dime more.

As we total all of these appropriations bills—the numbers are growing, or at least some people are trying to make them grow. I am saying that no matter what—if we do not do this at the end of this process, we will have across-the-board cuts if they are necessary. Hopefully, we won't have to. If we do our jobs, we will not need to have across-the-board cuts.

Senator STEVENS, the Appropriations chairman, said we are not going to need the cut because he is going to make sure we come in below the amounts necessary. He said that he will make sure outlays do not exceed the level that intrude upon or have we spend Social Security trust funds. I respect that and I agree with it. But just in case I am saying—let's go on record; let's make sure that, if necessary we will have across-the-board cuts.

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

The amendment is as follows:

Strike all after the first word, and insert the following: PROTECTING SOCIAL SECURITY SURPLUSES: (a) Purpose.—Congress finds that— (1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and (2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations necessary to eliminate such deficit if necessary.

Mr. NICKLES, the President, the modification of the amendment is very minor and technical. I will tell you what it is:

It is the sense of the Senate that the Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

The original amendment I filed said it is the sense of the Senate that Congress should make sure they did not dip into Social Security funds. Now I am suggesting should make sure we do not dip into the Social Security funds and, if necessary, that we have across-the-board reductions in spending to make sure we do not touch Social Security funds.

I have stated—and I think all of our colleagues on both sides of the aisle have done so as well—that we do not want to touch Social Security, we absolutely do not want to touch the Social Security trust funds.

We are going to have a surplus next year likely a large part, if not totally, because of the Social Security surplus. Many have drawn the line and said: We are not going to touch that.
Incidentally, the administration’s budget had $19 billion in forward funding. And now, evidently, the process will come out closer to $19 billion or $20 billion, but that is still not enough. I know the Medicare fixes are going to cost money. My point is, I already said, before we have the add-ons, we are $5 billion into the Social Security trust funds. We are going to have to make those adjustments in the conferences in the next couple weeks. It is going to have to happen. It is going to have to happen by people working together. If, for some reason, these conferences come out and exceed the amount and raid Social Security, we should have across-the-board reductions to stop it, to make sure we do not raid Social Security.

Maybe with the momentum for popular programs and we can’t say no—if we do not have the collective will to say we are going to vote down and vote no on some of these appropriations bills, we are going to have a mechanism to say the bottom line is, if these amounts are so large that they actually raid Social Security, we are going to have to say no by having across-the-board reductions.

I hope that is not necessary. I do not expect it to be necessary. I think when it is all said and done, and the budgeteers finally start scrubbing these numbers—the CBO and Budget Committee—Democrats as well as Republicans will say: Wait a minute, let’s make a few adjustments in the conference and make sure we do not raid Social Security. That is the purpose of this amendment. It is a sense of the Senate.

Frankly, I was considering budget language that would implement it. Senator STEVENS has pointed out he made his amendment. All I can say is I read his amendment. All I can say is I read his amendment. Senator STEVENS has pointed out he made his amendment. All I can say is I read his amendment. I wonder if he has talked to the other Republican leaders.

I wonder if he has talked to the other Republican leaders. This is a great sense-of-the-Senate resolution, but the fact is, the Republican leadership has already dipped into Social Security. Don’t take my word for it, take the CBO’s word for it. They have already dipped into it.

Mr. NICKLES. Will the Senator yield?

Mr. HARKIN. Let me finish a couple things, and then I will. We will get into a debate on this.

Mr. NICKLES. I want the Senator to be factual.

Mr. HARKIN. “GOP Spending Bills Tap Social Security Surplus, CBO Cites Planned Use of $18 Billion.” This was in the paper yesterday: On the same day House Republicans launched a new attack charging Democrats with “raiding” Social Security to fund spending programs, congressional analysts revealed that the GOP’s own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program. Yesterday’s report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security.

There it is. They already have dipped into Social Security. We have already used up the non-Social Security budget of $14 billion, according to CBO. Actuarily, it was $12 billion, but it included about $5 billion that was in the tax scheme they came up with, which the President vetoed. So we get that back. We are about another $15 billion into Social Security already.

Again, this is a great sense-of-the-Senate resolution. The fact is, though, the President sent a budget this year that was balanced, that met all our needs. I might have wanted to add a few things there and juggle a few things there, but there were some penalties on tobacco companies, and penalties on the Pentagon. They added more to the Pentagon budget than what the Department of Defense even asked for. We have been playing all these shell games all year, moving money around.

Well, we have had a plan, to be able to balance the budget, fund these programs by not dipping into Social Security but by penalizing the tobacco companies that fail to reduce teen smoking. It seems to me we could beef up our efforts to reduce Medicare waste and abuse. There is $13 billion right there, by the latest estimates. How about legislation that would save money by reducing student loan defaults and cutting administrative fees that we pay to banks for student loans? How about reducing some corporate welfare? How about closing some special interest tax loopholes?

No, no, the GOP, the Republicans don’t want to do that. They want to cut education and health care. Oh, yes, and the earned income tax credit; that is their latest scheme. I see in the paper this morning that their friends in the Presidency, Governor Bush of Texas, could, one, swallow that one. He said: What are the House Republicans doing? He said: I am against balancing the budget on the backs of the poor. Obviously, House Republicans want the President to say no—let’s see, if a few Republicans over here, too, want to use the earned income tax credit to pay for their schemes and for the faulty budgeting they have done.

I say to my friend from Oklahoma, I may come up with a second degree. I guess he has already second degree it. We can second degree it again. We will have a vote on that. I think we need a sense-of-the-Senate resolution that we send the Republican leadership back for remedial math so they can add things up a little bit better.

I yield to my friend from Oklahoma, having said that; I yield for a question anyway.

Mr. NICKLES. Let me make a couple of comments.

Mr. HARKIN. Mr. President, again, don’t take my word for it. Read the CBO’s letter, dated August 26, almost a month ago. Things haven’t gotten any better. You can read it in the newspapers. You can add it all up for yourselves.

This is what they have done, all these schemes. Now they are going to designate the census as an emergency. Thomas Jefferson could have told you there was going to be a census in the year 2000, but they think it is an emergency.

I said they want to delay the tax cut for low-income Americans, the one program that helps cut income welfare into work, the earned income tax credit. They want to cut that down to pay for their schemes and their tax cuts for the wealthy. They are using two sets of books—CBO books, OMB books, one or the other, whichever make it look good on any one day or the other. They want to spread one year’s funding over 3 fiscal years. They propose to defer approximately $3 billion in temporary assistance for needy families, TANF, block grants, from fiscal year 2000 to 2001.

The schemes go on and on and on, all because, it seems to me, the Republicans looked at the Clinton budget and said, no, we won’t do that. They moved us ahead in the areas of education and health, which moved this country forward but had some penalties on tobacco companies and some offsets, as we call it around here, which means we pay for some of this by penalties on the tobacco companies. It is obvious to me the Republicans said, no, we can’t touch the tobacco companies.
GOP Pending Bills Tap Social Security
next year have already used up billions of
dollars of funding beyond what they were
supposed to spend under existing budget re-
strictions.
As a result, he shows, lawmakers will have to
dip into the projected government surplus
next year of $167 billion to fund programs at
the level they are targeting. Because almost
all of that $167 billion of that Social Security
money rolling into the Social Security pro-
gram, Crippen suggests that as much as $18
billion will have to be drawn from the retire-
ment program.
This is up from an August CBO estimate
that showed Congress on the way to spending
$16 billion of the Social Security surplus, but
Crippen says that lawmakers are likely to approve for hurricane
and earthquake relief, restoring cuts in
Medicare and other needs that could drive
the number even higher.
The country has more than enough surplus
funds to accommodate the new spending
plans under consideration on Capitol Hill, but
the CBO numbers are likely to sharpen the
intensifying political debate over Social Security. Although the government has rou-
inely tapped Social Security to fund other
agencies in years past, both parties have ele-
vated protection of the retirement program
with "raiding" Social Security to fund
other initiatives that they said would eat into the So-
cial Security surplus.
"They’re really going back and forth and back
and forth about where they are going to come
up with the extra money to fund the Social
Security surplus," Crippen says. "They’re
looking going back and forth and back
and forth and back and forth and back.
So on and on, we get these schemes; they
keep bouncing around.
Now we are told that defense, I guess, is
going to be an emergency. That is the
latest scheme. The defense bill is now
working its way through the Senate as an
emergency bill, but there is no emergency out there.
As I said, you can have a sense-of-the-
Senate resolution which says we should adopt an across-the-board re-
duction if we don’t have a balanced budget. But quite frankly, why don’t we have some penalties on the tobacco
companies? Rather than cutting health care
for the elderly, rather than cut-
ing education for our kids, which his
sense of the Senate would do, why
don’t we have some penalties on the to-
bacco companies? Their failure to reduce
teen smoking? CBO told us that
would raise, if I am not mistaken,
about $6 billion. There is $6 billion we
could get right there for teen smoking.
That is where we are. I find it odd, kind
of amusing, kind of bemusing, I
guess, that the Senator from Okla-
ahoma, one of the leaders on the Repub-
lican side, would offer this sense-of-the-
Senate resolution. As I said, they
have already dipped into Social Secu-
ity. Now he wants to close the barn
door.
All I can say is, too little and too
too. I think the Senator from Okla-
ahoma needs to have some remedial
math.
I ask unanimous consent to print in the
RECORD the article from which I
quoted.
There being no objection, the article
was ordered to be printed in the
RECORD, as follows:
(From the Washington Post, September 30,
1999)
GOP Spending Bills Tap Social Security
Surplus—CBO Cites Planned Use of $18
Billion
(By Eric Pianin and Juliet Eilperin)
On the same day House Republicans
launched a new attack charging Democ-
rats with “raiding” Social Security to fund
spending programs, congressional analysts
revealed that the GOP’s own spending plan
for next year is already using at least $18
billion of surplus funds garnered by the retire-
ment program.
Yesterday’s report by the nonpartisan Con-
gressional Budget Office seemed to under-
mine the GOP’s effort to blame Presi-
dent Clinton for excessive spending and
ramp up the high ground in the high-stakes political
battle over Social Security. Indeed, only
hours before the report was released, House
GOP leaders unveiled a national advertising
campaign vowing to “draw a line in the sand” against spending initiatives that they said would eat into the So-
cial Security surplus.
But in a new analysis, CBO Director Dan L.
Crippen showed that lawmakers writing the
social Security surplus.
Crippen shows that lawmakers writing the
social Security surplus.
GOP lawmakers remained defiant yester-
day—“Under no circumstance will I vote to
spend one penny of the Social Security sur-
plus for anything but Social Security,”
House Majority Whip Tom DeLay (Tex.) said
during a media event dubbed “Stop the
In an effort to keep from drawing on Social
Security, House Speaker J. Dennis Hastert
(R-Ill.) outlined a plan to delay the earned
income tax credits to the working poor to
save $8.5 billion for the next year. Repub-
licans defended the measure, saying
that it would encourage better monthly
planning by the beneficiaries. But critics
said it would create undue hardship on peo-
ple struggling to stay off welfare, and sen-
ators are balking at the idea.
Meanwhile, White House Chief of Staff
John D. Podesta, who addressed Democratic
lawmakers yesterday morning, called the
GOP’s spending approach “crazy” and said
“the budget process is headed toward chaos.”
As the Senate continues its progress in
completing work on the overdue spending
bills, faced with opposition from both Demo-
crats and antiabortion Republicans, House
leaders were forced to postpone a vote yes-
terday on the foreign operations spending
bill.
The agriculture budget bill was also held
up, a GOP leaders scrambled to line up
enough signatures to force it out of a conten-
tious conference committee. Yesterday,
Democrats as well as several Republicans ac-
ceded to GOP leaders’ demands to hand
over the conference committee to in order to kill a provision
lifting trade sanctions on Cuba.
Mr. NICKLES addressed the Chair.

Mr. NICKLES. I tell my colleague from Illinois, I will be very brief, a
couple comments.
I ask unanimous consent to add Sen-
ators Gregg and Gramm as original sponsors of the amendment.

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

Mr. NICKLES. Very briefly, we don’t have to debate all the budget assump-
tions.
My colleague pointed out a lot of
things he has read in the paper that
different people have tried. The earned
income tax credit, frankly, needs to be
reformed. About 24 percent of that pro-
gram is waste and fraud. It needs to be
reformed. I mean, we don’t have to go
and do it. I am probably the biggest proponent of
reforming the program, but I have al-
ready said it shouldn’t be done in this
bill and it will not be done in this bill.
It is not in the Senate bill. You haven’t
seen it; you are not going to see it in
the conference report. At least that is
my intention.
The Senator mentioned a few other
things. My point is, we don’t have to
play games. He mentioned tax cuts. We
don’t have a tax cut in this bill.
When it is all said and done, let’s not
raiding Social Security. The Senator said
we are going to have to cut education.
We have more money in the bill that is
pending than the President requested for
education. Even if we had an across-the-board cut, it still comes out.
There is still more than the President requested, and almost $2
billion more than last year. My col-
league said: Hey, the horse is out of the
barn. Well, it is not out of the barn. We have a lot of horses in the barn. Big horses are still there, such as the Defense bill, Labor-HHS. Those are two bills that are expensive. Most of the other bills are coming in at last year’s levels, maybe a little bit lower, but big increases in Labor-HHS and in the Department of Defense. Those are not out yet. Defense is close to being finished.

If Defense and Labor-HHS, Commerce-State-Justice, and HUD, come in too big, we do not know yet because they haven’t been reported out, but if they raid Social Security, let’s cut everything across the board. That is what this says. I hope they don’t. I absolutely believe if I had my say-so, they would not. But I am just one person.

I think if the conferences show some restraint, and if we show some restraint on Labor-HHS, on the Department of Defense, and on the remaining bills, we don’t have to cut Social Security, not one dime. But if, for some reason, we are not able do it, with the Agriculture bill for instance, the Agriculture bill emergency funding, as designated has blown from $6 billion to $8.7 billion by $1 billion in a few days. I question that. I may vote against it. I think it has grown too much.

I have a lot of farmers in my State who are going to be quite upset when I vote against it, but I may well because I think it is getting ridiculous how much we are spending. Even if we do, that will be classified as an emergency; but I don’t care if it is called emergency funding or not. If it starts dipping into Social Security, this resolution says let’s cut all spending enough to make sure we don’t. Are we going to draw the line and stop at a certain level or not?

Let me make another comment because we have heard a lot of discussion on Medicare. President Clinton’s budget proposal proposed to freeze hospital payments. How many of us have had hospitals come up here and say: You have cut too much? The President’s proposal was to cut it more. Nobody has talked about that. My colleague says President Clinton’s budget was balanced. It was not. The President’s budget, according to CBO, still raids Social Security by $7 billion in 2000. I am saying, no, let’s not let Congress do it, or the President; let’s not do it. But if we have to, let’s have an across-the-board cut and cut everybody a little bit.

Right now, the projections are that maybe it would take 1 percent if we don’t show a little restraint. We can show a little restraint. We can save a measly $5 billion out of $500 billion of appropriations that have not been passed. We can do that, and we should. Absolutely, I am going to be disgusted if we don’t do it. We used to have Gramm-Rudman-Hollings that provided for an automatic sequester if we didn’t meet certain targets. I prefer that we not touch Social Security, but if we do, let’s cut across the board so it is a small percentage.

I urge my colleagues to seriously consider that and, hopefully, pass this resolution when we vote next week.

I yield the floor.

Mr. HARKIN. Mr. President, I think the Senator and I do agree we should try to have a sense-of-the-Senate resolution that we do an across-the-board cut, without looking at some other things—as I mentioned, there are $2 billion in student loan guarantee fixes we can make, and the tobacco penalty I talked about, or bringing Defense below 20 percent of the budget. There are a whole bunch of things we can look at that will still let us increase Head Start and education, community health centers, all the things that meet human needs and invest in the human resources of our country, rather than doing it as the Senator from Oklahoma has suggested.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I would like to change the mood a little bit and wish all of my colleagues a happy new year. Here we are on October 1, a new fiscal year. I wish to say it is a pleasure to be in the Senate debating the spending bills for our Nation, and it is a pleasure to have the resolution brought by my friend, the Senator from Oklahoma.

I have to agree with the Senator from Iowa; it is hard for some people to keep a straight face when the Congressional Budget Office reported just 2 days ago that the Republican leadership in the House and Senate is already $35 billion into the Social Security trust fund, and we are considering a sense-of-the-Senate resolution that says, by all means, we are never going to touch the Social Security trust fund. I don’t think we can pull that off with a straight face. I think the American people are going to disagree with that. I think they understand what is happening. They understand we have not met our new year’s deadline of October 1 and passed our spending bills.

But very few Congresses ever do, in all fairness. What is different about this Congress is, here we are on October 1 and we don’t have a clue how to finish. We don’t have a dialog between the President and Congress to try to bring us to a reasonable, bipartisan conclusion. Instead, we have a situation where the Congress and the President are just playing the Republican mantra a few weeks ago. We have so much money, we can give away $792 billion. Well, the American people were
skeptical and folks on this side of the aisle were also skeptical, and they dropped the idea. But now they come back and say we are in such dire straits that we have to pass this sense-of-the-Senate resolution to discipline ourselves, keep our hands off Social Security.

Some of the schemes the Republican leaders are coming up with to try to end this budget debate are, frankly, not only greeted with skepticism by Democrats, but even by fellow Republican leaders. For example, last week Bush administration yesterday, took a look at the House Republicans' proposal to end this budget impasse, and this is what he said:

I don't think they [Congress] ought to balance their budget on the backs of the poor. I am concerned for someone who is moving from near poverty to middle class.

The nominal front runner for President of the Republican Party has tossed congressional Republicans overboard because of their extremism and their inability to change for the worse instead of the better. Let's be honest with the American people in the closing days of this budget debate. And I sincerely hope we are.

Second, we would address the health care needs of this country. If we think we can go home and beat our chests about how pure we were in the budgetary process and don't lift a finger to help these hospitals that are struggling to survive, we will have made a very serious mistake.

I salute the Senator from Iowa and other colleagues, such as Senator BOXER of California and Senator MURRAY of Washington, who have tried to make sure this Labor-HHS bill does not lay off 29,000 teachers at the end of this school year. This bill would do it. The bill that some Republican Senators are so proud of would lay off 29,000 teachers across America because of what are made in that bill and 1,200 teachers in my home State of Illinois.

Is that how we want to welcome the new century? Is that how we want to teach our kids to greet a new generation, by laying off teachers and increasing class size? No.

There are important priorities for us to face. I sincerely hope before we leave and before we think we have completed our responsibility that we will pass a budget we can explain to American families is in their best interests.

I yield the floor.

Mr. BYRD. Mr. President, yesterday afternoon I voted against Senator Hutchinson's amendment to transfer $25 million from the budget of the National Labor Relations Board (NLRB) to increase funding for community health centers. I am not opposed to expanding the services provided by community health centers — the community health centers I believe they are an important element in health care delivery in West Virginia.

However, Mr. President, the National Labor Relations Board is also important to West Virginia. During the first half of this century, labor conditions in West Virginia coal mines, and the resulting growth in unions, led to a virtual state of war, in some instances.
Having an orderly process in place to resolve these kinds of issues, such as that managed by the NLRB, helps to keep management-labor-union relations on a civilized path. The National Labor Relations Board is an independent agency that is charged by Congress to administer the National Labor Relations Act, which is the primary law governing the relationship between unions and employers in the private sector. The NLRB has two principal functions: first, to determine, through the secret ballot election, if employees want to be represented by a union in dealing with their employers; and second, to prevent and remedy unfair labor practices by either employers or unions. The NLRB investigates violations of the National Labor Relations Act, seeks voluntary remedies to violations, and adjudicates those businesses that refuse to comply with the Act.

Opponents of the NLRB have been eager to eliminate it in recent years, but have not had much success in doing so on the merits. Instead, they have been attacking its financing. The NLRB’s budget has not kept pace with inflation over the last six years, and, even though the case load has decreased since last year, overall, staffing levels have fallen at a greater rate. The NLRB had 6,198 unfair labor practice cases pending initial investigation at the end of Fiscal Year 1998. The Hutchinson amendment, according to the NLRB, would have caused them to process six thousand fewer cases, and cut all staff training and information technology activities in Fiscal Year 2000.

I support community health centers. They provide a vital service to low-income persons who cannot afford health insurance. However, in my opinion, it is not practical to underfund one valuable program in order to fund another. Rather, I would prefer to see the funds come from other sources less disruptive to agencies as valuable to our nation’s laborers as the NLRB.

The PRESIDING OFFICER (Mr. Voinovich). The Senator from Georgia.

MORNING BUSINESS

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

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

FINALLY FIX SOCIAL SECURITY

Mr. KERREY. Mr. President, I heard an exchange earlier between the Senator from Iowa and the Senator from Oklahoma who talked about raiding the Social Security trust fund. We have not been raiding the Social Security trust fund for the last 16 years. What we have—since 1983—is a tax that generates revenue in excess of what we need. The law says we have to take that tax and purchase Treasury bonds. When the Treasury is purchasing Treasury bonds from itself, Treasury ends up with cash.

The question is—since 1983—what do we do with that cash? We have been using it to reduce the deficit, and the impact of that since 1983 is that people who get paid by the hour are the ones who suffer. We make this appeal to people over the age of 65 for political reasons: Do not raid Social Security. But people also suffer and have been saying the price since 1983 are the American taxpayers, people who get paid by the hour. For the median-income family earning $37,000 a year, they will pay $5,700 in payroll taxes and $1,500 or $1,400 in income taxes. Since 1983, they have shouldered a disproportionate share of deficit reduction. Now that the deficit is gone, guess what they get to do. They get to shoulder all the debt reduction. This does not save Social Security. What it is doing is not making us from having to make a change. That puts a tremendous burden upon people who are paid by the hour.

What we ought to be doing is debating reducing that burden, not in my judgment on people over the age of 65 and saying we have been raiding the trust. We have not. We have not been raiding the trust fund since 1983. The trust fund has been building up, and those Treasury bonds are valued at $4 trillion. In fact, there is $40 billion worth of interest added on to the Social Security trust this year as a result of paying for the interest on those bonds.

The people who suffer as a consequence of Congress’ delay on fixing Social Security are 150 million Americans under the age of 45. If you are under the age of 45 and you are watching Congress say, “Let’s fix Social Security” and do nothing, what you ought to be saying to your Congressman, when are you going to fix it? Why do we not fix it? You can see it. I was watching the news this morning. I saw Ken Apfel, the head of the Social Security Administration, in an interview with Katie Couric, proudly telling her about a letter he is sending out to Social Security beneficiaries telling them what they are going to get when they retire. He left one thing out. If they are under 45 and they get a letter in the mail that Social Security benefits are going to be, “Mr. Apfel is not informing those beneficiaries that unless Congress increases taxes, there is going to be a 25- to 33-percent cut in benefits, according to the Social Security trustees. He is not informing them that Social Security, for that low- and moderate-wage individual, is not a very generous program. If you live very long after the age of 65, God help you if that is all you have.”

Those of us who have been arguing we need to fix Social Security get a little irritated when we hear people say we have been raiding Social Security for the last 16 years and that the lockbox saves Social Security. It does not. What the lockbox does is say to people who are paid by the hour, the median family who has $5,700 in payroll taxes, after shouldering all the burden for deficit reduction from 1983 to 1999, paying their payroll taxes to pay down the debt. On behalf of those people, to keep Social Security as an intergenerational program, I beg my colleagues to finally decide: What will you support?

But I hope in this budget debate as well, we will finally recognize the sooner we fix Social Security, the smaller the changes will have to be. The people who are going to suffer the consequences today are the people who are going to suffer. I have been hearing from people about how they are suffering.

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the age of 45 who are not going to be happy when they wake up on Christmas morning and go down and check the sock and find out there is a third less in it than they were told, by the Social Security Administration, was going to be in it.

Mr. President, I appreciate your indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire as to the state of the proceedings?

The PRESIDING OFFICER. We are in morning business with each Senator having 10 minutes to speak.

PROTECTING SOCIAL SECURITY

Mr. ASHCROFT. Mr. President, I will try to say what I have to say in less than 10 minutes, especially because of my regard for my esteemed colleague from the State of Connecticut, who I see has entered the Chamber.

I appreciate the intensity and commitment of the Senator from Nebraska. He is correct; we do not have on the drawing board a long-term remediation for the long-term problems of Social Security. But if we just spend and spend and spend so we continue to elevate the debt of the United States rather than curtail the spending by not spending the Social Security surplus, we are going to make it more difficult, when the time comes, to pay for the Social Security benefits for which we are committed to pay.

So I think it is important not to spend Social Security surpluses to expand Government and to make Government more and more committed and deeper and deeper in debt. It is a major benefit to the future of this country if we decide to refrain from spending Social Security surpluses, which will allow us to protect the integrity, not only of Social Security, on a more persistent basis, but certainly to protect the integrity of the finances of this Government so when the time comes for us to make payments, we will have the fiscal integrity to do so.

I know we are in morning business, but particularly today I rise to comment on and to support the Nickles amendment to the Labor-HHS appropriations bill. I support the amendment because it puts the Senate on record demanding we protect the Social Security trust fund from being raided to pay for other Government spending. The less we go into debt for other Government spending, the more likely we are to be able to honor the claims of Social Security.

So the theft of Social Security funds this year must stop. We should stop spending as if Social Security were a funding resource for all kinds of other spending programs. I am concerned the Labor-HHS bill will result in the Senate’s adoption of all 13 appropriations bills and, as a result, perhaps take us into the Social Security trust fund.

Some estimates have been as high as $5 billion. I would work to delay the bill if I did not have assurances from the majority leader that the conference reports will not touch the Social Security surplus, even if Senate appropriations have, that the entirety of the package forced upon the President after negotiation with the House will not touch the Social Security trust fund.

The majority leader has worked tirelessly to protect the Social Security trust fund. I support him for it, and I appreciate his ongoing effort.

Furthermore, the Congressional Budget Office has stated in a letter to Speaker HASTERT that the House plan to spend $592.1 billion will not touch the Social Security trust fund.

If we do dip into the Social Security trust fund this year, it would erase all the hard work we have undertaken to protect Social Security.

In January, President Clinton proposed bleeding $158 billion out of Social Security surpluses over the next 5 years. This Congress objected to President Clinton’s proposal, and I am glad to say that the Congress got the President to change his mind and to take far less out of Social Security surpluses over that 5-year period of time. I wish I could say that he had agreed to take none, and sometimes he represents it that way.

In the President’s midsession review of the budget process, he said that Social Security surpluses should be spent for Social Security, period. That is right. That is the Social Security lockbox philosophy. Unfortunately, his new budget still took $30 billion out of Social Security over the next 10 years, but that is a lot better than $158 billion. I commend the President for moving so aggressively in the direction of the Congress.

Still the President’s midsession review, which is a vast improvement, and Congress has succeeded in moving him as far as he has moved, it is not far enough. We need to work throughout this year to demonstrate our commitment to protect every single penny of the Social Security trust fund.

In April, we passed a budget resolution that does not spend 1 dime or 1 cent of the Social Security trust fund surplus. In addition to protecting the Social Security surplus, the budget resolution also eliminates spending caps from the 1997 balanced budget agreement. It cuts taxes and increases spending on education and defense.

In addition to ordering our spending priorities correctly, the budget resolution contained a majority point of order preventing the use of Social Security surpluses for non-Social Security purposes. The Senate voted unanimously in favor of this point of order. I had the privilege of sponsoring this particular provision, and since that point of order was sustained, the bill has never threatened to allow us to dip into our Social Security surplus and has also repeatedly demonstrated its commitment to the Social Security lockbox concept, which is to limit Government spending to the revenues designed for Government spending, and not to have general Government spending come out of the revenues designed to provide for the retirement of American workers.

The House of Representatives passed the Herger bill which created a supermajority point of order of protecting Social Security. These actions demonstrate a strong commitment and dedication to protecting every dollar of the projected Social Security surplus to shoring up Social Security, making sure we treat it with integrity.

In addition, a majority of Senators have repeatedly voted for the Abraham-Domenici-Ashcroft Social Security lockbox provision. Unfortunately, the lockbox, which was approved by the House, has been endorsed by the President, that would jeopardize our capacity to make good on our commitments at Some date when Social Security needs to call upon us.

The most important thing we can do right now is demonstrate our commitment to protecting every cent of Social Security resources to make sure they are available for Social Security and to make sure they are not spent on the operations of Government generally. This is a plan that we have agreed to under the budget resolution. We promised the American people that Social Security surpluses will be reserved for Social Security, and now is the time when we are testing that if the Senate has been held hostage in the Senate by those on the other side of the aisle.

Despite this setback, we have made great progress in protecting Social Security, the integrity of the fund, and limiting the kinds of spending that would jeopardize our capacity to make good on our commitments at some date when Social Security needs to call upon us.

Last year, when faced with this test, Congress failed, agreeing to an omnibus appropriations bill that raided— and I think that is the right word—$21 billion from our retirement security fund. I voted against that bill but was unable to prevent the raid by doing so.

This year, we have all been committed to completing all our spending bills on time and avoiding the omnibus spending train wreck such as we saw in last year’s $21 billion raid.

I approve of this plan, but a necessary element of the plan is that Congress not spend resources on operating Government that were destined to and designed to support the Social Security trust fund. The Nickles amendment would put us on record stating we categorically oppose a raid on our retirement system and will support spending cuts to let us meet that goal. As I said, according to unofficial Budget Committee estimates, the Congress is now poised to spend as much as $5 billion out of the Social Security trust fund. If that is the case, I will vote against any plan that would spend raiding resources from the Social Security trust fund to support the operations of Government.
This spending bill, the Labor-HHS fiscal year 2000 appropriations bill, is the last of the 13 appropriations bills to reach the floor. It is also the largest of the nondefense discretionary appropriations bills. If the estimates about this year’s spending that I have reference to are correct, we are not going to dip into Social Security, and this is the bill that will push us over the edge. For this reason, I commend Senator Nickles for bringing up this amendment on this bill at this time.

Now it is the time for us to stand up and say we will not support taking any money out of the Social Security trust fund to finance the operations of Government. Making sure that Social Security funds do not go for anything other than Social Security is essential to the protection of long-term Social Security integrity.

Social Security is expected to meet all of its obligations until the year 2049—until then. Starting in 2014, however, this bill will begin spending more than it collects. It will begin spending the trust fund, the surpluses. By saving Social Security surpluses and using those surpluses to pay down the debt, Congress will ensure the Nation is on secure economic footing when Social Security surpluses diminish and then disappear. If we do not save Social Security now, it will make it that much harder for us to meet our own obligations later.

We must protect Social Security now for the 11 million Missourians who receive Social Security, for their children, and their grandchildren. We need to protect Social Security now, and this bill fails to do that. It certainly threatens not to do it, and it is time for us to vote in favor of the Nickles amendment, and to vote against any plan that would invade the Social Security trust fund.

It is for this reason I urge my colleagues to support the Nickles amendment, called for full protection of our Social Security resources.

I thank the Chair. The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

SPECIAL COMMITTEE ON CULTURAL MATTERS

Mr. LIEBERMAN. Mr. President, last evening the full Senate voted, my friend and colleague from Kansas, Senator BROWNBACK, took the floor and offered an amendment which he then withdrew. I was not able, because of my personal schedule, to be here at that time. But as an original sponsor of the original legislation offered by Senator BROWNBACK, which would have created a special committee on cultural matters, I did want to simply say a few words about this.

I know this became controversial within the Senate, but I felt from the beginning that Senator BROWNBACK’s intentions were not only worthy but they were relevant; that the cultural problems which the committee, or later the task force, would have addressed are real, as every family in America knows when their children turn on the television or go to a movie or listen to a CD or play a video game.

I do not think the problem is that the solitary explosions, violent criminal behavior, problems such as teenage pregnancies, I think all of which are affected by the content in our culture, give our children and, indeed, adults about behavior. Of course, I am talking about the hypersexual content, hyperviolent content in too much of our culture.

In this case, this effort by Senator BROWNBACK, with the withdrawal of the amendment last night, was not to cultivate successfully. But the battle will go on.

Clearly, the standing committees of the Senate will—I certainly hope they will—be confident they will—continue to pursue cultural questions because they are so important, they are so central to the moral condition and future of our country. I look forward to working on those with Senator BROWNBACK and other colleagues as we go forward.

HONORING 20TH ANNIVERSARY OF THE ESPN NETWORK

Mr. LIEBERMAN. Mr. President, I note there is a rule in the Senate against using props. I, just for a moment, ask unanimous consent for a transitional prop, if I might briefly hold this up.

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

Mr. LIEBERMAN. I thank the Chair. This is my favorite ESPN parka. It gives you an indication of what I am going to speak. It is in some sense as cultural as the first part of my comments. It does involve the influence of television on the American culture.

But today, in this part of it, the news is good and the occasion is one to celebrate, particularly for those who may find some meaning in words that might confuse visitors from another planet, such as “en fuego” or “boo-yah.” Twenty years ago, a small cable television enterprise, tucked away in the woods of central Connecticut, introduced itself to America with these words:

If you’re a fan, what you’ll see in the minutes, hours and days to follow may convince you that you’ve gone to sports heaven.

True to that prophecy, the past 20 years have marked our national elevation into another world of sublime sports saturation.

In recognition of its outstanding contribution in shaping the sports entertainment industry, I wish to speak of Rasmussen, the man who started it all. Undeterred, Rasmussen scrambled to nearby Bristol, Connecticut, population 63,000, in a wonderful town, 20 minutes west of Hartford. Most famous previously for being the cradle of clockmaking during the industrial age, Bristol seemed an unlikely candidate to emerge as the cradle of electronics sports media, but it did. Believe it or not, ESPN probably would not exist today—certainly not in Bristol—if the old New England Whalers of the World Hockey Association had not had a disappointing season in 1978.

The Whalers’ public relations director, a man named Bill Rasmussen, one of several employees to lose his job in a front-office shakeup at the end of that season, decided he had an idea he wanted to try. He was a Whaler at heart, and he figured he could stay involved with his team by starting a new cable television channel that broadcast Whalers games statewide. He even had a second-tier dream of someday possibly broadcasting University of Connecticut athletics statewide as well.

Rasmussen rented office space in Plainville, CT, near Bristol, and thought up the name Entertainment and Sports Programming Network, or ESPN. But before he had even unpacked in Plainville, he ran into his first problem—the town had an ordinance which prohibited satellite dishes. Undeterred, Rasmussen scrambled to nearby Bristol, found a parcel of land in an industrial park in the outskirts of the city, which he promptly bought, sight unseen, I gather, for $18,000. The rest, as they say, is history.

Today, ESPN, from this same location, generates $1.6 billion a year in revenues and is seen in more than 75 million American homes.

ESPN realized that second-tier dream that Rasmussen had. Earlier this year, his station provided exhaustive coverage of UConn’s basketball championship—only the game was not broadcast statewide; it was broadcast worldwide.
Twenty years after its founding, ESPN commands an international audience that watches every sport—from baseball to badminton to Australian rules football. The network’s flagship, SportsCenter, is currently the longest running programming on cable television, with more than 21,000 episodes. And, truly, the Cal Ripken of network television.

In a measure of its enormous influence on our culture, the catch phrases coined by SportsCenter’s quick-witted anchors have found their way into the American vocabulary, such as the aforementioned “en fuego” and “boo-yah.”

The program also has broadened sports appeal by peppering broadcasts with references to literature, history, and other high-minded fields not always connected with sporting events.

The father of this breed of broadcasting, of course, is Chris Berman, probably my most famous constituent. He was a Waterbury, CT, radio station at the age 24 to become one of ESPN’s pioneering voices. What a great professional and source of great joy Chris Berman is.

A testament to his place among sporting icons can be heard across ballparks in America each time a home run ball is struck. If you listen closely, as the ball nears the fence, you may think that the ballfield is being overtaken by a herd of chickens clucking: "—I am restraining myself here on the floor, Mr. President, but you get the idea—"back, back, back, back, back," in homage to the Swami’s classic call. Berman is also the father of the modern sports nickname, concocting such classics as: Burt "Be Home" Blyleven, John "I Am Not A" Kruk, and Roberto "Remember The" Alomar. There are certain individuals unnamed in the Democratic Cloakroom who have attempted to emulate this style of nicknaming for sports figures. They are not doing badly. Oh, and lest we forget another household name, ESPN introduced us to the man who genuinely put the "Madness" into March Madness—the nattering nabob of Nalsmith, the great Dick Vitale.

So thanks to Chris Berman, to Dick Vitale, and to all the others who have made ESPN part of our lives.

ESPN is today to sports what Walter Cronkite was to politics and public affairs—the authoritative voice fans turn to when a major story breaks. As political columnist George Will once wisely said: "If someone surreptitiously took everything but ESPN from my cable television package, it might be months before I noticed." Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. DEWINE. Mr. President, yesterday my colleagues in the Senate, Senator HELMS, Senator ENZI, Senator VOINOVICH, Senator TIM HUTCHINSON, and Senator NICKLES, introduced a bill that would establish new criminal penalties for anyone injuring or harming a fetus while committing another Federal offense. By providing a Federal remedy, our bill, the bill we are calling the Unborn Victims of Violence Act, will help ensure that crimes against unborn victims are in fact punished.

The House passed their version of this bill yesterday by a vote of 254 to 172.

Tragically, unborn babies, perhaps more than we realize, are the targets—sometimes intended, sometimes otherwise—of violence. That is why we need to pass this bill.

Let me give several very disturbing real-life examples.

In 1996, Airman Gregory Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base. At that time, Mrs. Robbins was more than 8 months pregnant with a daughter whom they would name Jasmine.

On September 12, 1996, in a fit of rage, Airman Robbins may have punched his fist in a T-shirt to reduce the chance he would inflict visible injuries and then savagely beat his wife by striking her repeatedly about the head and the stomach. Fortunately, Mrs. Robbins survived this violent assault, but, sadly and tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing this little child’s death.

A prosecutor sought to prosecute the abortion for the little girl’s death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act, such an act which results in the death or injury of an unborn child. So they had to look outside the Federal code, outside the State law. The only available Federal offense actually was for the assault on the mother. That, of course, is a Federal offense.

This was a case in which the only available Federal penalty obviously did not fit the crime. So prosecutors looked outside Federal law, used Ohio law, and then bootstrapped—if we can use the term—the Ohio fetal homicide law to convict Mr. Robbins of Jasmine’s death. This is an pending appeal. We certainly hope justice is done. It is being appealed under the theory that if it was not in fact a Federal offense, you could not use the assimilation statute to bring this into the heart using the Federal code.

If it weren’t for the Ohio law that is already in place and that the Presiding Officer of the Chamber was very instrumental in getting passed and signed into law, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against baby Jasmine.

We need a Federal remedy to avoid having to bootstrap State laws and to provide recourse when a violent act occurs during the commission of a Federal crime, especially in cases when the State in which the crime occurs does not have a fetal protection law in place, because there are some States that simply do not.

There are other sickening examples of violence against innocent unborn children. An incident occurred in Arkansas just a few short weeks ago. Nearly 9 months pregnant, Shawana Pace of Little Rock was days away from giving birth to a child. She was thrilled about the pregnancy. Her boyfriend, Eric Bullock, did not share her joy and did not share her enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat her, and to beat her so badly that she would lose the unborn child. It was a vicious assault against mother and child, one of the hired hitmen allegedly said—and I quote—Your baby is going to die tonight.

Tragically, the baby did die that night. Shawana named the baby Heaven. We all should be saddened, we all should be sickened, by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law,
such attackers could be charged only with crimes against the pregnant woman. That is under the old law, as in the case of Baby Jasmine’s death in Ohio, but for the Arkansas State law, there would be no remedy—no punishment—for Baby Heaven’s brutal murder. The outcome would be a all-out assault against the mother.

Another example: In the Oklahoma City World Trade Center bombings—here, too—Federal prosecutors were able to charge the defendants with the murder of the mothers’ babies, but not to their unborn babies. Again, Federal law currently only provides penalties for crimes against born humans. There are no Federal provisions for the unborn, no matter what the circumstances, no matter how heinous the crime. This clearly is wrong.

Within the Senate, we have the power to do something about this, to rectify this wrong, to change the law. That is what our bill is intended to do. It is our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole. I think most Americans would look at that way and say that is a loophole that should not exist. Congress should change this. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even allows them to get away with murder.

We, as a civilized society, should not, with good conscience, stand for that. That is why our bill would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal Code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing Federal crimes.

Our bill, the Unborn Victims of Violence Act, would create a separate offense for unborn children. If one could knowledge them as the victims they are. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least 21 States already have criminalized harm to unborn victims, so this is not a new concept. Another seven States have criminalized the unlawful termination of a pregnancy.

In November of 1996, a baby, just 3 months from full term, was killed in Ohio when her mother’s car with her on the driver forced a pregnant woman’s car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct that terminates a pregnancy of a child in utero, the prosecutor successfully tried and convicted the driver for recklessly causing the baby’s death. Our bill would make an act of violence such as this a Federal crime. It would make sure it was always covered. This is a very simple step, but one that will have a dramatic effect. It is, quite frankly, a question of justice.

Let me make it clear to my colleagues in the Senate that we purposely drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action—legal or illegal—in regard to her unborn child. That is not the object of this legislation. It is all about. This legislation, further, would not permit the prosecution for harm caused to the mother or unborn child in the case of medical treatment. The bill would not allow for the imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The Federal penalty should, in fact, fit the crime. I strongly urge my colleagues to support our legislation. We have an obligation to our unborn children. This bill will bring about justice. It is the right thing to do.

I thank the Chair and yield the floor. Ms. LANDRIEU addressed the Chair. The PRESIDING OFFICER. The Senator from Louisiana is recognized. Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

ADOPTING A CHILD

Ms. LANDRIEU. Mr. President, I rise this afternoon to speak on a subject that is very important to many Members of this body. In fact, Senator DeWine from Ohio has been one of the leading advocates for adoption. Before he leaves the floor, I wanted to acknowledge that. He, along with many Members, including the occupant of the Chair, Senator VINOVICH, have been very active in the promotion of laws and policies that would let us to reach our goal of finding a loving and nurturing home for every child in this world that needs one. Many of us believe that it is a fundamental right to grow up in a home with a family, as opposed to in a hospital, or some type of institution.

I rise to bring the body to date on some of the things that we have accomplished and that we should be proud of, as well as some of the challenges that are still before us as a Congress. In the short time ahead, I am hopeful the appropriate committees will have hearings on relevant legislation in order to move the adoption debate along quickly. There are literally millions of children and families depending on us to act.

First, let me congratulate Senators CHAFFEE and ROCKEFELLER for leading the successful effort last year to pass the Adoption and Safe Families Act. Last week, President Clinton and Mrs. Clinton hosted the first awards ceremony associated with the passage of that Act. The great news is that we have taken a mighty and important step forward because since the passage of the Act 36,000 American children have been placed in foster care while 15,000 foreign children have found permanent homes—all with wonderful families throughout America. Moreover, at least 35 States were acknowledged for their outstanding work in this area at the White House ceremony last week.

In some States, the increases have been 20 percent over last year’s numbers, while others have seen 50- to 70-percent increases over the previous year. This has occurred because the law we passed gave the necessary tools to parents, social workers, community activists, and to local elected officials so that the dream of a family became a reality for these 36,000 children.

The problem is we still have over 500,000 children waiting for a family to call their own. Through this bill, many of the children in foster care, who range from all ages, races, medical conditions, and backgrounds, will be able to one day return to nuclear families. However, despite our best efforts, unfortunate circumstances exist which prevent some of these children from returning home. Consequently, these children must be moved to a permanent place. The Adoption and Safe Families Act will provide the tools for us to help these children in terms of guidelines and the necessary resources.

Again I want to thank all the members, particularly Senators ROCKEFELLER and CHAFFEE, for their leadership in making this law possible. It is working and we just need to continue our efforts because many children are still waiting for a home to call their own.

That leads me to the next three points.

We have accomplished some wonderful things. But in this Congress during the next few weeks, some important tasks still remain to be finished. If we fail, there will be several million children left waiting.

Next week, under the leadership of the distinguished Senator from North Carolina, Senator HELMS, we will be having our first hearing on the Hague Adoption Treaty, the International Convention for Adoption. The purpose of the hearing will be to consider the Intercountry Adoption Act, legislation which seeks to implement the objectives of this Treaty. I am an original cosponsor of this measure, along with Senator HELMS, Chairman of the Senate Foreign Relations Committee, and the Ranking Member, Senator BIDEN from Delaware.

This Treaty is very important because, as we endeavor to ensure that every child in America who needs a home will have one, it is also important for us to realize that there are millions of children around the world— in America, in Africa, in Latin America, in Eastern and Western Europe, and Asia—who are growing up in horrible conditions. Some of them are
in institutions with unspeakable conditions and there are others who are actually living in the streets.

With all of our global successes, it is appalling and unacceptable that these conditions exist anywhere in the world. We cannot ignore them.

Today, the Internet will allow us to do more than we ever dreamed possible—connecting families with children, allowing agencies to work more closely together, and, most importantly, allowing for improved communication between governments. The language barriers are coming down as technology opens up greater opportunities.

But none of this can work without a body of international law that gives us the rules and regulations for how this is going to take place. We must eliminate the corruption, the outrageous trafficking of children, and the extraordinary fees that are sometimes being paid illegally. So if we are to have adoption, we must have child protection for families, and protection for the legal framework, this Treaty is absolutely essential.

I urge my colleagues to pay special attention next week during this hearing, to learn about this issue, because there is something we all can do; that is, to move this piece of legislation forward with the few minor differences that exist between both sides of the aisle, approve the treaty, and then implement it.

If my colleagues are like me—and I think many of them are—when we get a few minutes to watch television we can view programs such as Save the Children where there are thousands of children who are in need. I sit there and think about what I could do as one individual sponsoring one child. It does not seem to be enough. But in many instances reaching out to sponsor that one child is quite enough. Millions of Americans have the opportunity to do the same.

I am looking forward to the Senate Foreign Service Committee's hearing on adoption next week. I am confident that we can solve the differences that may exist among the interested parties who are working to move this important legislation forward.

In addition to the implementation of this international Treaty, we are faced here in the United States with some additional challenges in our adoption laws. One of the things we failed to accomplish, which perhaps may have been an oversight when we passed the Family and Medical Leave Act, was a requirement that employers offer adoptive families the same benefits as birth families.

I believe the Family and Medical Leave Act made progress toward equal treatment for adoptive families, but discrepancies remain for adoptive families who seek the same employee benefits as birth families. This law enables both adoptive and birth families to take up to twelve weeks of unpaid, job protected leave. Some employers, however, permit employees to use sick leave or provide paid leave for birth parents, but do not provide these same benefits for adoptive families.

As an adoptive parent, I can certainly attest to the fact that whether the child comes as a gift through adoption, the stress on the families are very much the same. This is why the expansion of the Family and Medical Leave Act is so important. It must include the thousands of families in our country who adopt either domestically or internationally each year.

This inclusion will allow Congress to say that building a family through adoption is a blessing for children and parents. This is one important goal I hope we can achieve this Congress.

In addition, I hope we can extend the adoption tax credit we passed several years ago, which is now $5,000 based on actual expenses, and double it, making it $10,000. This will make it real and workable, especially for those families who adopt special needs children.

Currently, this tax credit is working but it can be improved for those parents who adopt special needs children—older children, handicapped children, children with special emotional challenges, sibling groups, or international adoption. Unless you can demonstrate all expenses in connection with the adoption you are unable to avail yourself of the tax credit.

In many ways, when you take a special needs child, there are no expenses associated with the adoption itself because the agencies of course want to place these children. I believe it would be in the best money this Congress could spend to provide tax credits, tax credits to families who adopt hard-to-place children and sibling groups, and others with difficulties.

The Government should state that if you will take a child into your home and call it your own, we will give you a $10,000 tax deduction. The family who would adopt two children would get a $20,000 Federal tax credit. It is my hope that they would not have to pay Federal taxes for many years because these families are doing something great for their community and country.

Mr. President, in closing, let me show you a picture of a beautiful little girl as an example of what I have been talking about. This child is coming from China. The mother, Cheryl Varnado, wrote me a letter about little Anna Grace Cai Yong Lin.

Her letter reads: Senator, would you fly an American flag over the Capitol today so that I can give it to our little girl in remembrance of her first day in the United States?

I commend the Government of China for the wonderful work they are doing to provide homes for millions of Chinese children. Today they are doing a much better job in this area. The challenges faced by this country are great. There are over one million children without families who will grow up in institutional care unless someone brings them into their home and provides them with the love of a family.

We are happy for Anna and her new family. The flag flying over the Capitol today will remind us of her arrival to the United States and the thousands of other children that have come from all over the world to find homes in America.

In conclusion, a wonderful couple that won an award was honored on the front steps of the Capitol earlier today for adopting not one, not two, but 30 children from a foreign country. Physical handicaps and challenges. They received the Norman Vincent Peale Award for outstanding service to our country. I commend Penny and Chuck Hauer.

Mr. President, I ask unanimous consent to have an article printed in the RECORD about this couple.

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


It radiates in the heart-melting smiles of Carissa, brain-damaged as an infant, who is 17 and occupies a wheelchair.

It reflects in the sparkling eyes of Calli, who is 11 and has Down Syndrome and a huge crush on skater Scott Hamilton.

It zaps you electricity in the gnarled handshake of Clifton, who is 21 and has cerebral palsy and a fondness for country music. He's all, over 20-some years, the Hauers have adopted 35 physically and/or mentally disabled children of all ages—black, white, Korean, Hispanic. Nine have died. Others have grown up and moved on their own.

All were among those hardest to find homes for, the ones nobody else wanted.

"The world says these kids should be in a group home, or in a hospital or an institution," says Penny Hauer. "That's not our philosophy."

Sharing an eight-bedroom, three-bath home are 21 adopted siblings, ages 8 to 32, plus two of the Hauers' five offspring and a 7-year-old grandson.

"This was a four-bedroom house but we've made some revisions," Penny Hauer says. "The living room is a bedroom. The dining room is a bedroom."

"Bath time can be a problem. If you want a bath every night, fine—get in line."

In a family tradition, the children all have names with C—Catey, Cotey, Courtney, Curt, Collin—and on it goes.

Much has changed in the year since a newspaper story introduced readers to this remarkable family and their battle with the Social Security system.

They've been on national TV. They've gotten back in touch with a lost son. They've made lots of new friends.

But not love.

And they have resolved the bureaucrats' mess that threatened the $7,000 monthly Supplemental Security Income funding the family depends upon.

The Hauers moved here from Montana in July 1997 because the kids were being ridiculed and mistreated in the school system there, the parents said. The sale of their Montana home fell through, leaving them stretched beyond thin, paying two mortgages.

In August 1997, filing routine renewal forms at San Diego's Social Security Office, the couple dutifully reported their deeds on two homes. They were notified three months ago.
later that their assets exceeded government allowances for Supplemental Security Income.

With help from an attorney and Rep. Duncan Hunter, R-Calif., the Hauers kept the checks coming while they appealed. Finally, in April, they solved the problem by selling the $600,000 Montana home to a Vista couple for $29,000.

Still, making ends meet is a struggle. The payment on the East County home is $3,000 a month, groceries $2,000. The family goes through three loaves of bread a day, two gallons of milk and two boxes of cereal.

Other changes have occurred. The Hauers have been in contact with an adult son who was living on the streets in San Diego a year ago. They say he's in an apartment now, doing fine.

Chuck Hauer, 61, earned his part-time job because of high blood pressure. He gets a small pension from General Tire and Rubber in Akron, Ohio, where he worked until 1982 as a quality-control inspector.

Penny, who discloses her age to no one, has resumed volunteer work she gave up nine years ago when the family moved from Ohio to Montana. From her bedroom, she makes calls for a Toledo agency, Adopt America Network, trying to match disabled children with the families who take them.

In three-ring binders, she has thumbnail descriptions of hundreds of kids and potential adoptive families in the agency's nationwide database. She sends new ones to Penny daily via Monday's mail—two to five families, 10 to 20 children.

"In Los Angeles County (alone), each case worker has 100 kids. They don't have time to make the matches," she said. "Somebody's got to do it."

Also, there are never enough families, Penny Hauer is determined to make a difference. She tells excitedly of hooking up an Ohio couple just last week with three siblings, aged 3 to 6.

"I'm always looking," she said. "I want these kids to have a home."

The Hauers' own story dates to the mid-'70s, with a tooth with cerebral palsy. The couple, then with four biological kids of their own, fell in love with the foster child and realized there were many more like him who need a home.

"We just decided to start adopting—not to adopt 33, but that's just what's transpired over the years," Penny Hauer said. "One takes all your undivided attention. When you have a group of children, they interact with each other.

Everyone has chores: Charity, 24, changes diapers for seven incontinent siblings. Cristy, 21, helps cook. Chet, 18, takes out the trash.

And the family may be growing. The Hauers have applied to adopt four more disabled orphans.

"I think when they carry me out of the house and I'm gone and dead, there's going to be somebody wrapped in my arms, because that's just the way I am," Penny Hauer said.

"I still squeeze some extra seats up to their 30-foot table—actually four oak tables stuck end to end.

After offering to provide Thanksgiving dinner to any armed forces member with no place to go, they learned Tuesday that they'll be joined by a mother and three young children whose Navy husband and father is away.

"It's all about sharing," she said. "I hope they like my cooking."

Penny Hauer, 50, president of her club, the Republican Women's Club President Dawn Sebaugh, whose group adopted the Hauers last Christmas, has become a year-round helper and friend.

"It's great," Sebaugh said. "I want to know how someone could take care of, love and treat these children so well."

Sebaugh said her group will be helping the family over the holidays again this year.

"We will make sure Santa's there for Christmas," she said. "I know they could use a couple of extra bedrooms. I don't know if we can do anything (about that), but we're going to try."

"I was truly impressed witnessing these kids. They really do have a strong sense of love for each other," he said.

Stein said the Hauers' story could open more eyes and hearts to the disabled.

"People see disabled or handicapped kids or adults in the street, and a lot of times people look down... or write them off as people they can't connect with," he said.

"These people have been very selfless as far as welcoming kids who may not have had a family life."

"They've really nurtured kids who may have been forgotten in the system, and they've really blossomed."

Ms. LANDRIEU. Obviously, there are many more government agencies that can do in this Congress to promote adoption. Many of them have already been accomplished.

However, there is much more that should be done, beginning with acknowledging the great work of everyone who has focused on this issue in America and around the world. Finally, I am delighted that we are taking the necessary time today to bring this important issue to the attention of all of our colleagues.

I yield back the remainder of our time and I suggest the absence of a quorum.

Mr. HAGEL. The clerk will call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I wish to speak on an issue which has already been addressed by several of our colleagues earlier in the week. Initially, I was reluctant to discuss this matter for fear of contributing to a charge of politicization of an issue which, in my view, the Chief Justice wrote: The powers of the legislature are defined and limited and that those limits not be mistaken or forgotten, the Constitution is written.

It is the Constitution which established the concept of judicial review, the Chief Justice wrote: The powers of the legislature are defined and limited and that those limits not be mistaken or forgotten, the Constitution is written.

The level of rhetoric on the question of whether the Federal Government should have initiated civil litigation against the tobacco industry has been very high. The level of analysis, unfortunately, in my opinion, is quite shallow. In their haste to spring to the tobacco industry's defense and to, once again, heap partisan abuse upon the Attorney General and the Justice Department, some Members of Congress have disregarded the very nature of our system of government.

I have heard it said the Justice Department suit violates both separation of powers and the rule of law. In my opinion, these accusations turn the structure of our Government completely on its head. Nearly 200 years ago, Chief Justice John Marshall explained the powers of our coordinate branches of Government. In Marbury v. Madison, the seminal decision which established the concept of judicial review, the Chief Justice wrote: The powers of the legislature are defined and limited and that those limits not be mistaken or forgotten, the Constitution is written.

The Constitution is written. The Constitution went on to say it is emphatically the province and duty of the judicial department to say what the law is.

For the last 200 years, the American people have understood the respective roles of the three branches of Government. As the national legislature, our duty as Congress is to find and limit it to the role of making law. It is the executive branch's role, in part through the Justice Department, to enforce that law. It is the Judiciary's role to interpret the law. Each branch of Government must be left to do its work without interference from the other branches.

We in Congress have already done our job. We have made the laws which the Justice Department now seeks to enforce. Whether the Justice Department ultimately prevails is left to a third branch of Government, the judiciary. The only threat to the rule of law in filing this litigation on behalf of the American people against the tobacco industry is posed by those who seek to step beyond their proper relationship and usurp the power granted by the
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The Constitution to other branches of Government. It is neither wise nor right for members in the legislature to attempt to tell the executive how to enforce the laws or to tell the courts how to interpret the laws. If we practice jurisprudence by press release, we become the law—federal law enforcers, law judges. If we have learned anything at the end of this millennium, it is that such an aggregation of power is the antithesis of the rule of law and is, instead, the imposition of tyranny.

In his State of the Union address, the President said: "We have learned much of what has happened in the world—casus belli to Kosovo to Cuba—we encourage other countries to follow the rule of law. We must do no less here. We have the greatest judicial system in the world. It resolves disputes based on evidence not rhetoric. Let us allow our court system to adjudicate this dispute without congressional interference.

Undoubtedly there have been instances when individual Members, if not a majority of the Senate, have questioned the wisdom of lawsuits brought by the Justice Department.

When powerful industries violate federal law, it is not uncommon for them to seek congressional interference. When individuals or groups have used their positions of privilege to dominate others, and that power was challenged by the law, they have shrilled—"foul."

Many disagreed when President Theodore Roosevelt's Justice Department sued to break up Standard Oil. Similar complaints were heard when President Reagan's Justice Department sued AT&T.

And we can all remember the outcry in some quarters in the 1950's and 1960's when the Justice Department sought to enforce civil rights guarantees.

While some influential members might have advocated congressional intervention, in none of those cases did the Congress step in to attempt to tell the Justice Department whom it can or cannot sue. We must not do that now. Surely it is absurd to suggest that Congress, by looking over the shoulder of the courts, would be able to tell the courts how to interpret the laws. If they do not respect the law, they will not respect us. We cannot possibly command the courts to do their job, which is to enforce the law.

Quite obviously, the Justice Department has reached the very conclusion discussed on the floor of the Senate just a few months ago. Surely it is absurd to suggest that the Justice Department should not attempt to recoup damages against the tobacco industry. The matter was discussed yet again when the Commerce, Justice, and State Appropriations Subcommittee attempted to impede the Justice Department's ability to pursue litigation against the tobacco industry.

I believe that this lawsuit is not a majority of the Senate, have questioned the wisdom of lawsuits brought by the Justice Department.

The Justice Department does not allege that tobacco itself is illegal. Nor does it suggest that the tobacco industry broke the law by selling or marketing tobacco products to adults. The Justice Department argues that tobacco companies violated the civil RICO statute—a Federal law, of course, enacted by Congress—by conspiring to illegally market their cigarettes to children and by wilfully withholding critical information from the public and the Government.

The tobacco companies have known for years what we are just beginning to learn. If they don't hook you early, they'll never hook you. And if they never hook you, their business dies. If we let the Justice Department enforce the laws that we have passed.

As documents introduced in state court actions have demonstrated, some of the marketing efforts of these companies have been directed at children as young as 10 years old.

The fact that tobacco is legal for adults does not give these companies the right to market their products illegally to children or to misrepresent or conceal information. These allegations, if true, will constitute a violation of the RICO statute.

I am even more disturbed by another argument made by the pro-tobacco forces. They argue that even if the Justice Department can prove the tobacco companies lied and illegally marketed their products, the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let me restate that; the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let us be clear on what is being argued here. Big Tobacco says that the taxpayers incur no increased costs because tobacco use imposes no net cost to the taxpayer.

I imagine there might be some who would congratulate the tobacco industry for saving us all this money by killing our fellow American citizens before...
they become a burden. I, for one, and I am confident the vast majority of Americans, would much rather spend money on Social Security and Medicare than have millions of our fellow citizens die a slow, a painful, and a premature death.

Along with being a ghoulish and despicable argument, the industry’s twisted logic that it has imposed no net cost on the American taxpayer has also been properly rejected on public policy grounds.

In January of 1998, the trial court in the Minnesota State suit against the tobacco industry upheld the motion of the State of Minnesota for summary judgment, effectively stating that the State of Minnesota had established its case with no further evidence required.

In granting this motion, Judge Fitzpatrick ruled the tobacco industry defendants could not use the fact that they killed people prematurely to their advantage in defending against the suit.

Predictably, the friends of tobacco also make another slippery slope argument. If the Justice Department can sue tobacco companies, they say, what other industries will not be safe? Will fast food or beer or dairy industries be the next in line?

This argument is truly offensive. It is an affront to me personally and should be an affront to all legitimate owners of business, especially small owners who contribute to this Nation, instead of destroying its health. My family happens to have been in the dairy business for almost 70 years. I take great offense at the comparison between the tobacco industry and the dairy industry. Neither the dairy industry, the beef industry, fast food industry, nor any other is comparable to tobacco. The tobacco industry is unique. Only the tobacco industry has stonewalled and lied to the American public and the American Government for a century about the known addictive nature of its products. If anyone in this body wants to argue that the dairy or beef industries are analogous to big tobacco, then I invite them to come down to the Senate floor and let’s have that debate. Better yet, go to Florida or Wisconsin and tell cattle and dairy farmers they shall be treated like big tobacco, an industry which depends on destroying the health of our children in order to succeed.

Let’s spend a moment talking about those children. When all the legal arguments and all the political rhetoric fall away, our children remain. They, not lawsuits, not politicians, are our most important concern. It is our children who have been the large targets of a predatory effort by the tobacco industry to entice them into an addiction which will eventually kill them.

We also know that early cigarette habits are directly related to other drug use. A 1994 Surgeon General report showed that children who use a gateway drug, a significant risk factor to increased incidents of alcohol and illicit drug use.

This report highlighted the relationship of teenage smoking as a precursor to the use of alcohol and drugs, including recent data from the National Institute on Drug and Alcohol Abuse’s “Monitoring the Future” project which showed that 65 percent of the respondents admitted to starting drinking at the same time they started the use of tobacco. This same survey also indicated that 23 percent of the respondents began using both cigarettes and marijuana in their youth.

Importantly, 65 percent of the respondents smoked cigarettes before they used marijuana. This relationship was more pronounced for cocaine: 98 percent of individuals who used cocaine impose penalties on big tobacco based on the tobacco company’s illegal marketing efforts toward our Nation’s youth will reduce children’s smoking. This, in turn, will go a long way to helping combat the use of other illegal drugs.

I know the Justice Department’s suit is not a panacea. It will take a combination of litigation and legislation to solve this problem.

A court, for instance, cannot grant enhanced Food and Drug Administration authority to classify nicotine as a drug and cigarettes as a drug-delivery device, a powerful tool to prevent the tobacco industry from manipulating the product to attract even more people. Only Congress can give the Food and Drug Administration that authority.

Should Congress find the tobacco industry responsible for the high rate of youth smoking, Congress may have to impose penalties on big tobacco based on the industry’s failure to meet statutorily defined youth smoking reduction targets. A court cannot bind future entrants into the tobacco market to marketing and advertising restrictions which were entered into by the previous participants in the tobacco industry through a consent decree. That may also require congressional involvement.

I stand ready to work with my colleagues on all of these and other necessary legislative issues, but this suit is, however, an important, a useful step in enforcing the rule of law. It is important in protecting our children and our grandchildren.

I am proud to call Janet Reno a friend. As an American, I applaud her for her hard work, for her tenacity, and courage in the face of fierce partisan opposition. I say thank you, Madam Attorney General, on behalf of all of America’s citizens.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the combined leadership has come to the floor and we should give them our undivided attention at this time because I am sure they have something very important to advise the Senate. I will refrain from recognition and defer to my senior colleagues.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOT. Mr. President, I thank the distinguished Senator from Alaska for allowing us to enter into some unan-

Mr. MURKOWSKI. I thank the majority leader, but I understand Senator AKAKA has been waiting longer than I, so I will defer to the following the leadership pronouncements.

Mr. AKAKA. Mr. President, the Senate majority leader.

Mr. MURKOWSKI. Mr. President, I believe the combined leadership has come to the floor and we should give them our undivided attention at this time because I am sure they have something very important to advise the Senate. I will refrain from recognition and defer to my senior colleagues.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOT. As in executive session, I ask unanimous consent that on Monday, October 4, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session to consider the following nomination, and it be considered under the following limitations: Executive Calendar No. 172, R. Brooks White to be United States District Judge for the Eastern District of Missouri, under a one-hour time limitation divided as follows: 45 minutes equally divided between the chairman and ranking member; 15 minutes under the control of Senator ASHcroft.

I further ask consent that following that debate, the Senate then begin debate en bloc on the nominations of Calendar No. 215, Ted Stewart, and Calendar No. 209, Raymond Fisher.

I further ask consent that following the granting of this consent, the nominations of Calendar Nos. 213 and 214 be immediately confirmed, the motion to reconsider be laid upon the table, the President be immediately notified, and the Senate resume legislative session.

I further ask consent that following the debate on Monday on the three nominations, the Senate resume legislative session.

I finally ask consent that at 2:15 p.m. on Tuesday, October 5, the Senate resume executive session and proceed to consecutive votes, first on the nomination of Ronnie White, to be followed by a vote on the nomination of Ted Stewart, to be followed by a vote on the nomination of Raymond Fisher. I also ask consent that following the votes, again the President be notified of the Senate’s action and the Senate then resume legislative session.

Before the Chair rules, I yield to the Democratic leader for his comments and an appropriate response from me.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. DASCHLE. I appreciate the majority leader’s effort to try to move these nominations along. Before I make some comment, I wish to ask the majority leader what his intentions are with regard to Marsha Berzon, the nominee to be the United States Circuit Judge for the Ninth Circuit, as
willingly as Richard Paez, a similar nominee for the Ninth Circuit. Can the majority leader give me his current intentions with regard to those two nominations?

Mr. LOTT. Mr. President, if the Senator would yield his reservation to respond, let me say again, I appreciate the cooperation of Senators on both sides of the aisle, from the Judiciary Committee, and other Senators who have interest in these nominations. It has been a very delicate balance and there are enough reasons for a process where we could get these nominations confirmed.

The nominations of Mr. Marrero from California, I believe, New York, and Mr. Lorenz from California have not been controversial. They have been cleared for quite some time. We had the unfortunate situation with regard to the nomination of Ted Stewart where we had a cloture vote, which I think both sides would prefer not to have happened. The reason I think it is important we not start down that trail. Both sides have indicated we do not want to start having cloture votes to determine the confirmation of judges. Then also there is the nomination of Mr. Fisher for the Ninth Circuit.

So we have here a process where we can have a voice vote on two of them and some debate and votes on the other three: White, Stewart, and Fisher. That is a significantly different taking. That will get us into the process where judges—certainly judges who are not controversial—will not be held up because of controversial judges in other areas. So I just wanted to kind of go through that whole process.

With regard to the other two nominations Senator DASCHLE asks about, I will continue to work with the Democratic leader as well as other Members on his side of the aisle and on my side of the aisle in scheduling executive nominations. I have to go through a process where I have to notify Members that a judicial nomination may be held is the fact that he has never studied from helping people, teaching them, from trying to make the world a better and more just place.

President Clinton nominated Ambassador Marrero to this judgeship upon my recommendation and on the basis of the Ambassador's extensive experience and accomplishments as both a practitioner of law and a public servant.

Ambassador Marrero's legal career is extensive and distinguished. Between his two stints in public service, he has served as Executive Director of New York City's Department of City Planning, Chairman of the city's Planning Commission, Commissioner of New York State's Division of Housing and Community Renewal, and Under Secretary at the U.S. Department of Housing and Urban Development.


Ambassador Marrero, through charitable work, has helped to enhance New York City's public schools, libraries, museums and parks, and to help bring opportunity to other Puerto Ricans and Hispanics.

Perhaps the most telling testament to the esteem in which Ambassador Marrero is held is the fact that he has been confirmed by the United States Senate on three separate occasions over the past twenty years.

I am pleased today that Ambassador Marrero will be adding a fourth Senate confirmation to an already impressive resume.

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VICTOR MARRERO, of New York, to be United States District Judge for the Southern District of New York.

Mr. SCHUMER. Mr. President, I rise in strong support of the nomination of Victor Marrero to serve as a judge on the United States District Court for the Southern District of New York.

I express my appreciation to Chairman HATCH for moving this nomination expeditiously to the floor.

This is one of those moments where you cannot help but feel proud about this country and about how the American Dream is not a myth but a reality.

Where else in the world could a young child, with no knowledge of the native language, go to school, learn English, become valedictorian of his high school, and embark upon a distinguished and towering career in public service?

Only in America.

That is the abridged story of Victor Marrero. He came to this country with practically nothing. He studied and learned in school. He was inspired to public service by President John F. Kennedy.

And from that day on, he has never strayed from helping people, teaching them, from trying to make the world a better and more just place.

President Clinton nominated Ambassador Marrero to this judgeship upon my recommendation and on the basis of the Ambassador's extensive experience and accomplishments as both a practitioner of law and a public servant.

Ambassador Marrero's legal career is extensive and distinguished. Between his two stints in public service, he has served as Executive Director of New York City's Department of City Planning, Chairman of the city's Planning Commission, Commissioner of New York State's Division of Housing and Community Renewal, and Under Secretary at the U.S. Department of Housing and Urban Development.


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Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, with both the leaders on the floor, this is a matter which has had some discussion. I appreciate the discussions I have had with both my leader, the distinguished Democratic leader, and the majority leader of the Senate, the distinguished Senator from Mississippi. The distinguished Senator from Utah, Mr. HATCH, and I have also had lengthy discussions about this.

As I have stated before—I will not hold the floor here now because I know others are waiting to speak; I will speak on this later this afternoon—I do have a concern about the slow pace of nominations being confirmed, especially with those such as the Paez and Berzon nominations that have waiting years, not just weeks and months. We should be moving forward on those nominations, as well.

I have also received the assurance of the distinguished chairman of the Senate Judiciary Committee that we will expedite, as much as possible, the hearing schedule and the executive session schedule of the Committee and that we will get more nominations promptly to the Executive Calendar.

One thing I have learned after 25 years here is that in the last few days of any session we suddenly find a lot can be done—provided items are available on the calendar. While it is a time, I am sure, to which the two leaders look forward with great anticipation—and this is a chance to earn a place in Heaven because their patience will be strained but they will not allow the strain to break them—I hope we will have a number of judges who might then be available to start the year, if not in the January, sessions of their courts.

I know that Bruce Cohen, counsel on the Democratic side, and Manous Cooney, Senator HATCH’s chief counsel on the Republican side, have been working hard to make progress on these matters.

I think this is a good step forward. I think it is a positive thing. But I hope the leader will be able to use his persuasion on the Republican side for Berzon and Paez. I know there are those who will not vote for them, but allow them to have an up-or-down vote.

I can assure the Democrat leader and I can assure the majority leader that I have passed this side of the aisle and there is no objection on the Democratic side—none whatsoever—to going forward with Berzon and Paez.

I know some Senators have told me on the other side they will vote against them. I want the leaders of Senators on the other side who say they will vote for them. We ought to give them the courtesy of the vote.

I know that requires scheduling and work, but I urge that upon the leadership. I want the leaders of Senators on the other side who say there is no objection on this side.

Mr. LOTT. Mr. President, I would like the RECORD to reflect that Senator HATCH is in agreement with this request. He has worked on it very diligently; also, that he has made a commitment to have hearings and votes on additional nominees in the near future. I do not recall him specifying a day. I think you have some tentative date you have worked out with Senator LEAHY.

Mr. LEAHY. We do.

Mr. LOTT. One other request. I ask unanimous consent that at 5:30 on Monday the Senate proceed—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. Bunning). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2061

Mr. LOTT. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, the Senate proceed to the Transportation Appropriations conference report, the conference report be deemed to have been read, and statements by Senators SHELBY and LAUTENBERG be placed in the RECORD and a vote occur immediately on adoption of the conference report at 5:30 p.m. on Monday.

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

Mr. LOTT. I ask unanimous consent that after Senators AKAKA and MURKOWSKI speak—Senator AKAKA is going to speak next and then Senator MURKOWSKI—Senator LEAHY be recognized to speak as in morning business.

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

Mr. LOTT. Mr. President, the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

U.S. POLICY TOWARDS NORTH KOREA

Mr. AKAKA. Mr. President, I thank the majority leader for the time and also my chairman from Alaska, Senator MURKOWSKI, for permitting me to speak during this time.

I rise to address an issue of critical importance to our national security: containing the proliferation of weapons of mass destruction by North Korea. As ranking member of the Subcommittee on International Security, Proliferation, and Federal Services, I see this as one of the most pressing security issues facing America. The Clinton administration has been working hard at containing and countering this threat, holding important discussions with the North Koreans, most recently in Berlin, last Friday.

A North Korean statement was made last Friday, a North Korean missile launch during this series of talks with the United States. The administration is to be congratulated for the intensity with which it has pursued a solution to this dangerous problem.

There has been some criticism of the administration’s approach, with a few critics arguing that the administration is rewarding bad behavior or giving in to extortion demands. I do not believe this is the case. The formal announcement by the North Korean Government stating there would be no missile tests while talks are underway with the United States is a clear indication that North Koreans have accepted the new approach in relations outlined by Secretary Perry. There is no doubt that the North Koreans have an active missile export program which is dependent upon imports of foreign technology and parts of cruise missiles.

Therefore, it is in our national security interest to limit North Korean missile development and especially North Korean missile exports toward which the Berlin agreement takes a firm step. By lifting some economic sanctions, holding out the possibility of lifting additional sanctions, and suggesting to the North Koreans that the United States is willing to normalize relations with North Korea, the North Koreans have been given a powerful incentive to move towards agreement to a permanent moratorium on missile development. Reimposing sanctions would send such a strong signal of distrust with North Korean actions that it could well set back North Korean efforts to achieve the respectability to lower levels than those today.

This is not a sanctions relief for moratorium deal. It leads, instead, to a
normalization of relations for a reduc-
tion in threat. Normalization is predi-
cated upon North Korean willingness
to change their behavior in terms of
terrorism, drug dealing, and prolifera-
tion, including a verifiable end to their
nuclear warhead and missile programs.
We are not looking at an immediate end
to the hostile atmosphere that has
worsened tensions on the Korean pen-
ninsula. We must determine what our
long-term objectives are on the Korean
 peninsula. If our ultimate goal is the
peaceful unification of the Koreas as
one democratic state, we need to assess
meaningful application of both Hawaii
and my State of Alaska, as we look at
the potential threat from some of the
rogue nations of the world.

I look forward to the administra-
tion's elaborating its next steps to-
wards North Korea. So far, the admin-
istration has worked hard and well at
containing tensions on the peninsula.
It is not a success which must come
easily, given the difficulty of dealing
with the North Koreans. More hard
work might reflect the support of Congress
will be needed to make a lasting peace pos-
sible.

I yield the floor and thank the Sen-
ator from Alaska for granting me this
time.

The PRESIDING OFFICER. The Sen-
ator from Alaska.

Mr. MURKOWSKI. Mr. President, I
thank the Chair, and I thank my good
friend and colleague from Hawaii with
whom I have a great rapport. I very
much appreciate his statement and the
meaningful application of both Hawaii
and my State of Alaska, as we look at
the potential threat from some of the
rogue nations of the world.

IN MEMORIAM—MARY MIKAMI
ROUSE

Mr. MURKOWSKI. Mr. President, my
purpose in coming to the floor today is
to tell you about an extraordinary
Alaskan family. And to pay tribute to
a mother who took from her immigrant
heritage and from her adopted Alaskan
home, the courage and tenacity to excel
at a time when successful women
were not the norm and too often
unccelebrated. Her name is Mary Mikami Rouse. She died August 7th at
the age of 87.

Her story begins in Japan with the
arrival of a fifth son in the Mikami
family in 1894. Shortly after the birth
of Mikami, Japan began a period of social and political
revolution and tempestuous change.
The Shogunate lost power and Japan's
imperial house was restored to a posi-
tion of prestige and authority. The fe-
dal system was eroding and there was a
remarkable degree of westernization in
all areas of Japanese life.

Goro Mikami's father was a vassal
of the Shogun, an admiral who was
ultimately responsible for a navy failure
that contributed to the subsequent loss
of power by the Shogun. His sense of
honor demanded he commit seppuku,
or suicide for that loss. Fortuitously, the
emperor stopped him from that ac-
tion, pardoned him and made him the
head of the country's new naval acad-
emy. In that position he got to know a
number of American naval officers.

As the fifth son to a family that was
Samurai, or part of the aristocracy,
Goro Mikami made a decision that re-
lected the changing times in which he
found himself. He rebelled against an
arranged marriage that was in the off-
ing and he and a friend, who were
studying in Tokyo around 1885, decided
to head for the United States. Plans
gone awry and the friend stayed be-
hind, but Mikami took the ship to a
new life. He settled in San Francisco
where at some point he attended the
University of California at Berkeley to
learn English. Two of his brothers went
on to serve in Japan's diplomatic corps.
The family name was Kondo, but
Mikami was given the last name of
Mikami in order to rescue a branch of
the family that was dying out—not un-
usual in Japanese culture.

In 1897, the family was drawn to
the goldfields in Alaska, and there is
some evidence he may have worked as
a civilian aboard a U.S. Coast Guard
Cutter. By this time, he had American-
ized his name from Goro to George. But
what pulled him there was that the family
had made a monumental decision in 1910, to take
a trip back to Japan. His school friend
had become a famous lawyer in the in-
tervening years, and put together a
huge homecoming for Mikami. At the
dinner for George, he met Mine´ Morioka, who had served as a nurse in
the Russian Japanese War. They mar-
rried and returned to the States in 1911,
this time to Seattle. In 1912, Mary
Mikami was born.

About 1915, the family, including
Mary's younger sister Alice, moved to
Seward, Alaska. It appears George
found work on the Alaskan railroad
then being constructed between Seward
and Anchorage. That same year,
Mary's brother Harry was born. By
1919, the family had moved to An-
chorage where they opened George's
Tailor Shop on Fourth avenue between
“B” and “C” Streets. Flora was born in
1919, and the family was complete.

The Mikamis were either the first or one of
the first Japanese families to settle in
Anchorage. Prior to the 1940s, Anchorage's
population never moved above 2,000. Alaska
was still a territory and not a stopping
place. It was peopled with pioneers and adventurers
seeking wealth, anonymity or a new
way of life. The Mikami family per-
severed and prospered in this still rough
and tumble atmosphere. They met the challenges of a new business,
a new family, assimilating into a dif-
f erent culture and mastering a new
language.

The second daughter Alice Mikami
Snodgrass, who still lives in Palmer,
Alaska, remembers her mother as a
strict disciplinarian. She recalls the
miserable life of swing-sets and seesaws and claming friends, while her mother
kept the Mikami kids inside until they
finished their schoolwork. Even in
summer, there were sums to do and
chores before play.

In Japanese tradition, children were
kept at home until they were five and
then sent to school. Up to that point,
the Mikami children spoke Japanese.
Mary's relatives explain that she was
highly traumatized when she entered
school and realized she had to learn
English.

But Mary's mother's dedication to
her children's scholarship resulted in
all four children being named valedic-
torian of their respective graduating
classes in Anchorage's public high school. Mary Mikami took the honors
first and subsequently attended the
Alaska Agricultural College and School of Mines in Fairbanks. She graduated with highest honors in 1934.
The next year the College was renamed
the University of Alaska at Fairbanks.
Her sister Alice recalls that Doctor
Charles E. Bunnell, the first President
of the university, and Mary's family
finally came to the towns, visited with the
families, and recruited students by
bringing along a University basketball
team to play the local high school and
community teams.

After graduating, Mary joined an
anthropological expedition jointly spon-
sored by the college and the Depart-
ment of the Interior to St. Lawrence
Island, located in the wind-swept Bering
Sea between Alaska and Siberia. The
expedition studied Alaskan prehistory.
She was the only woman on the team;
another team member, Roland
Snodgrass, was to become her brother-in-

law.

After the expedition, she went to
work for the University of Alaska Mu-
seum and was considering graduate
school, perhaps at Columbia University.
Instead, she met Froelich G.
Rainey, a Yale graduate who became
the head of the Museum. He influenced
her to go to Yale instead and help her
make connections there. The in-
trepid Mary left Alaska for the first
time in her young life and took the
steamer to Seattle and then the train
across country to a different chal-

lenges—new world. I like her mother
and father before her, she entered a
new life with few connections to the
past, and no one to greet her and ease
the transition.

She adapted and continued her suc-
ness. She met and married fellow gradu-
ate student Irving Rouse. Both re-
ceived Ph.D's and remained at Yale for
lifelong careers of learning and teach-
ing. Mary Mikami Rouse was a visiting
lecturer, an editor of translations, in-
struction assistant at the Institute of
Oriental Languages and an research assist-
ant. She also served as an editorial
assitant for American Antiquity,
Journal of the Society for American
Archaeology. Her husband, now retired,
was the editor of that journal and is a
well known anthropologist specializing
in the Caribbean.

Back in Alaska, her brother and sis-
ters followed her to the University of
Alaska and brother Harry also received a Ph.D from Yale. Sister Alice married Roland Snodgrass who later served as Director of the Division of Agriculture in Gov. Walter Hickel’s first administration. Their son Jack is an attorney and brother Harry also received a Ph.D from Yale.

Minority Leader TOM DASCHLE. Mary Mikami Rouse, who many of you will recognize from the London School of Economics and Political Science, is an Alaskan Lt. Governor. In 1979, Miller came friends with an Alaskan named Flora Mikami Newcomb lives in Vancouver, B.C. Her brother, Harry, is deceased.

The elder Mikamis sold the tailor shop in Los Angeles just before World War II. Instead of thesur- cease they sought in retirement, they were moved to a Japanese internment camp in Arizona—a fate the four chil- dren escaped. In honor of their parents, the four Mikamis established the Mikami Scholarship at the University of Alaska Fairbanks, and it is available today to any sophomore or junior student.

Mary and Irving Rouse were the par- ents of two boys, Peter M. Rouse of Washington, D.C. and David C. Rouse of Philadelphia. David is a landscape architect and urban designer. In this body, we are most familiar with Pete. Rouse, my chief of staff and a man who has been my friend and closest adviser for now more than 15 years.

All of us who know and work with Pete are aware of the enormous influence his mother Mary had on him. His success in life stems from the legacy of his mother—a keen intellect, unparalleled integrity and judgment, and basic human kindness.

The values he brings to this institu- tion each day are, no doubt, the product of his upbringing and his mother’s influence. In fact, it is her character we have the privilege of seeing reflec- ted in him each and every day.

For those of us who have the good fortune to work with Pete Rouse, there is no way we can thank his mother Mary for all that she has done to influ- ence his life, for all that she did to ensure we have the good fortune to call Pete Rouse our friend, to call him, now, our coworker, and for me to rely upon him each and every moment of every day to the extent that I do.

I, and all who know Pete, share his lost love for the gift that she has had the good life, the successful life, the extraordinary life that she has had, and we all wish Pete and his family well under these circumstances.

IT CAME FROM SEATTLE: TRUE HORROR STORIES OF THE EPA

Mr. MURKOWSKI. Mr. President, there is a letter in your mailbox from the Internal Revenue Service. Your pulse quickens. Perception break out on your brow as you tear open the envelope to see what the most feared agency in Washington has in store for you.

At least that’s how it used to be. Now the Environmental Protection Agency has determined to replace the IRS as the government agency you really don’t want to hear from. Consider the following true stories from my office case files:

A small land owner in Ketchikan recently opened a letter from the EPA to learn that he had been assessed a $40,000 fine for a wetlands violation. He knew he had problems with the EPA, but he had been meeting with EPA officials and had been encouraged that an acceptable mitigation plan might be negotiated. The $40,000 fine hit him like a bolt of lightning out of a clear blue sky.

Meanwhile, in Anchorage the command- ing general of the United States Army in Alaska received a letter from the EPA. The General knew he had a problem with the powerplant at Fort Wainwright that was not in full compli- ance with the Clean Air Act. But he was his staff had been working dili- gently to bring the plant into compli- ance. With the help of the Alaska Con- gressional Delegation, he had received a $15.9 million appropriation for new pollution control measures. He had budgeted another $22 million for addi- tional upgrades next year. The Army had, of course, informed EPA of these efforts to bring the plant into compli- ance, and the EPA seemed satisfied. But the letter the General now held in his hand said that he was assessing the U.S. Army with a $16 million fine— a fine greater than the combined value of all EPA fines ever assessed against the U.S. Army nationwide. Another bolt of lightning out of a clear blue sky.

These stories suggest that the EPA hasn’t learned a fundamental lesson understood by every decent cop—good law enforcement requires discretion. When you’re pulled over by a trooper for exceeding a few miles over the speed limit and are calmly discussing the matter with the officer, you have every right to expect that you will not be beaten senseless with a nightstick. And when a small businessman, resi- dential landowner, or U.S. Army gen- eral finds himself engaged with the EPA over an alleged violation and is making an effort to find a resolution, he should not be slammed with unprec- edented, punitive fines.

We need laws to protect the environ- ment, but the interpretation and en- forcement of law must be blended with common sense and judgment. Take wetlands protection, for instance. Some wetlands perform critical roles in protecting water supplies and pro- viding important wildlife habitat. Other wetlands are lower value muskeg. The letter of the law may not make the distinction, but human beings with the responsibility of enforcing the law should understand the distinction.

These “bolt from the blue” letters that Alaskans are getting in their mailbox are postmarked Seattle. The EPA regional office “in charge of Alaska is in Seattle. What the EPA folks in Seattle know of Alaska they get from their brief visits, or from their small staff in Anchorage. They aren’t our neighbors. They aren’t Alas- cans. I want to change that.”

At the risk of entiting the mad dog from Anchorage neighborhood to our own backyard, I am renewing my ef- forts to force EPA to create a separate region for Alaska. That way, the EPA
officials writing these letters will at least have a chance to better understand the environment in which we live. They would live in our neighborhoods, and send their kids to school with ours. If you’re going to fix things, they’ll have to look us in the eye.

It would be nice to receive certified letters from distant bureaucrats in Seattle.

In the meantime, I’m inviting the Regional Administrator of the EPA to come and stand with me on Gravina Island, and tell me what’s happening in Alaska, and suggest he hold a garage sale in preparation for a move out of Seattle. Meanwhile, be afraid. Be very afraid.

NUCLEAR TROJAN HORSE

Mr. MURkowski. Mr. President, physicians use a specially engineered radioactive molecule as sort of a nuclear Trojan horse in the battle against pancreatic cancer. The molecule is absorbed by the cancer cells and only by the cancer cells. Once inside, the radiation breaks up the DNA and kills the tumor cell—another amazing tool in the war on cancer.

The physicians, technicians and even clean-up crews must carefully dispose of the medium that stored the radioactive molecule and other items that may have come in contact with the radioactive materials. There are strict procedures for disposing of such wastes by hospitals, power plants, research facilities, and research facilities.

But, in a way, that waste itself is a Trojan horse, sitting innocently in garages or closets in sites all over the country, waiting to be opened up and released on the public by an act of terrorism or of nature like the recent floods the East sustained, or the earthquakes and wildfires more common to the West coast. Most dangerous would be fire which would put the radioactive material and waste that could be breathed by anyone near the fire.

Why is this a problem? Because there are only three facilities in the entire country that safely can accept such low-level radioactive waste, LLRW: that is material contaminated as a result of medical and scientific research, nuclear power production, biotechnology and other industrial processes. In 1996, about 7,000 cubic meters of LLRW was produced in the nation.

A study released by the General Accounting Office at the end of September 1999, holds out little hope for the construction of any new low-level radioactive waste disposal sites as envisioned under the Low-Level Radioactive Waste Policy Act, signed by President Jimmy Carter in 1980. That legislation resulted from states lobbying through the National Governors’ Association (NGA) to control and regulate LLRW disposal. An NGA task force endorsed Bill Clinton of Arkansas and was chaired by Governor Bruce Babbitt of Arizona, recommended the states form special compacts to develop shared disposal facilities.

The GAO study, which I requested, states, “By the end of 1998, states, acting alone or in compacts, had collectively spent almost $600 million attempting to develop new disposal facilities. However, none of these efforts have been successful. Only California successfully licensed a facility, but the federal government did not transfer to the state federal land on which the proposed site is located.”

Secretary of the Interior Bruce Babbitt stated a California facility at Ward Valley from ever becoming reality. National environmental groups and Hollywood activists made Ward Valley a rallying cry, claiming waste would seep through the desert to the Colorado River. They claimed to believe this despite two complete environmental impact statements that found no significant environmental impacts associated with a disposal facility at Ward Valley. They concluded that the Colorado River was not at risk.

But the importance of this issue extends well beyond the borders of the California. Much of the waste and that Belly Mule Creek, near the Elko area in Nevada as well as the Nevada National Security Site near Las Vegas, are all in the nation’s borders of its fellow compact members, Arizona, and North and South Dakota, which thought they had a deal with the federal government. The losers are all Americans who believe the President and the executive branch should uphold federal law, not ignore it and obstruct it for the sake of campaign contributions.

The GAO states that several reasons are behind the rest of the states giving up and ceasing efforts to get a disposal facility. Public and political opposition is cited as the strongest prohibiting factor. Another reason is that, for the time being, states have access to a disposal facility at Barnwell in South Carolina, Richland in Washington State and Envirocare in Utah. A very positive reason cited is the reduction in the volume of low-level waste that is being generated, with waste management and treatment practices including compaction and incineration.

The report concludes, “With in 10 years, waste generators in the 41 states that do not have access to the Richland disposal facility may once again be without access to disposal capacity for much of their low-level radioactive wastes.” Barnwell could decide to close or curtail access as early as 2000, and, at best, will only be open until 2010. The Utah facility disposes of only low-level radioactive wastes that are slightly contaminated with radioactivity and thus is not available for all storage.

In ten years states will be searching for storage as well as disposal. That storage will be near every university, medical technical, compact, research facility or nuclear power plant.

It may be down the street from you or within your city limits. And we have the Clinton administration to thank for bringing the materials into our communities like a quiet Trojan horse instead of working with states to establish a secure waste facility. Let’s hope nothing ever opens the belly of the beast accidentally.

TAKEOVER OF THE FISHERIES IN ALASKA

Mr. MURkowski. Mr. President, the Secretary of the Interior today, under the authority of current law, has taken over the management of fisheries in my State of Alaska. Our State legislature has been trying to resolve this problem, along with the Governor and our delegation, for some time. Unfortunately, we were unable to resolve it within the timeframe, so the Feds have officially taken over beginning today.

I have directed a letter to the Secretary of Interior putting him on notice that, as chairman of the committee of oversight, chairman of the Energy Committee, I will be conducting a series of oversight hearings on the implementation of his regulations to ensure there is a cooperative effort and involvement of a public process with the State of Alaska, Department of Fish and Game, and the people of Alaska, as he promulgates his regulations, to ensure we are not taken advantage of by an outrageous effort by the Department of Interior to mandate procedures only in the State of Alaska.

We are the only State in the Union where the Federal Government has taken over the management of fish and game. Many Alaskans are wondering just what statehood is all about if, indeed, we are not given the authority to manage our fish and game.

I will save that for another day. I yield the floor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I said Tuesday of last week that the series of votes the Senate took that day, in which we were unable to consider and vote on the nominations of Judge Richard Paez and Marsha Berzon, was unprecedented. I expressed my concern that the Senate not go so far off the tracks of our precedents that we end up creating a problem, not just for this administration, but for any future administration.
Today, we at least break out of the impasse of last week, and move forward toward voting on all the judicial nominations before the Senate. Just so we understand where we are, I said last week that Democrats were prepared to vote on all of the judicial nominations pending before the Senate. We have provided additional evidence of our resolve to do so. We did that by agreeing to a debate and a confirmation vote on the nomination of Brian Theadore Stewart to the United States Court of Appeals for the Tenth Circuit of Utah, as well as other nominees pending before the Senate.

Of course, the Senate has confirmed Victor Marrero and James Lorenz. I congratulate, incidentally, Senator Schumer and Senator Feinstein and Senator Boxer, for the efforts they have made on behalf of those nominees.

I thank the Democratic leader for all his efforts in resolving this impasse, in securing a vote on the nomination of Ray Venable, not particularly; but vote on the nomination of Justice Ronnie White. Justice Ronnie White is eventually, finally—I emphasize finally—going to get an up-or-down vote next Tuesday. Also, Ray Fisher and Mr. Stewart will be considered on next Tuesday. But our work is not complete. I look forward to working with the majority leader to fulfill the Senate's duty to vote on the nominations of Judge Richard Paez and of Marsha Berzon. These are questions that have been pending for a very long time.

This debate is about fairness and the issue that remains is the issue of fairness. For too long, nominees—judicial nominees such as Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and executive branch nominees like Bill Lann Lee, have been opposed in anonymity, through secret holds and delaying tactics—not by straight up-or-down votes where Senators can vote for them or vote against them.

They have been forced to run some kind of strange in-the-dark gauntlet of Senate confirmations. Those strong enough to work through that secret gauntlet and get reported to the floor are then being dealt the final death blow through a refusal of the Republican leadership to call them up for a vote. They should be called up for a fair vote. They may be defeated—the Republicans are the majority; there are 55 Republican Senators; they could vote them down. But let them have a fair vote, up or down. Let all Senators have to stand up and vote aye or nay, and be responsible to their constituency to explain why they voted that way. Unfortunately, the majority is being killed through neglect and silence, not defeated by a majority vote.

So I ask, again, for the Senate to fulfill its responsibility to vote on all the judicial nominations on the calendar: vote for them or vote against them. We can vote them up or we can vote them down, but after 44 months or 27 months or 20 months, let us vote.

Judge Richard Paez has an extraordinary record. He was praised by Republicans and Democrats before our committee. He was nominated January 25—not January 25 of this year, 1999; not January 25 of 1998; not January 25 of 1997, but January 25 of 1996. He has been pending 44 months. Vote for him or vote against him, but do not put him in this kind of nomination limbo, which becomes a nomination hell.

Justice Ronnie White, an extraordinary jurist, an outstanding African American jurist, he was nominated on June 26—not June 26 of 1999, but June 26 of 1998, but June 26 of 1997. After more than two years, this nomination remains pending. Vote up, vote down, but do not take such an insulting and arrogant and demeaning attitude on behalf of the Senate of not allowing this good jurist to come to a vote.

Marsha Berzon, again, nominated January 27, but not of this year, of last year; this nomination, coming out of the committee. It has been pending for almost two years. Allow her to come to a vote.

I contrast this, even though we have a Democratic President and nominations are usually the prerogative of the President. We observed before that if you are a minority or if you are a woman, this Senate has received, the notoriety established and emphatically proven, that if you are a woman or a minority, you take longer to get confirmed, if you ever get confirmed at all. That is wrong. We should be colorblind; we should be gender blind. Most importantly, we should be fair.

I should note, in fairness to the distinguished chairman of the Judiciary Committee, in committee he did vote for Judge Paez, Justice White, and Ms. Berzon and, of course, Ted Stewart, as did I. Now I work with both he and the majority leader to bring them to a full vote by the Senate.

I also want to work with those Senators who are opposed to bringing Judge Paez or Marsha Berzon to a vote. I read in the papers where we have done away with secret holds in the Senate, but apparently not for everybody. Apparently, there are still secret holds.

In February, the majority leader and Democratic leader sent a letter to all Senators talking about secret holds. They said then: “members wishing to place a hold on any . . . executive calendar business shall notify the committee of jurisdiction of their concern.” I serve as the ranking member of the committee of jurisdiction for these nominations. I have not been told the name of any Senator at all who is holding them up. Yet they do not go forward.

The letter from the two leaders goes on to state: “Further, written notification should be provided to the respective Leader stating their intention regarding the * * * nomination.” Senator
DASCHLE has received no such notification. In spite of what was supposed to be a Senate policy to do away with anonymous holds, we remain in the situation where I do not even know who is objecting to proceeding to a vote on the Paez and Berzon nominations, let alone in what manner. I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. It is wrong and unfair to the nominees.

I do not believe a Senator for his or her prerogative as a Member of this Senate. After 25 years here, I think I have demonstrated—and I certainly know in my heart—I have great respect for this institution and for its traditions, for all the men and women with whom I have served, the hundreds of men and women with whom I have served over the years in both parties. But this use of secret holds for extended periods to doom a nomination from ever being considered by the Senate is wrong, unfair, and beneath us.

Who is it who is afraid to vote on these nominations? Who is it who is hiding their opposition and obstructing these nominees? Can it be they are such a minority, they know that if it comes to a fair vote, these good men and women will be confirmed?

So rather than to allow a fair vote, they will keep it from coming to a vote. I would bet you that the same people who are holding these nominations back are the people who will go home on the Fourth of July and other holidays and give great speeches about the democracy of this country and how important democracy is and why we have to allow people to vote and express the will of the people—except in the Senate and, apparently, except if you are a minority or a woman.

If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 months with Berzon nomination within 2 years. Let us vote up or down.

Once more I say, look where we are: There is Stewart, pending 2 months; Marsha Berzon, pending 20 months; Justice Ronnie White of Missouri, pending 27 months; Judge Richard Paez, pending 44 months. I look at those green lines on this chart showing the time that each of those nominations has been pending and I wish they could each be the short sliver that represents the number of nominations. With a name like PATRICK LEAHY, I want to see green on St. Patrick’s Day; I do not want to see the long green lines on this chart that represent delay and obstruction of votes on women and minority nominees.

Judge Richard Paez is an outstanding jurist, a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the Federal bench several years ago. He is currently a federal district court judge. He has twice been reported to the Senate by the Judiciary Committee, twice reported out for confirmation. He spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote to the court of appeals. His nomination was first received 44 months ago, in January of 1997.

Justice Ronnie White, an outstanding member of the Missouri Supreme Court, has extensive experience in law and government. In fact, he is the first African American to serve on the Missouri Supreme Court. He has been twice reported favorably to the Senate by the Judiciary Committee. He spent a total of 7 months on the floor calendar waiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997—27 months ago. I am glad that finally, after all this time, the Democratic leader was able to announce a date for a vote on this long-standing nomination of this outstanding jurist.

As the St. Louis Post-Dispatch noted in an editorial last week:

Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities. It is hardly a surprise to those of us who have watched [Justice] White, an African-American, be ushered to the back of the bus.

The words of the St. Louis Post-Dispatch.

Marsha Berzon has been one of the most qualified nominees I have seen in my 25 years. Her legal skills are outstanding. Her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Her opponents in litigation are praising her and asking for her to be confirmed.

She was long ago nominated for a judgeship within a circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, who was held up for so long; Ann Aiken, who was held up for so long; Susan Oki Mollway, who was held up for so long; Marsha Berzon, too, has now been held up for 20 months.

The Atlanta Constitution, from Atlanta, GA, noted last Thursday:

Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and seven months, respectively. Senator Richard Durbin, a Democrat, tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. The Paez case seems especially egregious. This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is not a way to run the federal judiciary. Chief Justice William Rehnquist is hardly a fan of [President] Clinton. Yet even he has been moved to decree Senate delaying tactics and the burdens that unified vacatures impose on federal courts. Tuesday’s deadlock bodes ill for judicial confirmations through the rest of [President] Clinton’s term. This ideological obstructionism is so fierce that it has come to mean and sets a terrible partisan example for years to come.

That is from the Atlanta Constitution. I share that concern. I have been on the floor of this Senate when we have had Republican Presidents with Republican nominations, saying that they deserve to be brought forward for a fair vote on the one way or the other, including a couple instances of nominees I intended to vote against. I still said they deserved a vote. And they got their vote.

In fact, I probably voted for 98 to 99 percent of President Ford’s, President Reagan’s, and President Bush’s nominees—three Presidents with whom I have served.

What we are currently experiencing is simply unconscionable and unprecedented, these kinds of delays. I think we want the Senate when we do this. We will have Republican Presidents; we will have Democratic Presidents. We will have Republican Senators; we will have Democratic Senators; and we will have Democratic-controlled Senates. I have served here twice with the Democrats in control; twice with the Republicans in control. The precedents we establish are important. What we are trying to do here in the 21st century as the kind of body the Senate should be.

We should be the conscience of the Nation. On some occasions we have been. But we tarnish the conscience of this great Nation, if we establish the precedence of partisanship and rancor that go against all precedents and set the Senate on a course of meanness and smallness. That is what we are doing with these nominations. We should establish, for future Senates, that we are above this kind of partisanship.

Nobody in this body owns a seat in the Senate. Everyone single person serving today will be gone someday. Every one of us are guided by what previous Senates have done.

Let us mend this century and this millennium, and this millennium and the next Senate, partisanship that tears at the very fabric. That is what we are doing. That is what we should be.

That is from the Atlanta Constitution.
So, against this backdrop, I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations, and that is not fair.

Let me tell you what the Chief Justice of the U.S. Supreme Court wrote, a man who is widely considered a conservative Republican, also a man who, as we saw when he presided over the Senate earlier this year, is a man of fairness and learning. He wrote in January of last year:

Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or down.

I could not agree more with Chief Justice Rehnquist. We should follow his advice. Let the Republican leadership schedule up-or-down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act so as to be fair to all.

The response to the Senate action last week was condemnation of the Republican leadership's refusal to proceed to vote on the nominations of Judge Paez, Justice White, and Ms. Berzon. A Washington Post editorial characterized the conduct of the Republican majority as "simply baffling" and noted: [T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibilities. The majority leader's nominees await a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

The editorial speaks to the responsibility of the Senate, and it is right. On our side of the aisle, we have lived up to the responsibility. Again, I tell all Senators, no matter how an individual Democratic Senator may vote on any one of the pending nominees, no Democratic Senator has a hold on any judicial nominee. We are all prepared to vote.

It is October 1, and the Senate has acted on only 19 of the 68 judicial nominations the President has sent us this year. We have only 4 weeks in which the Senate is scheduled to be in session for the rest of the year. By this time last year, the committee had held 10 confirmation hearings for judicial nominees and 43 judges had been confirmed. By comparison, this year there have been only 4 hearings and only 19 judges have been confirmed. We are at less than half the productivity of last year and miles behind the pace of 1994, less than half the productivity of last year. We have only 4 weeks in which to confirm 48 nominees and all nominees. For some nominees in the Senate?

In private practice, it is announced, no matter what the appointee was, ultimately, confirmable. The “Big Stall” in the U.S. Senate continues, as Senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office.
We took the action of initiating the calling up of a judicial nominee last week to demonstrate where we were. We have urged the taking up of a judicial nominee today whom some Democratic Senators oppose in order to demonstrate our commitment to fairness for all. There is never a justification to deny any of these judicial nominees a fair up-or-down vote. There is no excuse for the failure to have a vote on Judge Paez and Marsha Berzon.

I ask unanimous consent that copies of the recent editorials from the Florida Sun-Sentinel, the Atlanta Constitution, the St. Louis Post-Dispatch, the Denver Post, and the Washington Post be printed in the RECORD.

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

[From the Sun-Sentinel, South Florida, Sept. 20, 1999]

PACE OF JUDICIAL CONFIRMATIONS LAUGHS

The “Big Stall” in the U.S. Senate continues, as senator and slowing each year in confirming badly needed federal judges. More than eight months into 1999, the Senate has only confirmed 14 of President Clinton’s judicial nominees. By this time in 1998, 39 judges had been confirmed. In 1997, it was 58 judges.

This worsening process is inexusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. Even after the Supreme Court’s unprecedented Sept. 8, 11 nominations are still pending before the Judiciary Committee and 35 before the full Senate. President Clinton has not yet nominated candidates to fill 24 other vacancies.

The vacant seats, 70 of 846, represent 8.3 percent of all federal judges. The stalling, in many cases, is nothing more than a partisan political dirty trick. Judiciary Committee Chairman Orrin Hatch, R-Utah, has inexcusably delayed several confirmation hearings and refused to hold oth-

ers. Congressman Goodlatte, R-Va., has opposed the idea of Clinton continuing to put his stamp on the federal judiciary with more lifetime appointment.

One of the newest people winning con-

firmation is Adalberto Jose Jordan of Miami, who will join the bench on the U.S. District Court for the Southern District of Florida. This is the first time in many years that the court will be operating at full strength. At one time, it had four empty spots, with some vacancies going unfilled four years.

Jordan’s nomination process moved much faster than most. The Senate got his nomi-

nation on March 15, held a confirmation hearing on him Sept. 3. That’s still on the slow side; three months should be more than enough. Miami Judge Stanley Marcus won confirmation to the 11th U.S. Circuit Court of Appeals in only 33 days.

The Paez case seems especially egregious. The issue came to a head Tuesday when Republicans attempted to confirm Hatch’s choice and right-wing stalwart Judge Stewart. Democrats blocked the procedure, contending justifiably that Stewart had been pushed to the front of the line for Senate confirmation when other Clinton appointees have waited in vain for a confirmation vote—some for years.

That’s right, guys. Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver.

The Paez case seems especially egregious. He has been kept in limbo this long, Demo-

crats contend, because his GOP foes would rather not cast a recorded vote against a Hispanic jurist.

This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary.

Chief Justice William Rehnquist is hardly a fan of Clinton. Yet, he has so far refused to decry Senate delaying tactics and the bar-

dards that unfilled vacancies impose on the federal courts.

Tuesday’s deadlock bodes ill for judicial confirmations through the rest of Clinton’s term. This ideological obstructionism is so
fierce that it strains our justice system and sets a terrible partisan example for years to come.

[From the St. Louis Post-Dispatch, Inc., Sept. 24, 1999]

CONFIRM RONNIE WHITE

Missouri Supreme Court Judge Ronnie White, in limbo more than 800 days awaiting his confirmation hearing, saw his hope to move to the federal bench take its most bizarre turn yet this week. Senate Republicans resist to a highly unusual cloture vote to try to allow a vote on the nomination of Ted Stewart, a friend of Republican Sen. Orrin Hatch who was nominated, at Mr. Hatch’s personal request, just two months ago. Ted Stewart is still a top three limbo inmate.

The irony of Democrats stalling their President’s nominee is plain, as they have been pleading for years for votes on candidates. In a political deal gone wrong, President Bill Clinton nominated Mr. Stewart—an environmentalist’s nightmare—in the apparent belief this would jump-start the long-stalled confirmation process. The world record holder in this wait-a-thon is Richard A. Paez (more than four years), followed by Marshall B. Bill Clinton nominated Mr. White (more than two years). Instead of bringing these nominations to the floor, the maneuver resulted in Mr. Stewart being moved to the back of the line. Democrats refused to consider him, and are digging in their heels until they are assured their top three limbo inmates will be freed.

Cloture is a dramatic, desperate maneuver that has been used only a handful of times. Even the hotly contested nominations of Robert H. Bork and Clarence Thomas did not so much as ruffle a feather. It is unthinkably that Republicans would resort to this over people like Mr. Paez.

But Democrats now fear Republicans would stall the process until after the 2000 elections rather than vote on Mr. Paez. Democrats say Republicans don’t like Mr. Paez, but don’t want to be cast as voting against a Hispanic. Gosh, who would ever get that impression? Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minority women or men.

This is hardly a shock to those of us who have watched Mr. White, an African-American, be ushered to the back of the bus.

The Limbo Three are political prisoners. They have been in long limbo wait with nothing, Mr. Stewart—chief of staff to Utah Gov. Mike Leavitt—is the one who looks thin on courtroom credentials. Even if it delays his confirmation, Democrats should not give in to this ridiculous double-dealing and wave Mr. Stewart through until they are assured Republicans will allow the process to go forward.

Believe it or not, we’re getting tired of saying this: Confirm Ronnie White.

[From the Denver Post Corp., September 26, 1999]

ERASE JUDICIAL BACKLOG

Confirmation of federal judges has become slower than molasses and more contentious than a thicket of barbed wire, turning judicial nominees into pawns in a political process that has become a national disgrace.

Colorado’s vacancies of 8 1/2 years. District Court is frozen since President Clinton named Patricia Acocan at the recommendation of Rep. Diana DeGette and other state Democrats, but Senate Majority Leader Trent Lott two weeks ago back Acocan and sent Clinton a list of his five nominees instead.

Even uglier was last week’s battle in the Senate Judiciary Committee, where Senate Majority Leader Orrin Hatch, R-Utah, tried to push his nominee, Ted Stewart, through a Senate vote after leaving Democrats’ nominees twisting in the wind for years. Would-be California appeals judges Richard Paez and Marshel Berzon have waited four and nearly two years, respectively, to get a Senate vote. Ronnie White, the first African-American state Supreme Court Justice in Missouri, has been on hold for more than a year.

But Hatch, who won Clinton’s appointment of Stewart by freezing action on the others, then tried to slip his man through without a vote. The Senate waited an agonizingly long 38 days, and Stewart was retaliated by filibustering Stewart’s nomination, and all progress had come to a complete halt as of this writing.

While the Senate has excused its considerable malfeasance, there is plenty of blame to go around here.

Clinton has taken an average of 315 days, the most of any president ever—to choose nominees to fill judicial vacancies. By comparison, President Carter averaged 240 days.

The Senate also is taking far longer than ever, from 38 days, in 1977–78 to 201 in 1997–98.

Ideally, senators name a candidate, whom the president can accept or reject. If accepted, the nominees are voted out of the Senate Judiciary Committee and, if approved, then to the full Senate. The Senate should be able to complete votes within two months after the president’s nomination. These days, it takes years.

Even U.S. Supreme Court Chief Justice William Rehnquist has criticized the Senate for moving too slowly.

Almost one in 10 positions weren’t filled at the end of 1997. Today, 63 of the 843 federal judgeships are open—23 in appellate courts, 38 in district courts and one in international trade courts.

Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary. That is why we support the Senate’s proposal to accelerate the confirmation process, but we also support the Senate’s right to ask that the slow pace of confirmation is not a deep irony in foretelling the ability of a minority of 41 senators to stop a nomination when Judge Paez has been held up for more than two years. It is hard to see senators who do not even have to give their names to keep his nomination from coming to a vote.

The Senate has yet another reason to act now. Mr. Stewart, if Mr. Lott had his way, would be ushered to the back of the bus. The filibuster of a judicial nomination is a very bad precedent, one we suspect Democrats will come to regret, but it’s hard to see why we should be a party to it.

The Republican majority here is simply baffling—and the rhetoric equally so. Mr. Hatch pleaded with the Senate Tuesday evening to “stop playing politics with this nomination and allow a vote expeditiously”—as though he had not himself played games to get Mr. Stewart nominated in the first place. Trent Lott last week expressed dismay that a minority of only 41 senators would be able to block a nomination. But as Sen. Patrick Leahy, D-Vt., pointed out, there is a very bad precedent, one we suspect Republicans will come to regret, but it’s hard to see why we should be a party to it.

The filibuster of a judicial nomination is a very bad precedent, one we suspect Democrats will come to regret, but it’s hard to see why we should be a party to it.

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as Senators and we are failing in our duty to the Federal court.

Let us all take a deep breath and think about that and go back to doing what we should—not for this President or any past incident, but for all Presidents, present and future, and for all Senators present and future and for the American people, and for the great-est Nation on Earth, present and fu-
ture.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FI FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON. Mr. President, the Communist party is celebrating the fiftieth anniversary of the People's Repub-
lic of China on October 1. Unfortunate-
ly, the Chinese government has found a-
tle reason to celebrate. Indeed, this is
not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade at Yenan, where the party was headquartered and Mao Tse-tung soundly crushed challenges to his power; to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolu-
tion, during which millions were mur-
dered or died in confinement, to the massacre at Tiananmen Square just ten years ago—the Communist party has sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese gov-
ernment continues to imprison mem-
bers of the Chinese Democracy Party.

In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge society, those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-
young members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am con-
cerned that eight of these House church leaders may face execution if they are labeled as leaders of a cult. Let me say clearly and un-
equivocally that the eyes of the inter-
national community are watching. I hope that these peaceful people will be released.

In the months leading up to this fif-
tieth anniversary celebration, every-
thing and everyone has been swept aside to cast a glamorous light on the Communist party. But the reality is quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people have been rounded up and forced into Custody and Repatri-
ation centers across the country. They
are beaten, they are given poor food in unsanitary conditions, and they must pay rent.

In fact, only 500,000 people will be al-
lowed to participate in the celebration in Beijing. Non-Beijing residents can-
not enter the city and migrant workers have been sent home. They will not be able to see the Communist Party in all its glory, as it displays the DF–31 intercontinental ballistic missile and other arms, nor will they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly do not want to celebrate, are being forced to participate in the event at the cost of losing their pay or their pensions.

This gilded celebration will not ob-
sure the corrosion beneath. We must recognize the nature of this regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must be realistic when we deal with the Chinese government.

So when Tim Warner chairman Ger-
ald Levin could talk to President Jiang Zemin even when Time Magazine's China issue is banned, when our top ex-
ecutives are silent on human rights, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, "... we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion."

Mr. President, it is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of democracy.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 30, 1999, the federal debt stood at $5,656,270,901,615.43 (Five trillion, six hundred fifty-six billion, two hundred seventy million, nine hundred one thousand, six hundred fifteen dol-
ars and forty-three cents). Five years ago, September 30, 1994, the federal debt stood at $4,692,750,000,000 (Four trillion, six hun-
dred ninety-two billion, seven hundred five million). Twenty-five years ago, September 30, 1974, the federal debt stood at $481,745,000,000 (Four hundred eighty-
one billion, seven hundred forty-three million) which reflects a debt increase of more than $5 trillion—$5,174,527,901,615.43 (Five trillion, one hundred seventy-four billion, five hun-
dred twenty-seven million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents) during the past 25 years.

REAUTHORIZING THE NATIONAL FISH AND WILDLIFE FOUNDATION

Ms. COLLINS. Mr. President, I rise today in strong support of S. 1653, which would reauthorize the National Fish and Wildlife Foundation. As an original cosponsor of this important legislation, I would like to applaud the excellent work of Senator CHAFEE and the Foundation to conserve the fish, wildlife, and plant resources of the United States.

The Foundation was created by Con-
gress in 1984 to promote improved con-
servation and sustainable use of our country's natural resources. Since then, it has awarded over 2,400 grants, using $101 million in federal funds, which it matched with $189 million in nonfederal funds, putting a total of over $280 million on the ground to pro-
move environmental education, protect habitats, prevent species from becoming endangered, restore wetlands, im-
prove riparian areas, and conserve na-
tive plants. The hallmark of this out-
standing organization is forging part-
nerships between the public and pri-
vate sectors—involving the govern-
ment, private citizens, and corpora-
tions—to address the root causes of en-
vironmental problems. This reauthor-
ization will allow the Foundation to con-
tinue its valuable work throughout the country.

Besides being an important link be-
 tween groups with differing interests in natural resources, the Foundation is an extremely effective tool for stretching scarce federal dollars. The Foundation was created by the National Fish and Wildlife Foundation Establishment Act, which stipulates that the Founda-
tion must match any federal money ap-
propriated to it on a one-to-one basis. The Foundation does the Act one bet-
ter. It has already been matching federal funds at least two-to-one with money from individuals, corpora-
tions, states and local governments,
foundations, and nongovernmental organizations. Furthermore, all of the federal money appropriated to the Foundation supports on-the-ground conservation—its operating funds come strictly from private donations. The Foundation does not use federal funds for lobbying; nor does it support projects that entail political advocacy or litigation.

In my home state of Maine, the Foundation has invested over $3.4 million in federal funds in 109 projects, generating an additional $6.9 million in matching funds from private, corporate, and other state sources. Most notably, the Foundation has funded projects in Maine to help fishermen cope with the collapse of traditional groundfish fisheries, build a program to preserve Maine’s native Atlantic salmon, and protect habitat for breeding Neotropical migratory birds.

Mr. President, I strongly support this bill to reauthorize the National Fish and Wildlife Foundation. Year after year, the Foundation consistently performs valuable conservation work, not only in my state, but throughout the country. Its ability to triple the power of federal funding for conservation is unique, making it one of the most effective means we have for preserving our natural resources. I urge my colleagues to join me in supporting expeditious passage of this important measure.

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


H.R. 2386. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS
The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5469. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to new feasibility investigations for three water resource development projects within the Pacific Northwest; to the Committee on Energy and Natural Resources.

EC–5470. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation relative to major facility projects and major facility lease programs for fiscal year 2000; to the Committee on Veterans’ Affairs.

EC–5471. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the annual report on activities under the Denton Program for the period July 1, 1998 to June 30, 1999; to the Committee on Foreign Relations.

EC–5472. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Flights To and From Cuba” (RIN1515–AC51), received September 30, 1999; to the Committee on Finance.


EC–5474. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Mutual Assurance, Inc. v. Commissioner”, received September 7, 1999; to the Committee on Finance.

EC–5475. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to the State of North Carolina; to the Committee on Health, Education, Labor, and Pensions.

EC–5476. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled “Interim Rule Titled: Guidelines Establishing 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers” (RIN1557–AB73), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5477. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “International Disclosure Standards—Pesticide Tolerances for Emergency Exemptions” (FRL #6450–8), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5479. A communication from the Acting Assistant Secretary, Land and Minerals, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Application Procedures” (RIN1004–AC83), received September 29, 1999; to the Committee on Energy and Natural Resources.

EC–5480. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plan: Alaska” (FRL #6459–8), received September 29, 1999; to the Committee on Energy and Natural Resources.

EC–5481. A communication from the Director, Office of Regulatory Management and
Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Regulation of the Dayton Air Pollution Control District,’’ (FRL #6446–2), received September 29, 1999, to the Committee on Environment and Public Works.


EC–5483. A communication from the Director, Office of Regulatory and Administrative Law, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States’ Compliance Revision of Prior National Pollutant Discharge Elimination System (NPDES) Limitations for Pollutant Discharges of a rule entitled ‘‘Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States’ Compliance Revision of Prior National Pollutant Discharge Elimination System (NPDES) Limitations’’’ (FRL #6449–8), received September 29, 1999, to the Committee on Environment and Public Works.


EC–5485. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Safety/Seacor Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 99–822)’’ (RIN2115–AA97) (1999–0064), received September 30, 1999, to the Committee on Commerce, Science, and Transportation.


PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred to lie on the table as indicated:

POM–357. A joint resolution adopted by the Legislature of the State of California relative to Filipino veterans; to the Committee on Veterans’ Affairs.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, the Philippines, as a result of the Spanish-American War, were a possession of the United States between 1898 and 1946; and

Whereas, in 1934, the Philippine Independence Act (P.L. 73–127) set a 10-year timetable for eventual independence for the Philippines and in the interim established a government of the Commonwealth of the Philippines with certain powers over its own internal affairs; and

Whereas, the granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1941 to 1945; and

Whereas, between 1934 and the final independence of the Philippine Islands in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

Whereas, President Franklin D. Roosevelt, by Executive order of July 26, 1941, brought the Philippine Commonwealth into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

Whereas, by Executive order of July 26, 1941, Filipinos were entitled to full veterans benefits; and

Whereas, approximately 200,000 Filipino soldiers, driven by a sense of honor and dignity, battled under the United States Command after 1941 to preserve our liberty; and

Whereas, there are four groups of Filipino nationals who are entitled to some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.
(2) Regular Philippine Scouts, called ‘‘Old Scouts,’’ who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945. Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a point of friendly contact with the islands against foreign invasion, and during the war, they participated in the defense and retaking of the islands from Japan.
(3) Special Philippine Scouts, called ‘‘New Scouts,’’ who enlisted in the United States Armed Forces between October 6, 1945, and January 30, 1947, primarily to perform occupation duty in the Pacific War following World War II.
(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Government; and

Whereas, the first two groups, Filipinos who served in the regular components of the United States Armed Forces and Regular Philippine Scouts, are United States Armed Forces, and therefore are generally entitled to the full range of United States veterans benefits; and

Whereas, the other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain veterans benefits, some of which are lower than full veterans benefits; and

Whereas, United States veterans medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

Whereas, the eligibility of Old Scouts for benefits based on military service in the
Whereas, the federal Department of Veterans Affairs operates a comprehensive program of benefits in the present government of the Republic of the Philippines, including the operation of a federal Department of Veterans Affairs office in Manila; and

Whereas, The federal Department of Veterans Affairs does not operate a program of this type in any other country; and

Whereas, The program in the Philippines evolved because the Philippine Islands were a United States possession during the period 1898-1946; the Filipinos have seen the United States Armed Forces, and because the preindependence Philippine Commonwealth Army was called into the service of the United States Armed Forces during World War II (1941-1945); and

Whereas, Our nation has failed to meet the promises made to those Filipino soldiers who fought as American soldiers during World War II; and

Whereas, The Congress passed legislation in 1946 limiting and precluding Filipino veterans that fought in the service of the United States during World War II from receiving veterans benefits that were available in 1946; and

Whereas, Many Filipino veterans have been unfairly treated by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the federal Department of Veterans Affairs; and

Whereas, All other nationals who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos, as American nationals at the time of service, were and still are denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

Whereas, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside allied forces for four long years to defend and reclaim the Philippine Islands, and thousands more members of the United States Armed Forces after the war; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President and the Congress of the United States during the First Session of the 106th Congress to take action necessary to fulfill our country's moral obligation to provide these Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings and acting favorably on legislation pertaining to granting full veterans benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature respectfully urges the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States

POM–360. A joint resolution adopted by the Legislature of the State of California relative to the alternative minimum tax; to the Committee on Finance.

Assembly Joint Resolution No. 7

Whereas, The federal Alternative Minimum Tax (AMT) is intended to assure that income taxpayers who benefit from various credits, deductions, and other tax preferences; and

Whereas, The AMT requires an increasing number of taxpayers to calculate their taxes twice, under two different sets of rules, and pay whichever tax is higher; and

Whereas, Virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

Whereas, The American Psychological Association repudiates and dissociates itself from any organization or publication that advocates sexual interaction between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitative, reprehensible, and punishable by law; and be it further

Resolved, That the Legislature condemns and denounces all suggestions in the recent report, published by the American Psychological Association that indicates sexual relationships between adults and "willing" children are less harmful than believed and might even be beneficial. And be it further

Resolved, That the Legislature encourages competent investigations to continue to research the effects of child sexual abuse utilizing the best methodology so that the public and policymakers may act upon accurate information; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the majority leader of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–359. A joint resolution adopted by the Legislature of the State of California relative to Medicare; to the Committee on Finance.
and vastly increase the complexity of compliance with the income tax law; now, therefore, be it
Resolved by the Assembly and Senate of the State of California, jointly, That California respectfully urges the Congress of the United States to index the AMT exemption and tax brackets for inflation; and be it further
Resolved, That California, by resolution, requests that the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the Speaker of the Assembly, the Speaker of the Senate, the Assembly Speaker, the Speaker of the House, the Senate will be pleased to introduce the Breast Reconstruction Implementation Act of 1999. This bill amends the Internal Revenue Code to require that all health plans provide coverage for breast reconstruction surgery after a woman has had a mastectomy for breast cancer. Breast cancer is a frightening disease for women. It is common: a very high percentage of women who live long enough will eventually develop the disease. It is insidious: it can remain asymptomatic for many years before it is discovered. It is healthy: it can recur many years after it has been thought to be cured. It is devastating: surgical treatment can be not only physically mutilating but psychologically devastating to a woman's sense of feminine identity. And it is everywhere: there is hardly anyone in this country who does not have a close friend or loved one who has been through an experience with breast cancer.

Fortunately, there has been tremendous progress in the treatment of breast cancer, and many women can now be cured. However, as these breast cancer survivors attempt to resume their normal lives after their treatment, they can still be impacted by the physical damage that follows mastectomy. Breast reconstruction surgery after mastectomy is thus a key part of restoring the breast cancer patient back to a satisfying and fulfilling life; it is not simply a cosmetic procedure to satisfy one's vanity.

In recognition of the importance of breast reconstruction after mastectomy, last year the Senate passed the Women's Health and Cancer Rights Act as part of the Omnibus Appropriations Bill. This legislation, which was signed into law by the President, amended the Public Health Service Act and the Employee Retirement Income Security Act to require that health plans provide coverage for breast reconstruction surgery after mastectomy. This coverage also includes surgery on the unoperated breast, if necessary, as well as the cost of breast prostheses and repair to physical complications following mastectomy (e.g., lymphedema or arm swelling). However, if we don't pass further legislation, the enforcement mechanisms available to the Department of Labor to ensure that health plans comply with the breast reconstruction requirement are generally limited to requesting a court to issue an injunction. The Breast Reconstruction Implementation Act will incorporate the breast reconstruction requirement into the Internal Revenue Code in order to enable civil monetary penalties to be imposed on violators of the law. Passage of this bill would continue the precedent established by all previous mandates on health plans (those in the Health Insurance Portability and Accountability Act, the Newborns' and Mothers' Health Protection Act, and the Mental Health Parity Act), which were incorporated into all three statutes: Public Health Service Act, Employee Retirement Income Security Act, and the Internal Revenue Code.

Mr. President, I encourage my colleagues to finish the work that we began last year to ensure that women can be fully restored to health after fighting breast cancer, and I urge them to support the Breast Reconstruction Implementation Act of 1999 that I am introducing today.

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):
S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

VETERANS BENEFITS ADMINISTRATION IMPROVEMENT ACT OF 1999
Mr. ASHCROFT. 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. 1680
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Veterans Benefits Administration Improvement Act of 1999’’.

SEC. 2. FINDINGS.
Congress makes the following findings:
(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.
(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.
(3) While the Veterans Benefits Administration has reported in the past a 99 percent accuracy rate in processing claims, a new accuracy measurement system known as the Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.
(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce by retirement to 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.
(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate, timely and timely manner and that any necessary delays in providing veterans with compensation and pension benefits.

SEC. 3. IMPROVEMENT OF PROCESSING OF VETERANS BENEFITS CLAIMS.
(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act,
the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(b) the plan submitted under subsection (a) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in processing claims are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims processing and implement corrective actions by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standards on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(d) IMPLEMENTATION.—The Secretary shall implement the plan under subsection (a) commencing 60 days after the date of the enactment of this Act.

(e) MODIFICATION.—(1) The Secretary may modify the plan submitted under subsection (a), by—

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(1) REPORTS.—Not later than January 1, 2000, and thereatforth, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (a) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (b)(4) are being achieved.

By Mr. ROCKEFELLER for himself and Mr. GORTON:

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes.

AIR TRAFFIC MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, 2 weeks ago I came to the Senate floor to talk with my colleagues in the Congress about the troubled state of our nation's air traffic control system. After a long summer of dramatically increased congestion in the skies and delays on the ground, I implored my colleagues to join me in putting a new and renewed emphasis on aviation, and to commit ourselves to modernizing, reforming, and, if need be, restructuring our air traffic system in order to meet surging travel demands in the new millennium.

Today I am pleased to join with Senator GORTON and of FAA Administrator Garvey and the outstanding FAA employees who work with her and whose expertise, ideas, and technical assistance are reflected in this bill. To my mind the problems of the current system are shared problems—we all bear some responsibility for them and we all must step up to solve something to fix them. The FAA does a very commendable job with an incomprehensibly difficult task—and they have a terrific safety record to show for it.

But the current system isn't working as well as it could or should, and we can't wait to do something about it.

My goal in the Air Traffic Management Improvement Act of 1999 is to give the FAA additional tools to get the job done in today's more challenging aviation environment—and to give the Congress and the country some time to consider in a very deliberate and careful way some of the proposals for more far-reaching change.

It is our intention as an amendment to the FAA and AIP re-authorization bill, S. 82, when it comes to the Floor in the near future. I look forward to talking more about the details and great potential of these modernization reform programs at that time. My colleagues will join me in working to improve our air traffic system for the benefit of the traveling public and of the national economy.

I ask unanimous consent that the text of this bill be printed in the RECORD, as follows:

S. 1682
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 "Air Traffic Management Improvement Act of 1999".

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the referenced title, such amendment or repeal shall be considered to be made to a section or other provision of title 49, United States Code.
SEC. 3. DEFINITIONS
In this Act:
(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.
(2) SECRETARY.—The term “Secretary” means the Secretary of the Department of Transportation.

SEC. 4. FINDINGS
The Congress makes the following findings:
(1) The nation’s air transportation system is projected to grow by 3.4 percent per year over the next 12 years.
(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 600 million.
(3) The aviation industry is one of our Nation’s critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.
(4) The ability of all sectors of American society, urban and rural, to access, and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation’s communities effectively and efficiently.
(5) The Federal government’s role is to provide a safe and efficient national air transportation system that sets forth measures to safeguard the public.
(6) Numerous studies and reports, including, but not limited to the following:

SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED
Section 40102(a) is amended by adding at the end thereof the following:
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“(v) review, and make recommendations the Administrator’s cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operations; and
“(vi) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and
“(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.”

SEC. 8. COMPENSATION OF THE ADMINISTRATOR.
Section 106(b) is amended—
(1) before “The”; and
(2) by adding at the end the following:
“(2) IN ADDITION TO THE ANNUAL RATE OF PAY AUTHORIZED TO THE ADMINISTRATOR, THE ADMINISTRATOR MAY RECEIVE A BONUS NOT TO EXCEED FIFTY PERCENT OF THE ANNUAL RATE OF BASIC PAY, BASED UPON THE SECRETARY’S EVALUATION OF THE ADMINISTRATOR’S PERFORMANCE IN RELATION TO THE PERFORMANCE GOALS SET FOR THE ADMINISTRATOR IN A PERFORMANCE AGREEMENT. A BONUS MAY NOT CAUSE THE ADMINISTRATOR’S TOTAL ANNUAL COMPENSATION TO EXCEED THE AMOUNT OF THE PRESIDENT’S SALARY UNDER SECTION 102 OF TITLE 3, UNITED STATES CODE.”

SEC. 9. NATIONAL AIRSPACE REDESIGN.
(a) FINDINGS RELATING TO THE NATIONAL AIRSPACE.—The Congress makes the following additional findings:
(1) The national airspace, comprising more than 20 million square miles, handles more than 55,000 flights per day.
(2) Almost 2,000,000 passengers per day traverse the national airspace through 20 major en route centers including more than 700 different sectors.
(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.
(4) Redesign of the National airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN REPORT.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the Congress on the Administrator’s comprehensive national airspace redesign.

(c) INFORMATION TO BE INCLUDED IN REPORT.—The report shall include projected milestone completion dates for the redesign and shall include a date for completion. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section $12,000,000 for fiscal years 2000, 2001, and 2002.

SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM.
(a) REPORT ON THE COST ALLOCATION SYSTEM.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the allocation system throughout the agency and shall include the timetable and plan for the implementation of a cost management system.

(b) REPORT TO THE SENATE.—In general.—The Inspector General of the Department of Transportation shall conduct the assessments described in this subsection. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more external organizations.

(c) ASSESSMENT OF ADEQUACY AND ACCURACY OF ADMINISTRATION COST DATA AND ATTRIBUTIONS.—
(A) In general.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and the allocation of such costs to specific users is appropriate, reasonable, and understandable to the users.

(b) COMPONENTS.—In conducting the assessment under paragraph (A), the Inspector General shall assess the Federal Aviation Administration’s definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(c) COST EFFECTIVENESS.—
(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and cost-effectiveness of the Federal Aviation Administration.

(B) ANNUAL REPORT.—Not later than December 31, 2000, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(d) INFORMATION TO BE INCLUDED IN REPORT.—The Administrator shall require the Federal Aviation Administration to report to Congress, on an annual basis, information on the performance of the Federal Aviation Administration.

SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM.
(a) IN GENERAL.—Chapter 445 is amended by adding after the end thereof the following:
“§ 44516. Air traffic modernization joint venture pilot program

(1) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation’s air transportation system by facilitating the use of joint venture projects; and
(2) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project involving joint venture arrangements as lessor with obligors, but—
(i) the term of financing offered by the obligor that is consistent with sound business techniques and risk management; or
(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—
(I) may not exceed $500,000,000 for each year for fiscal years 2000, 2001, and 2002;
(II) shall be used for not more than 10 projects; and
(III) may not be used by the Association for the financing of eligible projects under this section; and
(iii) the time at which the project will become available for service.

(3) ELIGIBLE PROJECT SELECTION CRITERIA.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:
(A) The eligible project’s contribution to the nation’s air traffic control system as outlined in the Federal Aviation Administration’s modernization plan for alleviating congestion, enhancing safety, and improving navigation, communication, and automation systems, instrument landing systems, weather and wind shear detection equipment, lighting improvements and control tower equipment;
(B) the credits-worthiness of the revenue stream pledged by the obligor;
"(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

"(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

"(d) AUTHORITY TO ENTER INTO JOINT VENTURE.

"(1) IN GENERAL.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capitation Investment Act of 1996.

"(2) COST-SHARING.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency’s share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to reduce the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

"(3) PROJECT SPECIFICATIONS.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Council.

"(e) INCENTIVES FOR PARTICIPATION.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

"(f) UNITED STATES NOT OBLIGATED.—The contribution of funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States. Any third party shall not have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee, or obligation on the part of the United States.

"(g) REPORT TO CONGRESS.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association’s activities including—

"(1) an assessment of the Association’s effectiveness in accelerating the modernization of the control system;

"(2) a full description of the projects financed by the Association and an evaluation of the impact of the projects on the aviation industry and general public of such investment; and

"(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation’s air transportation system.

"(h) AUTHORIZATION.—Not more than the following shall be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the agency’s share of the organizational and administrative costs for the Air Traffic Modernization Association:

"(1) $500,000 for fiscal year 2000;

"(2) $500,000 for fiscal year 2001; and

"(3) $500,000 for fiscal year 2002.

"(1) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section is intended to limit or diminish the authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.

"(b) CONFORMING AMENDMENT.—

"(1) Section 4017(b)(1) is amended by striking "controls." and inserting "controls, or to finance an Air Traffic Modernization Association in accordance with section 4516 of this title."

"(2) The analysis for chapter 445 is amended by adding at the end the following:

"4516. Air traffic modernization pilot program."

SEC. 12. EMERGENCY AUTHORIZATION FOR AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 4801(a) is amended—

"(1) by striking "a total of the following amounts" and inserting $100,000,000 for fiscal year 2000 and inserting "a total of the following amounts"

"(2) striking "title:" and inserting "title;".

ADDITIONAL COSPONSORS

S. 472

At the request of Mr. Grassley, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor 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. 510

At the request of Mr. Campbell, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over non-Federal lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 631

At the request of Mr. DeWine, the name of the Senator from Utah (Mr. Hatch) 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. 740

At the request of Mr. Craig, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydropower licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 980

At the request of Mr. Baucus, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1113

At the request of Mrs. Murray, her name was added as a cosponsor of S. 1113, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1114

At the request of Mr. Voinovich, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1114, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1197

At the request of Mr. Dorgan, the names of the Senator from Oregon (Mr. Brown) and the Senator from Washington (Mrs. Murray) were added as cosponsors of S. 1197, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1242

At the request of Mr. Akaka, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1448

At the request of Mrs. Murray, her name was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1454

At the request of Mr. Robb, the name of the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1473

At the request of Mrs. Murray, her name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. Hatch, the names of the Senator from Alabama (Mr. Sessions) and the Senator from Louisiana (Mr. Voinovich) were added as cosponsors of S. 1500, a bill to amend the Federal Water Pollution Control Act to require that the States provide a comprehensive, integrated system of water pollution control.
(Mr. Shelby), the Senator from New York (Mr. Schumer), and the Senator from Alabama (Mr. Sessions) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payments program that provides for certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547
At the request of Mr. Burns, the name of the Senator from Minnesota (Mr. Wellstone) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1574
At the request of Mr. Conrad, the names of the Senator from North Dakota (Mr. Dorgan) and the Senator from Maryland (Ms. Mikulski) were added as cosponsors of S. 1574, a bill to amend title XVIII of the Social Security Act to improve the interim payment system for home health services, and for other purposes.

S. 1599
At the request of Mrs. Hutchison, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1599, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 1617
At the request of Mr. DeWine, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio.

S. 1622
At the request of Mr. Cochran, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 1622, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1632
At the request of Mr. Chafee, the name of the Senator from Texas (Mrs. Hutchison) was added as a cosponsor of S. 1632, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

S. 1673
At the request of Mr. DeWine, the name of the Senator from Michigan (Mr. Abraham) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 16, United States Code, to protect unborn victims of violence.

S. 1679
At the request of Mr. Biden, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as “National Mammography Day.”

SENATE RESOLUTION 188
At the request of Mr. Edwards, the names of the Senator from Delaware (Mr. Biden) and the Senator from Georgia (Mr. Cleland) were added as cosponsors of Senate Resolution 188, a resolution expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

AMENDMENT NO. 1324
At the request of Ms. Collins, the names of the Senator from Michigan (Mr. Abraham), the Senator from Ohio (Mr. DeWine), the Senator from Arkansas (Mr. Hutchinson), and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of amendment No. 1324 proposed to S. 1650, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

S. 1699
At the request of Mrs. Hutchison, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1699, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 1702
At the request of Mr. DeWine, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1702, a bill to amend the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1712
At the request of Mr. Cochran, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 1712, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1717
At the request of Mr. Chafee, the name of the Senator from Texas (Mrs. Hutchison) was added as a cosponsor of S. 1717, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

S. 1763
At the request of Mr. DeWine, the name of the Senator from Michigan (Mr. Abraham) was added as a cosponsor of S. 1763, a bill to amend titles 10 and 16, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 194—EX-PRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK TAIWAIN ON SEPTEMBER 21, 1999
Mr. Lott submitted the following resolution; which was considered and agreed to:

S. RES. 194
Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless; Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruins, caused widespread fires, and destroyed highways and other infrastructure; Whereas the epicenter was located, and determinative of the people of Taiwan has been displayed since the earthquake; Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect; Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it
Resolved, That the Senate—
(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earthquake of September 21, 1999; (2) expresses its sympathies to the people of Taiwan as they continue their efforts to rebuild their cities and their lives; (3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and (4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

RESOLUTION REGARDING ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD
EDWARDS (AND HELMS)
AMENDMENT NO. 1890
Mr. Lott (for Mr. Edwards (for himself and Mr. Helms)) proposed an amendment to the resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd; as follows:
On page 4, line 14, after “Maryland,” insert “Delaware.”

NOTICE OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. Craig. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 14, 1999 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 610, a bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES—APPROPRIATIONS ACT, 2000
NICKLES (AND OTHERS)
AMENDMENT NO. 1890
Mr. Nickles (for himself, Mr. Greg Greg, Mr. Gramm, and Mr. Ashcroft) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:
Strike all after the first word, and insert the following:
PROTECTING SOCIAL SECURITY SURPLUSES.
(a) FINDINGS.—Congress finds that—
(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust fund; and
(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.
Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; S. 1218, a bill to direct the Secretary of the Interior to issue to the Landusky School District, in the sale or exchange to acquire replacement sites and to construct administrative improvements in connection with Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to construct administrative improvements in connection with Black Hills National Forest.

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 Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

POLISH AMERICAN HERITAGE MONTH

Mr. REED. Mr. President, I rise today to recognize the city of Pawtucket, Rhode Island’s celebration of October as Polish American Heritage Month.

Famous leaders, musicians and scientists of Polish descent have made numerous contributions to society. Pope John II, of Wadowice, Poland was the most active, humane, and accomplished ex-Presidents in American history.

President Carter served very honorably and ably during his term in office, earning distinction for diplomatic successes such as overseeing in the signing of the Panama Canal Treaty and the Camp David Accords. And in his 19 years since leaving office, President Carter has demonstrated himself to be one of the world’s great humanitarians.

In 1982, he founded the Carter Center—a nonprofit, nonpartisan center dedicated to promoting democracy, human rights, and conflict-resolution throughout the world. The center’s work has been remarkable. In the past two decades, whether fighting to eradicate Guinea worm disease, thwarting conflict in Haiti, or helping to free political prisoners across the globe—President Carter has carved out a deserved reputation as one of the most active, humane, and accomplished Presidential years in American history.

President Carter talked candidly about his Presidential legacy and his gratifying years after office in a profile recently written by White House correspondeent Howard Fineman. He, in turn, commemorated his 75th birthday. To pay tribute to one of America’s eminent leaders, I ask that Ms. Feldman’s article be printed in the RECORD.

The article follows:

(FROM Los Angeles Times Syndicate

INTERNATIONAL)

PRESIDENT CARTER AT 75

(By Trude B. Feldman)

ATLANTA, GA.—Former U.S. President Jimmy Carter turns 75 on October 1st and says he is in good shape and determined not to let aging get the better of him.

In an interview to mark the milestone, he adds: “My health is fine. I’ve had a full and gratifying life, but now is the best time of all.”

Does the energetic Carter feel 75 years of age?

“No really,” he tells me. “I feel young. I’m still doing the same things I did twenty years ago. I haven’t given up active sports, although I cut back on some. I run fewer miles a day and play less tennis. In softball, my batting average has dropped. I have little power in my drives, and base running is slower. Still, I don’t feel tired and worn out. I continue to explore new opportunities, so I don’t feel I’m growing old. But I do know what the calendar says.”

Twenty years ago when Carter turned 55, October 1st, by striking his tallest bell on Yom Kippur, the holiest day in Judaism, Reflecting on that unusual concurrence in 1979, then President Carter told me: “Reassessing my life, I feel there are important on one’s birthday. So all the more important when a birthday falls on the same day as Yom Kippur—a supreme moral and spiritual moment, a time to take stock of one’s personal life as well as to evaluate one’s role in society.” We all need a new spirit, a new heart . . . and we can do better by reviewing our past . . . to discover where we went wrong.

America’s 39th president, Jimmy Carter lost the 1980 re-election to Ronald Reagan, and was “devastated, disappointed and frustrated” at not being able to complete his goals.

Two years later, with his disappointment diverted by the writing of his memoir, Carter reverted to his passion for the power of positive thinking, and established, with his wife, Rosalynn, The Carter Center, within which he could pursue some of the programs and interests that “were interrupted when I was forced into involuntary retirement.”

The Carter Center is a nonprofit organization situated on 30 acres of a now landscaped hill in Atlanta, from which General William Tecumseh Sherman watched the burning of Savannah in 1864, and where The Carter Presidential Library and Museum and The Carter Center in four linked circular pods. It is governed by an independent Board of Trustees and yet is a part of Emory University. It brings people and resources together to resolve conflict, promote peace, democracy, and human rights, as well as to fight disease, hunger, poverty, and oppression.

It was at The Carter Center that President William J. Clinton last month presented, separately to Rosalynn and Jimmy Carter, the Presidential Medal of Freedom, America’s highest civilian honor. “They have done more good things for more people in more places than any other couple,” Clinton stated. “The work they do through this extraordinary Center to improve our world is unparalleled in our Nation’s history . . . Their journey is one of love and faith, and this Center has been their ministry.”

Clinton also remarked that to call Jimmy Carter the greatest former president in history might seem either redundant or disrespectful to him or his work. “For, in a real sense, this Carter Center . . . is a continuation of the Carter presidency,” he said. “The work he did in his four years (1977–81) in the White House not only broke important new ground, it is still playing a large role in shaping today’s world.”

In accepting the Medal, Carter told the assembled guests—family and friends—that President Clinton’s words made him “almost speechless with emotion,” and he described the event as “one of the most beautiful of my life.”

Carter went on to say that he and Rosalynn find much satisfaction in The Carter Center, and that it has given them, in effect, a new life, a life of pleasure, challenge, adventure, and unpredictability. “We have formed close relations with people in small villages in Africa, and those hungry for freedom and democracy in Indonesia, Haiti, Paraguay, and other countries.” He stated that they bring them the blessings of America in an unofficial, but personal way.

He added that he and Rosalynn visited several countries recently to consult with the people—their despair, hopelessness and lack of self respect. “We also learned that

Therefore, I urge my colleagues to join with the Polish community of Pawtucket in celebrating the city’s Polish American Heritage Month.

HONORING THE 75TH BIRTHDAY OF PRESIDENT CARTER

Mr. LIEBERMAN. Mr. President, I rise to recognize a milestone in the extraordinary life of one of America’s most distinguished statesmen, former President Jimmy Carter, who celebrates his 75th birthday today.

Twenty-three years ago, in the turbulent aftermath of Watergate, Americans yearned for a leader of honesty and integrity who would steward the country into an uncertain future. We found that man in James Earl Carter, Jr., a submariner and farmer-turned-Georgia-Governor who we elected our 39th President.

President Carter served very honorably and ably during his term in office, earning distinction for diplomatic successes such as overseeing in the signing of the Panama Canal Treaty and the Camp David Accords. And in his 19 years since leaving office, President Carter has demonstrated himself to be one of the world’s great humanitarians.

In 1982, he founded the Carter Center—a nonprofit, nonpartisan center dedicated to promoting democracy, human rights, and conflict-resolution throughout the world. The center’s work has been remarkable. In the past two decades, whether fighting to eradicate Guinea worm disease, thwarting conflict in Haiti, or helping to free political prisoners across the globe—President Carter has carved out a deserved reputation as one of the most active, humane, and accomplished ex-Presidents in American history.

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He added that he and Rosalynn visited several countries recently to consult with the people—their despair, hopelessness and lack of self respect. “We also learned that
close relations are necessary between govern- 
ments throughout the world and civilian 
organizations—non-governmental ones like 
"The Carter Center."

During his last Senate interview, I asked 
Carter if his 75 years were his to live over 
(again), what would he have done dif- 
frently?

"As for my life in the White House, the one 
thing I would have handled differently is the 
hostage crisis," he says. "From a human as-
pect, it was the most infuriating experience of 
my presidency. And had I been successful 
in rescuing the 52 hostages in Iran, I 
believe I would have been re-elected presi-
dent."

"I don't feel grieved that I lost the second 
term, but what I would have done differently 
during that ordeal is to send one more heli-
copter to the desert, one which 
likely resulted in a successful rescue oper-
ation."

In Nov. 1979, after the Islamic Revolution 
in Iran, and one year before Carter's defeat 
for re-election, radical students seized the 
U.S. embassy in Tehran and took some 66 
Americans as hostages. Although some were 
subsequently released, 52 were held captive 
for 444 days—till the end of Carter's presi-
dency.

On April 24, 1980, he ordered a covert 
 snatch operation to pluck them out of the 
embassy. During the operation, two aircraft 
collided in a desert staging area, killing 
eight servicemen. In Nov. 1980, the militants 
relentlessly released 50, 24 were held captive 
and after a cooling off period, they ei-

putes, and before even a day, I have the same hollow 
feeling of loneliness as when I was at sea (in the 
Navy) period. Now in my late golden years, our primary 
purpose is not just to stay alive, but to savor each opportunity 
for fulfillment.

Carter insists that, yes, they still argue, 
but are mature enough not to dwell on dis-
putes, and after a cooling off period, they ei-
ther ignore their differences or reason with 
each other.

They are close to their three sons, Jack, 52; 
James Earl 3d (Chip), 49; and Jeffrey, 47. 
and daughter, Amy. Their ten grandchildren are 
"an indescribable blessing . . ."—the most 
darling, Amy. Their ten grandchildren are 
James Earl 3d (Chip), 49; and Jeffrey, 47; and 
Amy's grandmother, Allie Smith, who will 
celebrate her 94th birthday on Christmas, 
has known Jimmy Carter since he was born. 
(The Carters lived next door to the Smiths 
until the Carters moved to a farm when 
Rosalynn Smith was one year old.) "I've 
always cared about the people in our 
countryside, make new friends and take on var-
rious projects for The Carter Center. I don't 
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country and the world," he says, "I wanted to make a difference in people’s lives and wanted to change—for the better—the world situation.

When asked how he wants history to regard his presidency, Carter puts it this way: "As one who did my best to act in the long-term interest of America, and one who did so with restraint and forethought—but with conviction great a consideration of—whatever adverse political consequences might flow from it...

"You know, the presidency has enriched my life in that I am a better man for having served. And in all humility, I hope that America's image as a stronger, better place because of my service as president."

In Carter's view, what were the misconceptions of him?

"Perhaps when I was a presidential candidate, I think many people underestimated my tenacity and determination," he reflects. "There were some formidable candidates, including (former Senators) Hubert Humphrey, Henry Jackson, Mo (Morris K.) Udall, Edmund Muskie, Frank Church, and Birch Bayh. They too, underestimated how hard I would try to win. That was one misassessment of me.

"As President, some got the impression that I was weak because I didn't send armed U.S. troops and didn't fire missiles at anyone. When there was a serious problem, I tried to work it out through negotiation and mediation, and peaceful, patient persistent efforts. I worked long and hard on the Panama Canal Treaties, the Middle East Peace process, normalizing relations with China, and helping Rhodesia become an independent country.

"So, because I was working for peace, emphasizing human rights and not launching missiles, a perception was formed that I was weak—but by some that I was weak and not a strong, marooch president."

However, former President Gerald R. Ford, who in 1976 lost the Presidency to Jimmy Carter, told me that President Carter had earned high marks in foreign diplomacy in his White House years. "Today, he should be highly complimented for his continuing leadership in foreign policy under the auspices of The Carter Center," Ford adds. "America has had an excellent diplomat in Jimmy Carter, whom I thought was outstanding."

And President Clinton recently stated that Carter's noteworthy foreign policy accomplishments include the Panama Canal treaties, the El Salvador peace accord, the Gulf War, and the Middle East peace process. "He has been influential and important," Clinton said, and noted that Carter had been "an outstanding foreign policy record. He put human rights at center stage, and the principle has stood the test of time."" He added, "In fact, the Carter Center has become one of the most respected international human rights groups.

Chairman De Concini, Mr. Chairman, I want to express my appreciation for your introduction of the Carter Center. I think it's an outstanding organization.

A primary misconception is that Carter was aloof from international affairs, that he lacked clout, that he didn't make a difference. "During my presidency, thousands of people in Argentina were imprisoned, disappeared, while in jail, or were executed," he said. "In Latin America, you can count the number of countries and that's pretty much what we were fighting for."

"That is a fact. Jimmy Carter is the smartest public official I know—the range and extent of his knowledge are astounding. He can speak with authority on almost any topic to them."

"I knew Carter, who has been knighted in Mali and made an honorary tribal chief in Nigeria and Ghana, single out international human rights as his greatest foreign policy achievement.

"Before I was president, the only president who had emphasized human rights to any degree was Harry Truman, Carter notes. "But, much attention is paid to global human rights... so I hope my legacy as President will include protection of human rights.

Secretary of State Madeleine Albright, who worked in the Carter White House as a staff member of the National Security Council, told me that President Carter created an outstanding foreign policy record. "He put human rights at center stage, and the principle has stood the test of time," she says.

"Those who worked for him reflect those achievements with great pride. And not only does he have the respect of Americans, but of citizens throughout the world."

"Jimmy Carter says he is convinced that he made a difference—in the U.S. and abroad—a difference that is reflected in the work of The Carter Center, now in 35 different countries, where the people see America as a country that may well be a different planet—a rich, strong, arrogant, and self-satisfying American who says, "I have a friend at the Carter Center at villages in backward nations in Africa and let the people know that the U.S. really cares about them; that they don't have to suffer from a particular disease, or that they can increase their production of coal, rice and wheat, or that they can find peace... for the first time.

"Another misconception is that Carter was not an effective president, "But I think so much attention was paid to problems that were not of his making, that people were unaware of how much was accomplished," he says, citing, for instance, the oil crisis that followed the Iranian revolution. "I inherited that and that only began to improve as he left the presidency."

"Yet," Mrs. Carter concludes, "despite the mistakes President Carter made well... as one of America's best presidents."

Jimmy Carter's clout continues to span some of today's headlines. In the controversy surrounding President Clinton's conditional commutation of the sentence of the Puerto Rican activists, White House aides defend his decision by singling out Carter's support of the Free Chile movement.

Carter considers the pardon a correct decision, but is surprised at the attention focused on his support. He says that he did not become involved in the Rios Montt or Andean nations. The pardon decision by singling out Carter's support of the Free Chile movement, he says, has been heightened by the fact that his pardon power "has rarely been exercised" during his presidency.

For some 6 years, Carter has pursued—directly with President Clinton—a presidential pardon for Patty Hearst, the newspaper heiress, as well. "I sent a letter about it to Attorney General Janet Reno."

He points out that some of the interest in Clinton's pardon of Hearst is because of the "model" life she has led for 2 years she had served. But he has long believed that Hearst, who was kidnapped and brutalized by radicals in 1974 as a college student, should receive a presidential pardon because of the "model" life she has led for 20 years since her prison release.

Of special concern to Carter today is the chaos and violence in East Timor. He had traveled to Indonesia twice this year, as recently as in July, to lead an international Conference of National and Civic Leaders in East Timor after 38 years of military dictatorship in the world's most populous country—striving to be the third most populous democracy.

He says that The Carter Center was also involved, at Indonesia president B.J. Habibi's invitation, in monitoring the August election on independence in East Timor. And his recent personal involvement has contributed to the United Nations peacekeeping mission to East Timor.

Even when a resident in the White House, Carter was not impressed with the trappings of pomp and circumstance that surrounded the presidency. He brought informality to the Executive Mansion. He would often carry his own luggage and he would often have members of the media out for dinner. He and Rosalynn Carter met many heads of state..."
and the end of the Cold War had been under appreciated. “Carter was the first President during the Cold War to challenge publicly and consistently the legitimacy of Soviet rule and to pursue a non-governmental human rights policy, building on the important and largely unrecognized role of the Helsinki Final Act, by the testimony of countless East European dissidents and future democratic leaders, challenged the moral authority of the Soviet government and gave American sanction and support to those resisting that government.”

Five years ago at The Carter Center, Richard H. Solomon, President of the U.S. Institute of Peace, presented Jimmy Carter its first Spark M. Matsunaga Medal of Peace. The Institute recognized his “efforts to advance peace, understanding, and human rights—within the context of national security and in the service of a just, free, and democratic world...as a cornerstone of U.S. foreign policy” and his “leadership, determination, and personal diplomatic skills in concluding the Camp David Accords.”

On a par with his human rights accomplishments, Carter believes that another of his achievements was initiated at Camp David and the Peace Treaty “could not have been achieved without President Carter’s tenacity, his personal command of the issues and the relationships he developed with the two leaders and key members of their teams.”

On the second anniversary (1980) of the Camp David Accords, Carter told me that when the history books are written, one thing he hopes to see is that he, an American President—representing the United States—was an active participant in the Camp David and the Peace Treaty “could not have been achieved without President Carter’s tenacity, his personal command of the issues and the relationships he developed with the two leaders and key members of their teams.”

On October 1st, 1924 in Wise Hospital, Plains, Ga., Jimmy Carter was the first of his mother’s nine children. He was eager to learn and the school was excellent. He was persistent and from his church’s collection plate, and second only to his mother’s urging, he became a book enthusiast. At age 12, when a teacher told him about a book named WAR AND PEACE, he thought it was about cowboys and Indians. With his mother’s urging, he became a book enthusiast, and he has remained so. He credits Jimmy Ford with his interest in the arts and for shooting his sister with a BB gun. Nicknamed “Hot Shot,” and then “Hot” Jimmy Carter’s behavior in elementary school was excellent. He was eager to learn almost anything, but his interests then were history and literature.

At age 15, when the teacher told him about a book named WAR AND PEACE, he thought it was about cowboys and Indians. With his mother’s urging, he became a book enthusiast, and he has remained so. He credits Jimmy Ford with his interest in the arts and for shooting his sister with a BB gun. Nicknamed “Hot Shot,” and then “Hot” Jimmy Carter’s behavior in elementary school was excellent. He was eager to learn almost anything, but his interests then were history and literature.

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place of honor. I think our political community has deteriorated tremendously since Gerald Ford and I served as presidents, and we often talk about our concerns and those changing policies. The country needs strong leadership and honest answers are needed.”

He says that, for instance, as President, he had gotten along with the Republicans in the House and Senate; that he had often gotten the support of many Republicans on major legislation. He notes, even better than with the Democrats. “Now, the two parties are bitterly divided, with little cooperation between them,” he adds. “Also, nowadays, the success of the national campaign gets exaggerated on how well you can damage the reputation of your opponent. That turns off the average citizen, and leads to a partisanship and personal situation.”

He also points out that Congress continues to be pulled in all directions by well financed and powerful special interests. “But we can’t change the course until we face the truth,” he says. “Restoring faith and confidence to America is now still our most important contribution, and now it is a solid, significant challenge.”

In recent years, Carter has given a lot of thought to the virtues of aging, especially as it relates to retirement. He notes that in 1935, when Social Security legislation was passed, its purpose was to give older people a subsistence income. “Today,” he says, “because of improvements in health and health care, many senior citizens are still in a position to contribute. And many of us elderly should be allowed to work as long as we wish—or are able to.”

However, Carter voices concerns about the future of Social Security. “The oldest baby boomer will start to receive Social Security in the year 2010,” he notes. “By the time my youngest grandson, now two months old, is a middle aged teenager, one in four Americans will be over 65.”

Emphasizing that our Social Security system is in trouble and that we will have to change, he recalls that when Social Security was established there were about 40 wage earners supporting each retiree with tax contributions, and now it is a solid, significant challenge. “Today,” he says, “because of improvements in health and health care, many senior citizens are still in a position to contribute. And many of us elderly should be allowed to work as long as we wish—or are able to.”

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REINSDORF STEPS UP TO THE PLATE FOR EDUCATION

Mr. DURBIN. Mr. President, I rise today to call the attention of my colleagues to a column by Ray Coffey which appeared in the Chicago Sun-Times on September 30, 1999. Mr. Coffey describes the efforts undertaken by Chicago White Sox owner Jerry Reinsdorf to improve literacy among children in Chicago’s public schools.

Mr. Reinsdorf is assisting Chicago School Board President Gery Chico and Chicago Public Schools CEO Paul Vallas in the implementation and financing of Direct Instruction, a program that uses phonics to teach reading in the schools. Mr. Reinsdorf also designated White Sox manager Jerry Manuel and rookie sensation Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by Target stores and Sox Training Centers that is seeking to donate a million children’s books to needy kids. Mr. Reinsdorf has also worked with Mr. Vallas to provide free tickets to public school students who have distinguished themselves through their academic achievements.

Mr. President, it is important to recognize individuals in our community who go beyond the call of duty to improve the lives of people who are less fortunate than they. Chicago can be proud of the winning efforts under- taken by Mr. Reinsdorf throughout the city. I ask that my colleagues join me in honoring Mr. Reinsdorf’s charitable efforts by having Ray Coffey’s column from the Chicago Sun-Times printed in the Congressional Record.

The article follows:

[From the Chicago Sun-Times, Sept. 30, 1999]

OUT TO PROVE KIDS CAN LEARN

(By Raymond Coffey)

As his "The Kids Can Play" White Sox close out the baseball season this weekend, Jerry Reinsdorf himself gets my vote as one of the most valuable players Chicago kids have going for them.

Though they played before mostly empty seats, the White Sox, led by Manager Tony La Russa, delivered. They did win more games than the hapless last-
Chico and Vallas are in “constant communication” with Reinsdorf, Makowski says. “They can call him anytime” and get help on the schools.

This summer Reinsdorf assigned Sox manager Jerry Manuel and rookie star Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative of the Target stores and the Sox Training Centers for youngsters to donate a million children’s books to needy kids.

Reinsdorf takes a lot of media heat for the way he operates the Sox and his Chicago Bulls. And there is, obviously, some self-interest in what he does for kids in connection with his sports franchises and through the separate Sox and Bulls Charities.

This season, the Sox gave away 35,000 free tickets, worth about $600,000, to such inner-city social welfare organizations as Boys and Girls Clubs, Mercy Home for Wayward Kids, Hull House and Maryville Academy. The tickets weren’t selling anyway, but they went to kids unlikely to be able to buy them and also otherwise unlikely to get to see a big league game.

Reinsdorf also has donated 3,000 autographed Sox items to charity raffles and auctions. Members of the current “Kids” roster have made 60 appearances before community groups.

Through White Sox Charities, Reinsdorf also has distributed more than $3 million to nonprofit organizations, including $1 million to the Chicago Park District to refurbish and maintain 800 baseball diamonds. White Sox Charities also funds the Inner City Little League baseball season. And it has raised hundreds of thousands of dollars for cancer research and treatment at Children’s Memorial and Northwestern Memorial hospitals.

Some 3,000 kids were offered baseball instruction this summer at 160 weeklong camps in the Chicago area and neighboring states. At Comiskey Park itself, before the Sox take the field, kids can get free coaching in batting and pitching cages inside Gate 3.

As Makowski acknowledges, Reinsdorf and the Sox franchise hope the focus on kids will generate a new generation of baseball fans. “We’d like to give them their first major league experience,” she said. “We want them to have fun.” If they go home “a Sox fan, so much the better.”

Even better, they might sometime soon see that indeed “The Kids Can Play.”

...
NATIONAL STAMP COLLECTING MONTH

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 182, and that the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) designating October 1999 as “National Stamp Collecting Month.”

The resolution proceeds to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the Record.

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

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

This resolution, with its preamble, reads as follows:

S. Res. 182

Whereas over 150 years ago, United States commemoratives began honoring the people, places, and events that have shaped our Nation’s history;

Whereas in 1999, more than 22,000,000 Americans, including children, collect and learn about our Nation through stamps, making stamp collecting one of the most popular hobbies in our Nation and the world;

Whereas as we stand on the threshold of the 21st century, it is important that we pause to reflect on our Nation’s history;

Whereas stamps honor statesmen and soldiers who fought for freedom and democracy, recognize our Nation’s scientific and technological achievements, pay tribute to our Nation’s artistic legacy, and celebrate the strength of our Nation’s diversity;

Whereas starting October 1, 1999, “National Stamp Collecting Month” will transform more than 100,000 schools, libraries, and post offices into learning centers where our Nation’s young people can honor the past and celebrate the future through stamps;

Whereas the founders and participants of “National Stamp Collecting Month” include millions of adult and youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service;

Whereas the people, places, and events shaping America today will be United States commemorative stamps tomorrow;

Whereas “National Stamp Collecting Month” will help empower our Nation’s children and future generations to study and learn from our Nation’s history; and

Whereas as our Nation’s children learn the lessons of the past, the children will be better prepared to guide our Nation in the future: Now, therefore, be it

Resolved, That the Senate designates October 1999 as “National Stamp Collecting Month”.

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 323) to designate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 323) entitled “An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE. This Act may be cited as the “Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999”.

SEC. 2. FINDINGS. Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife characteristics that are largely unexplored, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewed and scenic quality of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument is worthy of additional protection as a national park and that this Act is consistent with the Goals of the National Monuments careless the protection of the resources and expanded visitor use opportunities; and

(7) the benefit of designating public and private land adjacent to the Black Canyon of the Gunnison National Monument as a national park shall be threatened by future development pressures;

(8) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(9) the benefit of designating public and private land adjacent to the Black Canyon of the Gunnison National Monument is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Black Canyon of the Gunnison National Monument is—

SEC. 3. DEFINITIONS. In this Act:

[Further text not transcribed]
(1) CONSERVATION AREA.—The term “Conservation Area” means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge National Monument, as established on the Map.

(2) MAP.—The term “Map” means the map entitled “Black Canyon of the Gunnison National Monument” approved August 21, 1996, and the map entitled “Black Canyon of the Gunnison National Monument” approved August 21, 1996, as described in paragraph (1) of this Act.

(3) PARK.—The term “Park” means the Black Canyon of the Gunnison National Monument as established on the Map.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the Map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the United States Senate and the Committee on Resources on Energy and Natural Resources of the United States House of Representatives.

(b) ACQUISITION OF PROPERTY.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the Map for inclusion in the boundaries of the Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States House of Representatives and the Committee on Resources on Energy and Natural Resources of the United States Senate and the Committee on Resources on Energy and Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical errors, omissions, or ambiguities therein without the consent of the owner of the land.

(d) GROUND SURVEYS.—The Secretary shall, at any time prior to the date of the enactment of this Act, conduct ground surveys in the Conservation Area to determine the appropriate uses and boundaries of the Conservation Area.

(e) ZONING OF LANDS.—The Secretary shall, at any time prior to the date of the enactment of this Act, establish special use zones, including zoning for the protection and management of the Conservation Area.

(f) HUNTING, TRAPPING AND FISHING.—(1) The Secretary may permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning safety, public safety, or public welfare.

(3) PARK USE.—The Secretary may permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—(1) By this Act the Secretary may acquire land or interests in land depicted on the Map as added properties.

(b) METHOD OF ACQUISITION.—(1) Except as provided in section 4 of this Act, the Secretary may acquire land or interests in land by—

(i) purchase with donated or appropriated funds; or

(ii) exchange.

(c) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(d) BOUNDARY REVISION.—After acquiring land or for the Park, the Secretary shall—

(i) review the boundary of the Park to include newly-acquired land within the boundary; and

(ii) if necessary, the Secretary shall, after consultation with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources on Energy and Natural Resources of the United States House of Representatives, acquire any additional lands necessary to accomplish the purposes for which the Conservation Area was established.

(e) EASEMENTS.—The Secretary shall acquire necessary easements on lands within the Conservation Area for the purpose of providing public access and for other purposes. The Secretary shall acquire necessary easements on lands within the Conservation Area for the purpose of providing public access and for other purposes.

(f) TAKINGS.—The Secretary shall acquire necessary easements on lands within the Conservation Area for the purpose of providing public access and for other purposes.

(g) DISPOSAL.—The Secretary shall dispose of lands within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—(1) By this Act the Secretary may acquire land in the Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94–567 (90 Stat. 1781), to include the parcel of land depicted on the Map as “Tract A” and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.—The Congress hereby establishes the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geo-thermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning safety, public safety, or public welfare.

(e) GAZING.—(1) Consistent with the requirements of this subsection, including the limitations set forth in paragraph (2) of this subsection, the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act, grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(2) ADMINISTRATION.—The Secretary shall—

(i) determine the appropriate uses and boundaries of the Conservation Area; and

(ii) issue regulations designating zones where and establishing periods when no grazing shall be permitted for reasons concerning public safety, public welfare, or public safety.

(f) EASEMENTS.—The Secretary shall acquire necessary easements on lands within the Conservation Area for the purpose of providing public access and for other purposes.

(g) DISPOSAL.—The Secretary shall dispose of lands within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, comprising approximately 17,700 acres, as generally depicted on the Map.
(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for re-lease from section 603 of the Federal Land Pol-cy and Management Act of 1976 (43 U.S.C. 1712) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVA-TION AREA.—The portion of the wilderness study area area depicted on the Map entitled ''Proposed Additions to the Curecanti National Recreation Area,'' dated 01/25/99, totaling approximately 1,065 acres and entitled ''Hall and Fitti properties''.

PROPOSED ADDITIONS TO THE CURECANTI NATIONAL RECREATION AREA.

(2) express an express or implied reservation of water for any purpose; or

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is nec-essary for the purposes of this Act shall be es-tablished in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Theclerk will report the resolution by unanimous consent that the Senate agree to the amendment of the House. The PRESIDING OFFICER. Mr. President, I ask unan-imous consent that the Senate agree to the amendment of the House.

Mr. LOTT. Mr. President, I ask unan-imous consent that the Senate agree to the amendment of the House. The PRESIDING OFFICER. The PRESIDING OFFICER. The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution, S. Res. 194, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 194

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and deter-mination of the people of Taiwan has been displayed since the earthquake;

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathy to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earth-quake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other re-ligious agencies; and

(4) recognizes and encourages the impor-tant assistance that also could be provided by foreign countries to alleviate the suf-fering of the people of Taiwan.

ASSISTANCE TO VICTIMS OF HURRICANE FLOYD

Mr. LOTT. Mr. President, I ask unan-imous consent that the Committee on Environment and Public Works be discharged from further consideration of
S. Res. 188, and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1890

Mr. LOTT. Mr. President, Senator EDWARDS and Senator HELMS have an amendment at the desk to the resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. EDWARDS, and Mr. HELMS, proposes an amendment numbered 1890.

On page 4, line 14, after “Maryland,” insert “Delaware,”.

Mr. LOTT. Mr. President, let me say that I live in an area of Mississippi that has also had to deal with hurricanes. Three of them have hit my hometown over the last 15 years. We have had to deal with droughts, ice storms, floods, and everything but the plague and locusts. I know how difficult it is for people who are faced with disasters such as the one with which North Carolina is now dealing. I know how tough it is for the people who are trying to dig out from under mud, with dead carcasses, and all that goes with disasters.

All of us extend our sympathy to the people of North Carolina and want to reassure them that the Federal Government will do its part, as we always do when people are hit by natural disasters.

Mr. President, I ask unanimous consent that the amendment be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 1890) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

Whereas the evacuation caused severe disruptions to the businesses and lives of the people of Florida, Georgia, South Carolina, and North Carolina coast;

Whereas in the early morning hours of September 16, 1999, Hurricane Floyd made landfall at Cape Fear, North Carolina, dumping up to 18 inches of rain on sections of North Carolina only days after the heavy rainfall from Hurricane Dennis and producing the most recorded flooding in North Carolina history;

Whereas after making landfall, Hurricane Floyd continued to move up the eastern seaboard causing massive flooding and massive damage in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, and Connecticut;

Whereas portions of Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia have been declared to be Federal disaster areas under the Stafford Act and Emergency Act (42 U.S.C. 5121 et seq.);

Whereas Hurricane Floyd is responsible for the known death of 65 people;

Whereas 45 people are confirmed dead in North Carolina, with many people still missing;

Whereas 4 people were killed in New Jersey, 2 people in New York, 6 people in Pennsylvania, 4 people in Virginia, 2 people in Delaware, 1 person in Connecticut, and 1 person in Vermont;

Whereas as the flood waters recede, the death toll is expected to increase;

Whereas the rainfall resulting from Hurricane Floyd has caused widespread flooding in North Carolina along the Tar River, the Neuse River, and the Cape Fear River, among other rivers, in Connecticut along the Still River, in Virginia along the Nottoway River and the Blackwater River;

Whereas some of the rivers are expected to remain at flood stage for more than a week;

Whereas the floods are the worst seen in North Carolina in 80 years;

Whereas the flood level on the Tar River exceeds all previous records by 8 feet;

Whereas flood waters engulfed cities such as Tarboro, North Carolina, Franklin, Virginia, Bound Brook, New Jersey, and Danbury, Connecticut;

Whereas tens of thousands of people have fled to shelters scattered throughout North Carolina, South Carolina, New York, New Jersey, and Virginia;

Whereas thousands of people remain isolated, surrounded by water, in their homes in North Carolina and Virginia;

Whereas approximately 50,000 homes have been affected by the hurricane, and many of those homes will ultimately be condemned as uninhabitable;

Whereas water supplies in New Jersey, New York, North Carolina, South Carolina, and Virginia have been severely disrupted, and, in many cases, wells and private water systems have been irreparably contaminated;

Whereas hundreds of thousands of homes and businesses have lost electric power, telephone, and gas service as a result of Hurricane Floyd;

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected; Now, therefore, be it

Resolved, SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD. It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of their efforts in time of disaster;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided assistance and comfort for the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS. To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renew damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 235, 247, 248, 249, 258 through 266, and all nominations on the Secretary’s desk in the Coast Guard and the National Oceanic and Atmospheric Administration.

I further ask unanimous consent that the nominations be continued to the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the
NATIONAL CONSUMER COOPERATIVE BANK
Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

NUCLEAR REGULATORY COMMISSION
Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004.

COAST GUARD
The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

- To be rear admiral (lower half)
  Capt. Ralph D. Utley, 0000
  Rear Adm. (ih) Carlton D. Moore, 0000
  Rear Adm. (ih) James A. Kinghorn, Jr., 0000
  Rear Adm. (ih) Erroll M. Brown, 0000

The nominations were considered and confirmed as follows:

To be rear admiral (lower half)
Capt. James W. Underwood, 0000
The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

- To be rear admiral (lower half)
  Capt. James C. Olson, 0000
  NOMINATIONS PLACED ON THE SECRETARY’S DESK

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Ernest J. Finke, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.
National Oceanic and Atmospheric Administration nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMPREHENSIVE TEST BAN TREATY
Mr. LOTT. Mr. President, I want the Senate to know we are still working to get an agreement to take up consideration of the Comprehensive Test Ban Treaty. We originally wanted to bring it up next week on October 6. That was objected to by the Democratic leadership. They indicated they thought more time was needed and they needed more time designated for debate. We have now offered to begin on October 8, next Friday, with debate. The debate would go up to 14 hours. We will conclude action on that treaty no later than the close of business on Tuesday, October 12.

We are willing to agree to more time on behalf of the leader’s amendments if that is necessary. I believe the Democratic leader has indicated his willingness to go to the treaty debate on the 8th and be on it the 12th and conclude it by the 12th, but we are still working on details.

There were statements made by the President of the United States in 1998, I believe in his State of the Union Address, and again in 1999, that he wanted the Senate to take up the treaty. I have statements from a number of Democratic Members of the Congress calling for this to be done.

We have said to our colleagues on the other side of the aisle we don’t think this is a good treaty; we think it puts safety in jeopardy; we think it puts us in a weakened condition internationally; and we think it is dangerous. However, since there have been calls and demands for a vote, we have offered to vote, and we have offered two different dates. We have offered time and more time.

I am a little bit puzzled why the Democrats now are saying: We don’t want to vote. I presume they are saying it because it may fail. The Senate will have a debate, and the Senate will vote. If there is not a two-thirds vote, it is over; it is defeated.

It is hard for me to understand. Do they want it or not? Do they want to debate or not? Do they want to vote or not? I think it shows a little bit about what has been going on all along.

I want to assure the Senate, there will be some hearings in the Armed Services Committee with experts in this field. There will be plenty of information on the record. If they want a vote, let’s vote; if they don’t, let’s move on. I don’t want to hear more about it for a while.

Having said that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The legislative assistant proceeded to call the roll.

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

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

COMMENDATIONS TO THE PRESIDING OFFICER
Mr. LOTT. Mr. President, I commend the Presiding Officer on what an outstanding job he is doing. We appreciate the fact that on this beautiful Friday afternoon, approaching 3 o’clock, the distinguished Senator from Kentucky is here, on duty, and enjoying every moment of it.

Now, may I proceed to the closing? Thank you for not responding, Mr. President, to my comments.

ORDERS FOR MONDAY, OCTOBER 4, 1999
Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 4. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m. with Senators speaking for up to 10 minutes each, and the time equally divided between the two leaders, or their designees.

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

PROGRAM
Mr. LOTT. I remind Senators that on Monday, at 5:30 p.m., the Senate will proceed to the Transportation appropriations conference report, and a vote will occur immediately on adoption of that conference report, so there will be at least one recorded vote at 5:30 on Monday, and it is on the Transportation appropriations conference report. I think a lot of credit, once again,
goes to our Transportation appropriations subcommittee members. Senator Shelby of Alabama has done a great job with a very important bill.

There may be other votes. There could be a vote on or in relation to relevant amendments on the FAA reform bill. There is an indication that bill will be debated early in the day Monday. It could be that an amendment or amendments will be available for consideration at that time. But I wanted Senators to be on notice we do have the one vote for sure.

Also, all Senators should be aware we will convene at 12 noon and will have a period for morning business until 12:30. We will take up the FAA reform bill the remainder of that day, then, on Monday, until 4:30, when we will go to. I believe it is, the judicial nominations discussion. We will very likely have recorded votes on Tuesday morning, and then we do have an agreement, I believe, to have recorded votes on three nominations at 2:15 on Tuesday.

For the remainder of the week, the Senate will continue debate on the FAA reform bill and complete its action on Tuesday. Then we will return to the Labor-HHS appropriations bill and consider nominations and conference reports that are available. I understand that the Agriculture appropriations conference report will be available on Monday. We could have that on the day we convene, or the recorded vote is necessary. We are hoping the Interior appropriations bill will be on the heels of that one, and I believe we are still waiting for the foreign operations conference report. We will interrupt or take as quick action as possible on the conference reports once they are received and we get notification that we intend to have a vote.

I do have one further unanimous consent request. I wanted the distinguished Senator from South Dakota to be here. I am continuing to work to see if we can get an agreement to vote on the test ban treaty.

UNANIMOUS CONSENT AGREEMENT—COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m. on Wednesday, October 6, the Senate's Armed Services Committee be discharged from further consideration of Treaty Document 105-28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I should note, there is something that was requested by the Democratic leadership, and we think it is a reasonable request.

I further ask consent that at 9:30 a.m. on Friday, October 8, the Senate begin consideration of Treaty Document 105-28 and advance the treaty through the various parliamentary stages, up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader.

There was a request for additional time for that debate. Therefore, I ask consent that there be a total of 14 hours of debate on the treaty itself, to be equally divided in the usual form, and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order, and that amendments be filed at the desk 24 hours before they are called up.

I think it is fair. If we are going to have an amendment on our side and the other side, we need some notification of its content.

There was a thought we might need additional time for discussion on those amendments. Therefore, I ask there be a time limitation of 4 hours equally divided on each amendment, in addition to the 14 hours, for a total of 18 hours over a 2-day period, but spread over a period of time that I believe will run about 6 days.

I further ask consent that following the use or yielding back of time and disposition of the amendments, the Senate proceed to vote on the adoption of this amendment. As amended, if amended, on any intervening action or date.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, and I will not object, I think this unanimous consent request represents progress from the first request made by the majority leader. But I still believe this procedure is unfair, and I would even say dangerous.

This is the most significant treaty with which we will deal on nuclear proliferation maybe in the time that the majority leader and I will be leaders. We are going to be taking this up on the Senate without one hearing in the Foreign Relations Committee.

We have looked back. We do not know when that has ever happened, before when the Foreign Relations Committee has not acted upon a treaty, even though it has been pending for 2 years. We are hoping that the Committee on Armed Services will take up the treaty next week, but I believe that alone is irresponsible. But we believe we have no choice. Our choice is to send the treaty. The congressional instruction that this treaty is not important, it does not even deserve a hearing, or to send the message, God forbid, that the Senate would reject this treaty and say it was not the U.S. intention to send the message around the world that we will ban nuclear weapons testing. Those are the options on the negative side.

On the positive side, the option might be between now and October 12, we can convince the necessary two-thirds of the Senate to support this treaty. We still hope, we believe, that might be within our reach. But I know what some of the debate will be, and the President Officer or the majority leader will mark my words. We will hear somebody say this treaty is not verifiable, in spite of the fact that expert after expert has noted that it is verifiable, but there will have been no hearings to verify the fact that, indeed, this treaty is subject to all the verification elements required of a treaty of this kind.

We are going to hear all kinds of complaints and all kinds of allocations and rumors about what this treaty does or does not do, and when you do not have hearings, that is what is going to happen.

So we are extremely disappointed with the way this has been handled. As I said, I believe it is irresponsible and dangerous. But we also note this may be the best we can get, and if it is the best we can get, as troubled as we are, we will take it. We will have our day in court. We will make our best arguments. We will let the judgment of this Senate prevail.

If it is very hopeful the administration will be engaged. I am very hopeful those who care as deeply as we care about this issue will join us in making the arguments and in dealing with the issue. I also say it is my intention, as Democratic leader, to ask hearings of my own as part of the Democratic Policy Committee to ensure that we do have experts in Washington to express themselves. We will do that at the appropriate moment. I do not object, but I must express very grave reservations.

Mr. LOTT. Has the Chair ruled?

The PRESIDING OFFICER (Mr. Roberts). Is there objection to the leader's request?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I appreciate the Democratic leader has agreed to this request. We have worked back and forth now over 2 or 3 days. This is a fair approach, especially with the two leaders' amendments, if they are needed, and a guarantee we will file them in time to take a look at them.

It is serious. I take it very seriously. I do want to make the Senator aware that at least one chairman has notified me he intends to have three hearings before the final vote—Senator Warner of the Armed Services Committee, which certainly has an interest in this because of what it does involve, weapons.

I believe—I cannot confirm the exactness of these dates or that they will be able to do them all—he is thinking in terms of hearings on the 6th, 9th, and 12th, and that is a committee which has a great deal of jurisdiction. I do not know yet if Senator Helms plans additional hearings before the 12th, although certainly that is a possibility now that we have a time agreed to.

In addition, I understand there have been discussions with regard to this treaty before the Foreign Relations Committee on February 10, 1998; May 13, 1998; June 3, 1998; June 18, 1998; July 13, 1998; February 24, 1999; and March 23,
1999. Perhaps it was not a full-blown hearing just on that subject; I cannot say, but I refer to these dates that were included in the RECORD just yesterday by Senator HELMS.

There will be at least a couple, if not more, hearings in the appropriate committee or committees prior to the final vote.

I see Senator WARNER is here. He might want to comment on his thinking as to the witnesses and how he plans to proceed.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with my distinguished leader and Senator HELMS, we met today for the better part of an hour—and through Senator LEVIN. As my colleague knows, he is absent for reasons of a personal need today. We have carefully laid the foundation for a very thorough hearing by the Armed Services Committee. Our committee has supervision over the stockpile, originally the stockpile is a central body of fact which I urge each Senator to study very carefully.

What we have proposed to do on Tuesday of next week is to have the experts from the Central Intelligence Agency and various laboratories, in closed hearing to lay out the facts with regard to this stockpile. The following Wednesday, we are going to invite the Secretary of Defense, the Chairman of the Joint Chiefs, and former Secretaries of Defense and former Chairmen of the Joint Chiefs, and Senator LEVIN, of course, will have his selection of witnesses.

The following day, on Thursday, we again, with the directors of the laboratories and others, will cover more details about the stockpile issue and the efforts by this country to put in place testing to be a substitute—that is, computer analysis, and so forth, as a substitute for actual testing.

Our committee will have a very thorough set of hearings. We will distill the facts, provide them for the record, and bring them to the respective leaders, and hopefully perhaps the Senate, as a whole, can consider parts or all of this important testimony.

Mr. LOTT. I thank Senator WARNER for that information and for his plan and for his working and discussing this with Senator HELMS. I believe it will add a great deal of vital and interesting information for the Senate, and I am very pleased with the testimony based on what he just said on both sides of the issue. That will be helpful.

I have no further business at this time.

Mr. President, does Senator DASCHLE have anything further at this time?

Mr. DASCHLE. Mr. President, I do not. I appreciate the majority leader yielding.

The majority leader made reference to meetings with the CTBT, which has been discussed. Certainly we were not in any way acknowledging that this issue has never come up. But I think it is important for the record, once again, to say that in the time that this treaty has been before the Senate, not one hearing has been held.

I am grateful for the chair of the Armed Services Committee at least taking this initiative, as late as the date may be. It is now to be a very comprehensive set of hearings. That will be helpful.

But I must say, it is equally irresponsible for us to be here at this moment when the committee and the jurisdiction has held hearings on an issue of this import and then ask our colleagues—the Senate—to pass judgment.

The majority leader knows we have attempted to bring the Senate to this point now for some time. We are pleased that we have made this progress. But, frankly, this isn’t the way to do it. We should have had hearings in the committee. We are glad we are having hearings in the Armed Services Committee. But to rush to judgment on an issue of this importance is not the way to do business.

I yield the floor.

Mr. WARNER. Mr. President, I say most respectfully to my good friend, the minority leader, each year the Armed Services Committee reviews the stockpile issues. Each year we go through our normal oversight hearings. A part of it relates to the very issues that we will again bring to the Senate by virtue of the hearings in our committee and the record that we will put together.

So I must say, most respectfully, our committee annually looks at these issues. So for members of our committee, and to the extent others have been interested, in fact, the record is there.

Mr. DASCHLE. Mr. President, let me just respond quickly.

I acknowledge that. But I believe there is a huge difference between looking at the issue of stockpile and looking at the importance of the treaty per se, that the treaty, and whether or not we ought to ratify a treaty, whether or not we ought to send the message to the rest of the world that we want them to ratify the treaty, whether the treaty is in our long-term interests, and what the ramifications of the treaty are. That is what I am suggesting ought to be the subject of these hearings.

We ought to be looking at stockpiles, and we ought to be looking at the ramifications of our current nuclear weaponry. And certainly, the chairman has done an admirable job of that, as has the committee as a whole, but we have not held hearings until now. I think they are long overdue. I think we as a Senate have made a very big mistake in calling this treaty to the floor prior to the time we have had that kind of consideration in the Foreign Relations Committee or, for that matter, in the Armed Services Committee.

Mr. LOTT. Mr. President, if I could respond on that.

I do think that a critical part of our decision involves the armed services aspect of it. The review of nuclear weapons—what their condition is, what it will be, what it means for the future—that is at the heart of the concerns that a lot of Senators have, including this Senator. I have enough background, having been on the Armed Services Committee in the House and the Senate, to be able to assess, as most Senators, after reading the documentation, the ramifications around the world.

But if we cannot be assured of the safety and the reliability of these weapons, then that goes right to the heart of the whole issue. Before you get to discussion about what it means to Pakistan or India or North Korea, you need to know what is going to happen over a period of time in terms of safety, the risk to people in the areas, or the surety that we will have these weapons, if, in fact, we do need them.

I say to Senator WARNER, you and I have discussed this already. I know that is a big part of what you are saying. Mr. WARNER. Mr. President, my concern, as you have said, is a decade hence. Will there be some leader in the world or, indeed, some rogue or some other individual who wants to challenge our country who will have any basis to believe we have less than 100 percent reliability in that arsenal of weapons we will have in a decade or 15 years out? That is the critical period of time.

I say to my good friend, Senator DASCHLE, everyone knows my very strong opposition to this treaty. Frequently, colleagues on both sides of the aisle engage me in informal debate of what it is about the treaty, what it is about the facts that lead me to this conclusion.

So, yes, perhaps we could have been more formalized at some point in time. But I think it is important that we focus on it at this critical time, and that we are going to have very thorough hearings in our committee. I have looked over the hearings of the Foreign Relations Committee over the year and they, indeed, covered many of the subjects relating to this treaty in that period of time.

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:09 p.m., adjourned until Monday, October 4, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1999:

UNITED STATES POSTAL SERVICE

ALAN CRAIG KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2008, VICE J. SAM WINTERS.
CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1999:

NATIONAL CONSUMER COOPERATIVE BANK

HARRY J. ROWE, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

INTERNATIONAL ATOMIC ENERGY AGENCY

REAR ADM. (LH) ROY J. CASTO, 0000.
REAR ADM. (LH) JAMES S. CARMICHAEL, 0000.
REAR ADM. (LH) DAVID S. BELZ, 0000.
REAR ADM. (LH) CARLTON D. MOORE, 0000.
REAR ADM. (LH) JAMES A. KINGHORN, JR., 0000.
REAR ADM. (LH) ERROLL M. BROWN, 0000.
REAR ADM. (LH) DAVID S. BELZ, 0000.
REAR ADM. (LH) JAMES S. CARMICHAEL, 0000.
REAR ADM. (LH) ROY J. CASTO, 0000.
REAR ADM. (LH) JAMES A. KINGHORN, JR., 0000.
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