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Senate

The Senate met at 9:30 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. John C. Compton, First Baptist Church of Alexandria, VA. He is the guest of Senator HELMS.

We are delighted to have you with us.

PRAYER

The guest Chaplain, Dr. John C. Compton, offered the following prayer:

Let us pray.

Heavenly Father, we thank You for the privilege of bowing our heads today and acknowledging You as our Creator Lord. We confess that we are dependent upon You completely for everything. Father, we ask for Your leadership on this day. We pray for each man and woman in the Senate, Father, that You would give them wisdom and courage and insight as they are about to deliberate on national and international affairs. Heavenly Father, we thank You for the wisdom of Your word that teaches us that the supreme principle of life is to love the Lord our God with all our heart, mind, and soul and to love our neighbors as ourselves. Father, may this principle of love guide everything the Senate does today. And, Dear Lord, we ask that You bless each Senator with a measure of health and fulfillment as they serve You, for we pray in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ASHCROFT, a Senator from the State of Missouri, 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 Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I compliment the distinguished leader of the prayer, and I compliment the President pro tempore.

I will be glad to yield to my distinguished colleague from North Carolina.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Carolina is recognized.

GUEST CHAPLAIN JOHN C. COMPTON

Mr. HELMS. Mr. President, the inspiring prayer which Senators just heard was delivered by the remarkable Dr. John C. Compton, whose church is the home church for Dot Helms and me when the Senate is in session.

The congregation at First Baptist Alexandria includes many good folks from North Carolina, with relatives in our State. Dr. Compton has been senior pastor at First Baptist Alexandria since June 1997, and what an enormous impact he has had. His powerful sermons are always meaningful and helpful. Young adults are flocking to the various services and other events at his church. Dr. Compton's messages to all who hear him are straight from the Bible. He dares to address with candor the moral and spiritual breakdown so evident in America today. That is because his message, without exception, emphasizes the hope available to all who will follow and embrace the precepts and faith of our Founding Fathers.

John and Teresa Compton have two daughters, Sarah and Rachel. Dr. Compton's father, deceased, and his mother served as missionaries in Brazil for a quarter of a century beginning in 1950.

Numerous staff members from Capitol Hill attend First Baptist Alexandria, including several from my own office. A warm welcome is extended to the Senate's guest Chaplain for today, Dr. John C. Compton. And for my part, Mr. President, I am genuinely grateful for what this remarkable minister has meant to Dot Helms and me and countless others.

I thank the Chair and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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

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

The legislative assistant 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.

Pending:

Abraham (for Coverdell) amendment No. 1828, to prohibit the use of funds for any program for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that we will proceed now to the consideration of the bill on Labor, Health and Human Services, and Education. The pending amendment is one offered by the distinguished Senator from Michigan, Mr. ABRAHAM.

We are culling the list, and we have it now in reasonable shape so that I do believe that if we are able to have a

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

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couple of very contentious amendments not acted upon and proceed promptly, we can complete action on this bill today.

The leader has asked me to announce that following completion of the Labor-HHS appropriations bill, it is the intention of the leader to consider the Agriculture appropriations conference report, and the Senate may also consider any other conference reports available for action.

When we move beyond Senator ABRAHAM's amendment, the next amendment to be offered is by Senator BINGAMAN. It is hoped that we could get reasonably short time agreements.

I would ask if we may proceed now, as we had on so many matters yesterday, with a 30-minute time agreement equally divided on this pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object for just a moment, could we look at it for a second, the second degree?

Mr. ABRAHAM. Here is a copy.

Mr. SPECTER. While the Senator from Minnesota and the Senator from Nevada are taking a look at it, Mr. President, this would be a good time for me to say that we hope that anyone who wishes to offer amendments will come to the floor promptly so that we can inventory the amendments and try to establish time agreements. We are going to have to move very expeditiously without quorum calls if we do have any realistic chance of finishing the bill today.

Mr. WELLSTONE. Mr. President, the time agreement is fine on our side.

Mr. SPECTER. Thirty minutes equally divided, Mr. President.

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

Mr. WELLSTONE. Thirty minutes equally divided on the second degree.

Mr. SPECTER. The same agreement we had yesterday with respect to 30 minutes on second degrees.

The PRESIDING OFFICER. Without objection, the time on the second-degree amendment will be 30 minutes equally divided.

Under the previous order, the Senator from Michigan, Mr. ABRAHAM, is recognized to speak on amendment No. 1828.

Mr. ABRAHAM. Mr. President, before I speak, may I clarify, I believe I am speaking on the second-degree amendment?

The PRESIDING OFFICER. The second-degree amendment has not been offered.

AMENDMENT NO. 2269 TO AMENDMENT NO. 1828

(Purpose: To prohibit the use of funds for any program for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug)

Mr. ABRAHAM. Mr. President, I call up amendment No. 2269.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. COVERDELL, Mr. GRASSLEY, Mr. ASHCROFT, and Mr. SMITH of New Hampshire, proposes an amendment numbered 2269 to amendment No. 1828.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. This provision shall become effective one day after the date of enactment.

Mr. ABRAHAM. Mr. President, I rise to join Senator COVERDELL in offering this amendment to the Labor, Health and Human Services appropriations bill. Our amendment would prohibit the expenditure of taxpayer dollars on programs that provide free hypodermic needles to drug addicts.

In the past, President Clinton, through his Secretary of Health and Human Services, Donna Shalala, has tried to lift the ongoing ban on federal funds for needle exchange programs. His reasoning? Such programs could reduce the rate of HIV infection among intravenous (IV) drug users without increasing the use of drugs like heroin.

Unfortunately, the evidence we have to date suggests that each of these suspicions is wrong. We now know beyond a reasonable doubt that needle exchange programs actually increase both the rate of HIV infection and the use of IV drugs.

What is more, they send the wrong message to our children. And they hurt our communities.

This administration has claimed a great deal of credit for the recent drop in some categories of drug use.

I don't want to downplay the progress that has been made over the last year.

But we must keep in mind that the improvements were small, and that this administration has a lot of work to do before it can bring us back to the levels of drug use achieved in 1992, the year before President Clinton took office.

The percentage of 8th, 10th, and 12th graders who had used an illicit drug during the previous 30 days dropped between 1997 and 1998, by 0.8 for 8th graders, 1.5 for 10th graders and 0.6 for 12th graders percentage points.

But levels of drug use remain substantially higher than in 1992—in some instances almost twice as high.

In 1992, 6.8 percent of 8th graders, 11 percent of 10th graders, and 14.4 percent of 12th graders reported having used an illicit drug within the past 30 days.

By 1998, even with recent dips, those figures ranged from 12.1 percent for 8th graders to 21.5 percent for 10th graders to 25.6 percent—more than one in four 12th graders.

Now is not the time, Mr. President, to let our guard down in the war on drugs. As we continue to fight our difficult battle with drug abuse, the last thing we need is for Washington to send the message that drug use is okay.

Let me very quickly review some of the overwhelming evidence that has made it crystal clear that needle exchange programs are inherently ill-considered and doomed to failure.

First, we now know that needle exchange programs encourage drug use: Deaths from drug overdoses have increased over five times since 1988.

In addition, we now have clinical studies, including one conducted in Vancouver and published in the Journal of AIDS. That study showed that deaths from drug overdoses have increased over five times in that city since needle exchanges began in 1988. Vancouver now has the highest death rate from heroin in North America.

Such terrible statistics should not surprise us given the lack of basic, commonsense logic in needle exchange programs.

Mr. President, giving an addict a clean needle is equivalent to giving an alcoholic a clean glass.

And once we lose sight of this logic, we have already lost the war on drugs. We have, in effect, handed our streets over to people who do not believe that we should win that war.

Let me cite just one example of the recklessness with which so many of these programs are run. The New York Times magazine in 1997 reported that one New York City needle exchange program gave out 60 syringes to a single person, little pans to ''cook'' the heroin, instructions on how to inject the drug, and a card exempting the user from arrest for possession of drug paraphernalia.

But needle exchange programs do not have to be run recklessly in order to encourage drug use.

Dr. Janet Lapey with Drug Watch International recently quoted pro-needle activist Donald Grove, who pointed out that ''most needle exchange programs . . . Serve as sites of informal organizing and coming together. A user might be able to do the networking needed to find drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.''

It's just common sense, Mr. President. If you give an addict more needles, he will use them, drug use will increase, and so will the dying.

And that includes deaths from HIV/AIDS. We now know that needle exchange programs actually increase the spread of this dread disease.

For example, a Montreal study was published in the American Journal of Epidemiology. It found that intravenous drug users in a needle exchange program were more than twice as likely to become infected with HIV as addicts not using such a program.

And the figures from the Vancouver study are astounding. When the Vancouver needle exchange program started in 1988, 1 to 2 percent of drug addicts in that city had HIV. Now 23 percent of drug addicts in Vancouver have HIV.

To put it succinctly, Mr. President, we now know that needle exchange programs are bad for drug users. They promote this deadly habit and they promote the spread of HIV.

But we know more, Mr. President. We also know that needle exchange programs send the wrong message to our kids:

Let me quote President Clinton's own drug czar, General Barry McCaffrey, who said ''the problem is not dirty needles, the problem is heroin addiction. . . . The focus should be on bringing help to this suffering population—not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.''

Mr. President, needle exchange programs undermine our drug fighting efforts, and they undermine the very rule of law we all depend on for our safety and freedom.

I urge my colleagues to support our amendment to prohibit taxpayer dollars from being spent on needle exchange programs.

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

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. 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. SPECTER. 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. SPECTER. Mr. President, in the absence of anyone seeking recognition, I ask unanimous consent that the quorum call be charged equally.

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

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, the Senate bill language, as it currently reads, is as follows: Notwithstanding any other provision of this act, no funds appropriated under this act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the illegal use of drugs.

The amendment, which is now pending, would strike the discretion of the Secretary to make a determination that such a program would be effective in preventing the spread of HIV and would not encourage the use of illegal drugs.

This issue on needle exchange is a highly emotional issue. There is no doubt the reuse of needles by drug addicts does result in the infection of more people with HIV/AIDS. The Secretary of Health and Human Services has never used this waiver language to make a determination that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs. There is dispute on whether clean needles would, in fact, prevent the spread of HIV and whether clean needles would—in fact, could—be used without the encouragement of the use of illegal drugs.

It is the view of the subcommittee and the full committee, which passed this in its present form, that question ought to be left open to the Secretary of Health and Human Services, who has never used this exception and is not likely to use it promiscuously but only if there was a very sound scientific base for doing so. My own preference is to continue the discretion of the Secretary to be able to make this waiver, if the facts and figures show that such a needle exchange would not encourage the use of illegal drugs, that such a legal exchange would prevent the spread of HIV/AIDS.

There is some concern within the community that is interested in having needle exchange that raising this issue again may lead to some broader prohibition, which might even reach private groups. I think that is highly unlikely. But those are concerns that we are trying to resolve in deciding what step to take with response to the Abraham amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, with the support of this side, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me just support the remarks of my colleague from Pennsylvania, Senator SPECTER. I understand all the emotion that surrounds this issue, but I think it would be a profound mistake on our part to now pass an amendment that would take away an important discretion from the Secretary of Health and Human Services as to whether or not the needle exchange program is badly needed and would be effective in some of our local communities. I think to have an across-the-board prohibition without taking a really close look at this question could have tragic consequences.

So I say to my colleagues I think if we no longer enable the Secretary of Health and Human Services to have some discretion and to know when Federal funds would make a huge difference, and to make sure this is all being done in an above-board manner, then I think we are passing a prohibition which, in personal terms, will translate into more of our citizens—many of them inner city, many poor, and too many of them children—becoming HIV infected and dying from AIDS. I rise to support the comments of my colleague from Pennsylvania.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, after consulting with the distinguished ranking member, Senator HARKIN, and listening to the comments of the Senator from Minnesota, it is the judgment of the managers that prudence would warrant accepting the Abraham amendment on a voice vote, if that is acceptable to the distinguished Senator from Michigan.

Mr. ABRAHAM. Mr. President, I appreciate the offer. I think we would be prepared to accept a voice vote. My colleague from Georgia is here and had planned to speak briefly on the amendment. So I defer to him if he wishes to have up to 5 minutes.

Mr. SPECTER. Mr. President, before the Senator from Georgia speaks, I want to propound a unanimous consent request. We have Senator BINGAMAN present now. His amendment will be the next one offered. I ask unanimous consent that there be 40 minutes equally divided on the Bingaman amendment, subject to the same terms and conditions on the other time agreements.

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

The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I will just be a moment and yield to the Senator from Michigan so he might call for a voice vote on his amendment.

I want to just quote the administration's own drug czar, General McCaffrey. He said:

> As public servants, citizens, and parents, we owe our children an unambiguous no use message. And if they should become ensnared in drugs, we must offer them a way out, not a means to continue addictive behavior.
>
> The problem is not dirty needles, the problem is heroin addiction . . . the focus should be on bringing help to this suffering population—not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

James Curtis, a professor of psychiatry at Columbia University Medical School and Director of Psychiatry at Harlem Hospital, said:

> [Needle exchange programs] should be recognized as reckless experimentation on human beings, the unproven hypothesis being that it prevents AIDS.
>
> Addicts are actively encouraged to continue to inject themselves with illegal drugs, and are exempted from arrest in areas surrounding the needle exchange program.

I can go on and on with expert people involved in the drug war. This is a good amendment. I am pleased that the other side has decided to adopt it. I

compliment the Senator from Michigan for bringing it to the floor.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I believe we had a previous acknowledgment of moving to a voice vote.

Before we do, I thank the Senator from Georgia for his leadership on this issue. Again, our goal is to send a clear message to the children of this country that the Federal Government will not be supporting, in any way, programs that would seem to lead to increases in the uses of drugs, as well as HIV, as it appears in studies.

At this point, I am prepared to yield the remainder of our time.

Mr. REID. The minority yields back our time.

Mr. COVERDELL. As does the majority.

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

The amendment (No. 2269) was agreed to.

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

The amendment (No. 1828), as amended, was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

AMENDMENT NO. 1861

(Purpose: To ensure accountability in programs for disadvantaged students)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY, proposes an amendment numbered 1861.

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

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

The amendment is as follows:

On page 52, line 8, after ''section 1124A'', insert the following: ''*Provided further,* That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965.''

Mr. BINGAMAN. Mr. President, first let me yield myself 6 minutes off of my time at this point.

I am offering this amendment on behalf of myself, Senator JACK REED from Rhode Island and JOHN KERRY from Massachusetts, and I believe they will both be here, I hope, to speak on behalf of the amendment as well.

This amendment is intended to ensure greater accountability in our educational system and in the expenditure of title I funds. Let me make it very clear to my colleagues at the very beginning of this debate, this amendment does not add money to the bill. Instead, it tries to ensure that a small portion of the title I funds that we are going to appropriate in this bill are spent to achieve greater accountability and improvement in the schools that are failing, about which we are all so concerned.

I think we can all agree that greater accountability in our schools is an imperative. It is particularly important to have this accountability where high concentrations of disadvantaged students are in order to ensure that all students have some semblance of equal educational opportunity. Although most States have adopted statewide standards, they have not directed adequate resources to schools that are failing to meet those new standards. Dedicated funds are necessary in order to develop improved strategies in those schools and create rewards and penalties that will hold schools accountable for continuous improvement in their students.

The Federal Government directs over $8 billion, nearly $9 billion, in Federal funding to provide critical support for disadvantaged students under title I. But the accountability provisions in title I have not been adequately implemented due to insufficient resources. Title I authorizes State school support teams to provide support for schoolwide programs and to provide assistance to schools in need of improvement through activities such as professional development or identifying resources for changing the instruction in the school or the organization of the school.

In 1998, however, only eight States reported that school support teams have been able to serve the majority of the schools identified as needing improvement. Less than half of the schools identified as being in need of improvement in the 1997–1998 school year reported that this designation of being a school needing improvement led to additional professional development or assistance.

Schools and school districts need additional support and resources to address weaknesses soon after those weaknesses are identified. They need that support to promote a progressively intensive range of interventions, continuously assess the results of those interventions and implement incentives and strategies for improvement.

The bill before the Senate does not identify specific funds for accountability enforcement efforts. I believe we need to ensure that a significant funding stream is provided to guarantee these accountability provisions are enforced.

This amendment seeks to ensure that 2.5 percent of the funds appropriated to LEAs under title I—that is $200 million in this year's bill—is directed toward this objective. This money is to be used to ensure that States and local school districts have the necessary resources available to implement the corrective action provisions of title I by providing immediate and intensive interventions to turn around low-performing or failing schools.

The type of intervention that the State and the school district could provide using these funds includes a variety of things. Let me mention a few:

One would be purchasing necessary materials such as updated textbooks and curriculum technology.

The second would be to provide intensive, ongoing teacher training. Inadequate training of teachers has been a problem in many of the failing schools.

A third would be providing access to distance learning where they don't have the teachers on site who can provide that instruction.

Fourth, extending the learning time for students through afterschool or Saturday programs or summer school programs so students can catch up to the grade level at which they should be performing.

Next, providing rewards to low-performing schools that show significant improvements, including cash awards or other incentives such as release time for teachers.

Sixth, intensive technical assistance from teams of experts outside the schools to help develop and implement school improvement plans in failing schools. The teams would determine the causes of low performance—for example, low expectations, an outdated curriculum, poorly trained teachers or unsafe conditions—and provide assistance in implementing research-based models for improvement.

One example of the type of research-based school improvement model that needs to be introduced in failing schools and can be introduced in failing schools with the resources we are earmarking in this amendment is the Success for All Program. This program is a proven early grade reading program in place now in over 1,500 schools around the country, some in my own State of New Mexico. At the end of the first grade, Success for All Program schools have average reading scores almost 3 months ahead of those in matching controlled schools. By the end of the fifth grade, students read more than 1 year ahead of their control group peers. This program can reduce the need for special education placements by more than 50 percent and virtually eliminate retention of students in the grade they have just completed.

This Success for All Program incorporates small classes, regular assessments, team learning, and parental involvement into a comprehensive reading program based on phonics and contextual learning techniques. In order to implement this program, however, schools need resources, particularly in the first year. The estimated costs is about $62,000 for 500 students in that first year; that decreases substantially

to about $5,000 per year in the third year the program is in place. They must provide the initial training for the school's principal, the facilitators, the teachers, and 23 days of onsite training and curriculum materials.

This is the kind of program of which we need to see more. It is the kind of program for which the funds we would earmark in this amendment would be made available. In my view, this is the type of thing the American people want to see. Instead of just sending another big check, let's try to attract some attention to the strategies we know will work so the failing schools can move up and the students who attend these schools can get a good education.

I see my colleague, Senator REED. I reserve the remainder of my time and yield 5 minutes to the Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, I rise to support the amendment sponsored by my colleague from New Mexico. I commend him for his commitment and dedication.

During the 1994 reauthorization of the Elementary and Secondary Education Act, I was a member of the other body. There I proposed an accountability amendment in committee which strengthened our oversight and accountability for title I and other elementary and secondary school programs. When we came to the conference, it was Senator JEFF BINGAMAN of New Mexico who was leading the fight on the Senate side to ensure accountability was part and parcel of the 1994 reauthorization of the Elementary and Secondary Education Act. I am pleased to work with him today on this very important amendment.

What we propose to do is to provide $200 million so the States can move from talking about accountability and intervening in low-performing schools to actually taking the steps to do just that. There are scarce Federal dollars that we provide for elementary and secondary education programs, the principal program being title I. Although we allocate $8 billion a year for title I, there still appears to be insufficient resources to ensure that accountability reforms and oversight are effectively taking place in our schools.

This amendment provides for those resources. It ensures we get the best value for the money we invest in title I. It allows schools to not only provide piecemeal services to students but to look and seek out ways to reform the way they educate the students in their classrooms.

We will continue as the reauthorization of the Elementary and Secondary Education Act approaches to stress this issue of accountability. But today we have an opportune moment to invest in accountability and school reform. What we find is that the States, either through lack of financial resources, lack of focus, or due to other commitments and priorities, are not intervening in low-performing and failing schools as they should. They are not directing the kind of school improvement teams, for example, that have been authorized under title I. This amendment gives them not only the incentive but the resources to do that. In effect, what we are trying to do is make title I not just a way to distribute money to low-income schools but to stimulate the reform and improvement of these schools.

It should be noted that the amendment targets the lowest performing schools to try to lift up those schools which are consistently failing their students. We all know if the schools are not working, these young people are not going to get the education they need and require to be productive citizens and workers and to contribute to our community and to our country. That is at the heart of all of our efforts on both sides of the aisle in the Senate.

It is vitally important to turn around the lowest performing and failing schools. The 1994 reauthorization focused attention in the States on accountability, improvement, and reform. The States have taken steps to adopt accountability systems. But today we are here to give States and school districts the tools to ensure the job of turning around failing schools can be done effectively and completely. I urge passage of this amendment.

Once again, I commend the Senator from New Mexico for his leadership and look forward to working with him as we undertake the reauthorization of the Elementary and Secondary Education Act in the months ahead.

I yield whatever time I have.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator has 8 minutes 10 seconds remaining.

Mr. BINGAMAN. I yield 3 minutes to the Senator from Massachusetts, Mr. KENNEDY.

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

Mr. KENNEDY. Mr. President, I congratulate Senator BINGAMAN, Senator REED, and Senator WELLSTONE for this particular proposal. Effectively, what they are saying is we want to improve low-performing schools and we want to do it now—not wait until next year. It is reasonable to ask whether this kind of effort can be productive and whether it can be useful. I want to raise my voice and say: Absolutely.

I had the opportunity to visit the Harriet Tubman Elementary School in New York City, one of the lowest-performing schools in the city, where 99 percent of the children come from low-income families. After being assigned to the Chancellor's District—a special school district created for the lowest-performing schools—school leaders, parents, and teachers devised a plan for comprehensive change. The school adopted a comprehensive reform program including an intensive reading program.

By 1997–98, it had been removed from the state's list of low-performing schools and reading scores had improved; the percentage of students performing at or above grade level on the citywide assessment had risen from 30 percent in 1996, to 46 percent.

We have instance after instance where that has happened. At Hawthorne Elementary school in Texas, 96 percent of the students qualify for free lunch and 28 percent of the students have limited English language skills.

In 1992–93, Hawthorne implemented a rigorous curriculum to challenge students in the early grades. In 1994 only 24 percent of students in the school passed all portions of the Texas Assessment of Academic Skills. In 1998, almost 63 percent of students passed this test, with the largest gains over the period being made by African American students.

The States themselves have been reluctant to use scarce resources when we have not had adequate funding for the Title I program. The Bingaman amendment sets aside a specific amount of resources that will be out there and available to help those particular schools. This makes a great deal of sense.

I hope our colleagues will support the Bingaman-Reed-Wellstone amendment. These students have spent enough time in low-performing schools, and deserve much better. The time is now to take action to fix these schools. The nation's children deserve no less.

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

The PRESIDING OFFICER. Who yields time?

The Chair will observe if neither side yields time, the time will be taken from both sides and equally charged.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from Minnesota.

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

Mr. WELLSTONE. Mr. President, I probably will not even take 2 minutes.

I rise to support the Bingaman amendment. I appreciate what my colleague from New Mexico said earlier in his remarks, which was that the focus on accountability is terribly important. We also have to make sure we invest the resources that will enable each child to have the same opportunity to succeed. I think that is extremely important as well. The two go together.

But I do believe this is very helpful to States. It is very helpful to low-income children. I think it is terribly important that States devise and put into effect strategies that make sure we have the highest quality title I programs, which are, after all, all about expanding opportunities for low-income children, dealing with the learning gap, enabling a child to do well in school and therefore well in his or her life.

I applaud his emphasis on accountability and rise to indicate my support.

Mr. KERRY. Mr. President, the amendment before us today provides a chance not just to make this spending bill better and stronger, not just to move forward by completing another stage of the budget process the American people are already unsure we can complete, but to take this spending bill and use it as a real vehicle for reform of our public schools. Today we can make the single largest investment in accountability ever at the Federal level—today we can help serve as a catalyst for the innovative and, I think, critical reform efforts taking shape around this country. The amendment would reserve $200 million of title I funds for disadvantaged children to provide assistance and support to low-performing schools. This amendment will compel school districts to take strong corrective actions to improve consistently low-performing schools. Passage of this amendment signals our commitment to the public schools. Our commitment to their success. And our commitment to ensuring failing schools turn around.

For too long in this Nation we have tolerated low standards and low expectations for our poor children. The standards movement has begun to turn the tide on low expectations and we must build on that momentum and demand accountability from schools that fail our children. We have this opportunity at a time when the American people are telling us that—for their families, for their futures—in every poll of public opinion, in every survey of national priorities—one issue matters most—and it's education. Good news for all of us who care about education, who care about our kids. But the bad news is, the American people aren't so sure we know how to meet their needs anymore. They aren't even so sure we know how to listen.

Every morning, more and more parents—rich, middle class, and even the poor—are driving their sons and daughters to parochial and private schools where they believe there will be more discipline, more standards, and more opportunity. Families are enrolling their children in charter schools, paying for private schools when they can afford them, or even resorting to home schooling—the largest growth area in American education.

This amendment comes at an important time for our schools, you might say it comes at an even more important time for this Congress. We have to break out of the ideological bind we've put ourselves in—we can't just talk about education—it's more than an issue for an election—we've got to do something about it. Parents in this country believe that public schools are in crisis and despite a decade of talk about reform, they give them no higher grade than a decade ago. 67 percent are dissatisfied with the way public education is working; 66 percent use the word crisis to describe what's going on in our schools today. But the American people—at times more than we seem to be in the Senate—are firmly committed to fixing our public schools—fixing our schools—not talking about fixing them, not using kids as pawns in a political chess game.

It boils down to one fundamental, overriding concern: Americans want accountability for performance and consequences for failure in the public school system. Americans support a variety of innovative approaches to improving education—it's actually Washington that is more afraid of change than the citizens who sent us here. And it is time for us to be a catalyst for change—to help facilitate more innovation, not less—to improve the state of education in America: to address the problem of reading scores that show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level.

The time to lay down the marker of accountability for student performance is now. That's why today's discussion is so important—because we have the opportunity today to do it—to stop talking past each other—and to deliver on the most important principle of real education reform—accountability.

When schools begin to fail, when there is social promotion, when kids are being left behind, we need to hold those schools accountable for taking those best practices and turning around low performing schools not 5 years from now, not some time in the future, not after another study, but today—now. And if we can commit ourselves to that kind of accountability then we will have taken an incredible leap forward, not just building public confidence in public education, but in making all our schools better. It is past time that we coalesce around an approach to reform grounded in four simple concepts: high standards; teaching to those standards; giving every student the opportunity to meet those standards; and building strict accountability into the system to make those standards meaningful.

Mr. President, 49 States have embraced or will soon embrace meaningful standards; there should be no partisan divide over this issue—and now is the time for us all to embrace the policies which empower our teachers to teach to standards and give every student the real opportunity to meet high standards. Now is the time for us to embrace the accountability that has worked so well for real leaders like Gov. Tom Carper in Delaware, and Mayor Daley in Chicago—now is the time for us to say not just that we hope schools will meet high standards, but that we'll work with them—holding them accountable—to get them there. It's time for us to say that we're willing—in our title I spending—to hold schools accountable for meeting those high benchmarks—to reach out to low performing schools and give them the intensive help they need to turn things around and help raise student performance. It boils down to real accountability—to acknowledging that though the Federal role in education, in terms of pure spending, has been relatively small, it does provide the leverage—if we are willing to embrace it—to empower schools in need of reform to turn themselves around rapidly—to cut through layers of bureaucracy—to access new resources—to shake up staff—and, if need be, to reconstitute itself—to become a new school in a fundamental sense—or to turn itself into, essentially, a charter school within the public school system. We know that title I itself, with the early accountability reforms already in place have raised accountability—but I would say that in this amendment we could do so much more—and we should.

Consider the impact more accountability would make—the ability we would have to truly adhere to high standards throughout the system: to raise teacher quality; reform certification; provide mentoring and ongoing education; embrace merit pay; higher salaries; and end teacher tenure as we know it.

Consider the ability to hold schools accountable for our childrens' needs—to say that we will not allow schools to be the dumping ground for adult problems—and to acknowledge that we need to fill those hours after school with meaningful study—curriculum—and mentoring.

Consider the ability to hold students accountable for discipline and violence: to allow schools to write discipline codes and create second chance schools: to eliminate the crime that turns too many hallways and classrooms into arenas of violence.

We need to do these things now—to be willing to challenge the status quo—to do more for our schools, to help every student achieve, to guarantee reform when they don't—and—in no small measure—to renew the promise of public education for the 21st century.

This will not happen overnight, but it will happen. I look forward to joining with all of my colleagues in that effort: to pass this amendment, to make accountability the foundation of reform, and to face the challenge of fixing our public schools together.

Mr. BINGAMAN. Mr. President, I ask unanimous consent two letters be printed in the RECORD at this point, one from Michael Davis, who is the superintendent of public instruction from my home State of New Mexico, and the other from Gordon Ambach, who is the head of the Council of Chief State School Officers. The first letter from Mr. Davis is in support of the amendment. The second letter supports providing additional funds to States to implement the accountability provisions of title I. Mr. Ambach had not seen the amendment yet when he wrote that letter.

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

STATE OF NEW MEXICO,
DEPARTMENT OF EDUCATION,
Santa Fe, NM, October 6, 1999.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: I write to applaud your efforts to secure a dedicated source of funding for States and local school districts to implement the accountability provisions of Title I. As you know, we have been working hard in New Mexico to raise standards and implement a rigorous accountability system. We will be unable to successfully implement high standards and accountability, however, unless we are able to provide local districts with additional resources to help them address weaknesses in their educational programs and to turn around failing schools. I believe that your amendment seeking to direct $200 million for this purpose will go a long way towards ensuring proper enforcement of the accountability provisions under Title I.

Thank you for your efforts. Please let me know if I can be of assistance to you.

Sincerely,

MICHAEL J. DAVIS,
State Superintendent of Public Instruction.

COUNCIL OF CHIEF STATE SCHOOL OFFICERS,
Washington, DC, June 22, 1999.

Member, House Education and the Workforce Committee,
U.S. House of Representatives, Washington, DC.

RE: Provisions for Program Improvement in Reauthorization of ESEA Title I—The need for greater funding

DEAR REPRESENTATIVE: Title I of the Elementary and Secondary Education Act (ESEA) now includes very important provisions for the identification in each state of those schools with lowest levels of student achievement and most in need to program improvement. This provision earmarks funds for the state education agency (SEA) to assist local education authorities and these schools with their strategies to improve achievement. This state role is authorized on the assumption that if the district and school had the capacity internally to improve; improvement would have occurred and be reflected by increased achievement scores. Unfortunately, the analysis of Title I school by school test scores reveals that nearly 7,000 schools have continuing low performance over the years and need ''external'' program improvement help. The problem is that the federal appropriation for program improvement is far too small to serve 7,000 schools effectively.

An increase in the state education agency (SEA) set-aside for program improvement is urgently needed to help the 7,000 lowest performing schools in the nation build capacity, improve student achievement and meet new accountability requirements for student progress. As your Committee develops a bill to reauthorize Title I for introduction and markup, we urge a substantial increase in the funds set-aside for improving programs in schools where students are not making adequate progress toward achieving state standards. The current ½ of 1% of each state's total Title I allocation which may be set-aside for program improvement provides only $40 million of the $8 billion program for SEAs to fulfill the required activities for schools identified as needing improvement. An increase to 2.5% by FY2001 and 3.5% by FY 2004 as proposed by the Administration is critical to provide $200 million to $300 million to serve the 7,000 schools with support teams, mentors, distinguished educators, additional comprehensive school reform efforts, professional development and other forms of technical assistance called for in the bill.

Increased program improvement funding is the right strategy for these reasons:

(1) All program improvement funds are used directly to raise quality in the classrooms of the lowest performing Title I schools. Under the Administration proposal for ESEA reauthorization, 70% of the funds authorized for program improvement must be allocated by the SEA to the LEA to carry out its program improvement activities in failing schools according to its local plan approved by the SEA. The remaining 30% of the program improvement funds will be used by the SEA for direct support and assistance to the classrooms of such schools. This state service assures that both the state and local districts are partners in bringing external resources to help teachers and leaders in those schools. All of the uses of funds for program improvement are defined as the ''Dollars to the Classroom'' bill of the same title. All of these funds support improvement in the classrooms which most need the help.

(2) The current $40 million which is available under the .5% set-aside is woefully inadequate for SEAs and districts to serve and improve low-performing schools. This amount is grossly insufficient to fulfill the requirements and needs of the almost 7,000 schools already identified as needing improvement. The average amount available now per school is only $5,715 per year. New provisions expected in the reauthorization for school support teams, distinguished educators and mentors, technical assistance to adopt and implement research-based models for improved instruction, and professional development for teachers and school leaders in methods which assure student success require more resources per school. The need will increase substantially for schools identified as needing improvement as states and districts continue to implement challenging standards and assessments for all students. Proposed accountability requirements to assure all students are continually learning the skills necessary to achieve on grade level and comparability of teacher quality in each school will add to the challenges for schools in need of improvement and must be met with increased external support.

(3) Although Title I is the single largest federal elementary and secondary program, Title I has the smallest proportion of funds devoted to administration, support and assistance, and quality control monitoring of any of the major federal programs. The Individuals with Disabilities Education Act (IDEA) has 25%, and the Perkins Vocational-Technical Education Act has 15% with an additional 10% directed by the state to rural and urban areas through competitive grants. Only 1% of the Title I total is authorized for states to operate and support all eligible schools in a program which expends $8 billion in federal taxpayers' funds to serve 11 million students in 45,000 schools in 90% of the nation's school districts. The amount of funds devoted to state and locally assisted program improvement in the lowest-performing schools is an additional 0.5%. State capacity for helping title I districts and schools is significantly underfunded and therefore underused. Congress should rely on state level assistance for Title I, as it does for IDEA, Perkins Vocational-Technical Education, Technology Challenge Grants, and other federal programs. Leveraging substantial, sustained gains in student achievement in these schools requires a far stronger investment in state assistance than in the current law.

We hope these comments are helpful as you develop this critical piece of legislation. We urge you to act on them. Please feel free to call us at (202) 336–7009 if you have any questions or find we can be of further assistance.

Respectfully Submitted,

GORDON M. AMBACH,
Executive Director.

Mr. BINGAMAN. Mr. President, let me read a few sentences from the letter from Michael Davis. He is a very capable, respected, State school superintendent from my State. He writes:

DEAR SENATOR BINGAMAN: I write to applaud your efforts to secure a dedicated source of funding for States and local school districts to implement the accountability provisions of Title I. As you know, we have been working hard in New Mexico to raise standards and implement a rigorous accountability system. We will be unable to successfully implement high standards and accountability, however, unless we are able to provide local districts with additional resources to help them address weaknesses in their educational programs and to turn around failing schools. I believe that your amendment seeking to direct $200 million for this purpose will go a long way towards ensuring proper enforcement of the accountability provisions under Title I.

Then, in the letter from the executive director, Mr. Ambach, of the Council of Chief State School Officers, the point that is made strongly is that the current $40 million that is available under the 0.5-percent set-aside for States is woefully inadequate for local school districts to serve and improve low-performing schools. I think those two letters speak very strongly in favor of what we are trying to do.

I very much appreciate the support of Senator KENNEDY, Senator WELLSTONE, Senator REED, and Senator KERREY.

Let me say a few other things before my time is up. How much time remains on my side?

The PRESIDING OFFICER. The Senator has 1 minute 50 seconds.

Mr. BINGAMAN. Mr. President, this amendment, as I have said before, should not be a partisan issue. I know many of the amendments that have been brought to the Senate floor in recent days and weeks and even months have been voted along partisan lines. This amendment should not be. The need for accountability is not a partisan issue.

Just yesterday, Governor Bush from Texas talked about his plan for improving accountability in title I schools. Under his plan, school districts and schools would have to show improvement in test performance. If schools improved, they would be rewarded with additional funds. If schools did not improve in 5 years, those funds would be taken and given to parents or students in vouchers of $1,500 each.

The problem with this proposal is it provides the stick, a very big stick with dire consequences for schools that do not perform, but it does not provide resources to help those schools avoid that failure. This proposal says if you can figure out how to turn your school around with the meager resources you have, fine; if you cannot, then we will let the clock run out and then take the money away, so your odds against succeeding become insurmountable.

What this amendment will do is provide that assistance to those schools immediately when the failing nature of that school is recognized. I think this is an extremely important amendment. It is something we ought to do. I hope this is considered by each Senator as a good-faith effort to better use the funds we are spending in this bill.

Once again, I remind all my colleagues, this amendment does not add money to the bill. This is not a question of whether we are going to spend more or less on education. It is a question of how effectively we can spend the funds we are going to spend.

Mr. President, I gather my time is up. I yield the floor at this time and wait for the response, if there is any opposition to the amendment, which I certainly hope there is not.

The PRESIDING OFFICER. Who yields time in opposition?

Without objection, the Chair, acting in my capacity as an individual Senator from Kansas, notes the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. 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. COVERDELL. Mr. President, the Bingaman amendment will provide $200 million from the funds the committee provided for basic and concentration grants to support State and local accountability efforts to identify school failure and provide progressively more interventions to turn around the performance of the local school. Under the current law, States may now reserve 0.5 percent for such activity. This amendment would set aside $200 million, or 2.5 percent, specifically for State and local accountability efforts. States would not, therefore, be given the choice of whether or not to spend funds for accountability purposes which resemble very much a mandate. This amendment would take education funds away from States to educate low-income students. Most States already have adopted statewide accountability systems that include State assessments to measure whether students are meeting State standards, report cards that summarize performance of individual schools, and rating systems that determine whether a school's performance is adequate.

The authorizing committees have not had the opportunity to carefully examine the issue of whether to increase the amount set aside for accountability. Hearings should be held where States can express their views, and this issue should be addressed during the reauthorization of the Elementary and Secondary Education Act.

Mr. President. how much time remains on our side?

The PRESIDING OFFICER. The Senator from Georgia has 12 minutes 42 seconds.

Mr. BINGAMAN. Mr. President, may I ask if the Senator will yield for a question?

Mr. COVERDELL. I would be glad to yield for a question.

Mr. BINGAMAN. Mr. President, I was informed that the Governors Association supports this amendment, and that the States would want the initial ability to use these funds. Does the Senator have information to the contrary? I know he raised a concern about requiring States to do something different. My information is that this is the authority they would want.

Mr. COVERDELL. I am advised by the committee staff that we don't have the same information the Senator has just expressed, so I cannot comment one way or the other.

Mr. BINGAMAN. Mr. President, I might just respond that we will try to get that information to the Senator from Georgia before the vote occurs at 11:30.

Mr. COVERDELL. Very good. I appreciate the comment of the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Would it be in order for me to call up my amendment in order to move on? I ask unanimous consent to set aside the pending amendment and call up amendment numbered 1842.

The PRESIDING OFFICER. Is there an objection to setting aside the amendment?

Mr. COVERDELL. Mr. President, reserving the right to object——

Mr. WELLSTONE. Just to be clear to colleagues, I thought we were finished and were trying to move along. I am willing to wait, if Senator BINGAMAN wishes to continue.

Mr. COVERDELL. We may wish to continue.

Mr. WELLSTONE. Very well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I wonder whether I could ask unanimous consent for 3 minutes as in morning business to make a statement while we are in deliberations. I ask unanimous consent to be able to do that.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, I do not object to yielding 3 minutes of time as in morning business, and that following that we go back to this.

Mr. WELLSTONE. Absolutely. I am trying to make the best use of our time, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

MERGERS IN THE MEDIA AND COMMUNICATIONS INDUSTRIES

Mr. WELLSTONE. Mr. President, we are in the midst of an unprecedented wave of mergers and concentration in the media and the communications industries. We are talking about the flow of information in democracy and whether a few are going to control this. But instead of doing anything about it, to protect American consumers or to safeguard the flow of information that our democracy depends upon, I am troubled by efforts underway to undermine protections that are already on the books.

I cite that the CBS-Viacom merger announced last month would be the biggest media deal ever. Today, the FCC announced its approval of a merger between SBC and Ameritech. On Tuesday, Clear Channel Communications announced that it is buying AMFM to create a huge radio conglomerate with 830 stations that will dominate American radio.

I am amazed so few people are concerned about these developments. The reason I rise to speak about this is that when FCC Chairman Bill Kennard is so bold as to point out that the MCI-Sprint deal would undermine competition, he is simply doing his job. I want to say on the floor of the Senate, he should not be punished for doing his job.

Last year, when the FCC approved the merger of Worldcom and MCI, Chairman Kennard said the industry was one merger away from undue concentration. Now this merger would be the one that pushes us over the top.

So when Antitrust Division Chief Joel Klein of the Justice Department brings some very difficult cases to enforce our country's antitrust laws, he is simply doing his job. When FCC Chairman Bill Kennard raises these kinds of questions, he is simply doing his job.

We cannot expect these agencies to enforce our laws, to do their job, if we take away their budgets or their statutory authority every time they do it. We need to strengthen our review of these mergers. We need to strength our antitrust laws, on which I think we have to do much better. And we need to give the Justice Department, the FTC, and the FCC the resources they need to enforce the law.

So more than anything else, I rise to support Bill Kennard's concerns, to tell him he is doing his job, and urge my colleagues to understand that he has an important responsibility to protect the consumers. The flow of information in our democracy is the most important thing we have. He certainly

should not be punished for doing his job and doing his job well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

Mr. BINGAMAN. Mr. President, is there time remaining on the amendment I have offered?

The PRESIDING OFFICER. There is not. All time has expired.

Mr. BINGAMAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the vote occur in relation to the Bingaman amendment at 11:15, with 2 minutes equally divided prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, may we have 4 minutes equally divided?

Mr. COVERDELL. I change the unanimous consent to ask that we have 4 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

AMENDMENT NO. 1842

(Purpose: To express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance to needy families)

Mr. WELLSTONE. I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1842.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1842.

The amendment is as follows:

At the appropriate place add the following:

SEC. . It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

Mr. WELLSTONE. Mr. President, let me first explain this amendment to colleagues and then marshal my evidence for it.

I believe we will have a good, strong vote on the floor of the Senate for this amendment. I have introduced a similar amendment in the past, which lost by one vote, but I have now changed the amendment which I think will make it more acceptable to colleagues.

In the 1996 welfare law we passed, we set aside $1 billion for high-performance bonuses to go to States, and currently this money goes to States. The way it works is, it uses a formula that takes into account the State's effectiveness in enabling TANF recipients to find jobs, which is terribly important. The whole goal of the welfare bill was to move families from welfare dependency to becoming economically independent.

This amendment would add three more criteria. We have had, in the last year or two, a dramatic decline in food stamp participation, about a 25-percent decline. This should be of concern to all of us because the Food Stamp Program has been the most important safety net program for poor children in our country. Indeed, it was President Nixon, a Republican President, who, in 1972, federalized this program and said: One thing we are going to do as a national community is make sure children aren't going hungry in our country. We are going to make sure we have a program with national standards and that those families who are eligible to participate are, indeed, able to obtain this assistance.

In addition, what we want to find out is the proportion of families leaving TANF who were covered by Medicaid or health insurance. Families USA, which is an organization that has tremendous credibility with all of us, issued a disturbing report a few months ago. To summarize it, because of the welfare bill, there are about 670,000 Americans who no longer have any health care coverage.

Maybe that is worth repeating. Because of the welfare bill, there are about 670,000 Americans who no longer have any coverage. Since about two-thirds of welfare recipients have always been children—this was, after all, mainly for mothers and children—we want to make sure these children and these families still have health care coverage.

We want to also make sure we get some information about the number of children in these working families who receive some form of affordable child care. In other words, again, what we want to find out is, as families move from welfare to work, which is the goal—and I think work with dignity is terribly important—we also want to make sure the children are OK.

Again, I will use but one of many examples. It will take me some time to develop my argument, but one very gripping example, I say to the Chair, is when I was in east LA, I was meeting with a group of Head Start mothers. As we were discussing the Head Start Program and their children, one of the mothers was telling me she had been a welfare mother and was emphasizing that she was working. Indeed, she was quite proud of working. In the middle of our discussion, all of a sudden she became upset and started to cry.

I asked her: If I am poking my nose into your business, pay no attention to me, but can you tell me why you are so upset? She said: The one problem with my working is when my second grader goes home—she lived in a housing project; later I visited that housing project—it is a pretty dangerous area. It used to be I could walk my second grader to school, and then I could walk her home, make sure she was OK. I was there with her. Now I am always frightened, especially after school. I tell her to go home, and I tell her to lock the door. I tell her not to take any phone calls because no one is there.

It makes us wonder how many children are in apartments where they have locked the door and can't take any phone calls and can't go outside to play, even when it is a beautiful day. I think we do need to know how the children are faring and what is going on. Again, this is a matter of doing some good policy evaluation.

Finally, for those States that have adopted the family violence option, which we were able to do with the help of my wife Sheila and Senator PATTY MURRAY, we want to know how well they are doing in providing the services for victims of domestic violence. This is important. The family violence option essentially said we are not saying these mothers should be exempt. What we are saying is there should be an opportunity for States to be able to say to the Federal Government—it would be up to States, and they would not be penalized for that—look, this woman has been battered and beaten over and over again and we are not going to get her to work as quickly as we are other mothers; there are additional support services she needs. When she goes to work, this guy is there threatening her. Because of these kinds of circumstances, please give us more flexibility.

We want to find out how these States are dealing with that. Otherwise, what happens is if you don't have that kind of flexibility, then a mother finds herself sanctioned if she doesn't take the job; but she can't really take the job and, therefore, the only thing she ends up doing is going back into a very dangerous home. She has left, she has tried to get away, and she is trying to be safe. If you cut off her assistance, then she has no other choice but to go back into a very dangerous home.

That should not happen in America. By the way, colleagues, I know it is an incredible statistic, but October is the month we focus on violence in homes. I wish it didn't happen. About the most conservative statistic is that every 13 seconds a woman is battered in her home in our country. I can't even grasp the meaning of that. A home should be a safe place.

As I have said before—and I hope my colleagues, Senator HOLLINGS and Senator JUDD GREGG, will help me keep this in conference committee—about 5 million children see this violence. So we talk about the fact children should not see the violence in movies and on television. A lot of them see the violence right in their homes. It has a devastating impact on their own lives. We need to make sure these kids don't fall between the cracks and that we provide some services.

I am going to start out in a moment with some examples. I am talking about nothing more than good policy evaluation. Let me wear my teacher hat. All I am saying—and we can disagree or agree about the bill, on should we have passed it or not, and some things are working well but some have questions; I have questions—let's at least do some good thorough policy evaluation. We are saying that the States just merge their tapes —they have the data—and present it to Health and Human Services. We have a report. We know what is going on in these areas.

This is a sense-of-the-Senate amendment because, otherwise, I would have been subject to a rule XVI point of order. I hoped I would not have had to do a sense of the Senate because, under normal circumstances, we would have had the House bill over here. If the House bill had been over here, then I could have introduced this amendment, and I would not have been subject to any rule XVI challenge. Since that has not happened, what I am doing is bringing this amendment out, getting, I hope, a good, strong vote, and if the House does, in fact, move forward with some work and gets the Labor-Health and Human Services Appropriation bill passed, then I will bring this amendment back as a regular amendment. I say to colleagues, all the time I spend today will have been well spent, and we can have 5 minutes of debate and then vote on it. In a way, I am trying to move us forward in an expeditious manner.

When we are talking about families that are worried about whether they can put food on the table or worried about whether they can pay the rent at the end of the month, I don't think they much care whether or not my amendment is subject to rule XVI; I don't think they much care whether or not this is an amendment on an appropriations bill; I don't think they much care about why the House hasn't sent an appropriations bill over to the Senate. What they care about are more pressing issues.

What I am concerned about is that there is, indeed, a segment of our population who are very poor, the majority of whom are children, who are, indeed, falling between the cracks. Let me also say at the very beginning that I think this is the question: Since the welfare bill passed, we have reduced the rolls by about 4.5 million people, the majority of them children. That has been about a 50-percent reduction in the welfare population. The question is whether or not the reduction of the welfare rolls has led to a reduction of poverty because the goal of the legislation was to move these families to some kind of economic self-sufficiency and certainly not to put them in a more precarious situation.

I think we ought to have the data. I think we ought to do the policy evaluation. I have said it before on the floor of the Senate, and I think it is worth saying again: One of my favorite sociologists, Gunnar Myrdal, a Swedish sociologist, once said, ''Ignorance is never random; sometimes we don't know what we don't want to know.'' I think we ought not to be ignorant about this. We ought to have the data.

My appeal is to do the policy evaluation. This amendment will not cost additional money. It can be absorbed into the existing amount of money, according to CBO. There is no reason why we should not want to know—especially since, in many States, the drop-dead date certain is approaching where everyone will have used up the number of years they can receive an AFDC benefit and will be cut off assistance. Before we do that with the rest of the population, let's at least have some kind of policy evaluation. Let's understand what is happening to these families.

By the way, I think among those families that are still on welfare, we are talking about a fair number of children who had children and who need, therefore, to get a high school diploma or are in need of job training. We are talking about single parents with severely disabled children. We are talking about a fair number of single parents who are women who struggle with substance abuse. I am being blunt about it. This is an issue I know well from work I have done all of my adult life in local communities. We are talking about women who have been victims of domestic violence. We need to be careful about what we are doing. Sometimes we forget it, but this is about the lives of people in the country and, in particular, poor women and children. I think we ought to have an honest policy evaluation.

I want to put this in a very personal context now. Before I do this, I wish to start out with some art work that will speak to this part of my presentation. We had a group of high school students from Minneapolis here—it was incredible—who were working with the Harriet Tubman Center, which is a very special shelter. These high school kids—I think 300 or 400 of them submitted their art, and these 11 or 12 students were the ones who had the best art, but all of it was exceptional—came to Washington, DC, 2 days ago. This display is now in the Russell Building Rotunda for a week. Every year, for the last 6 or 7 years, Sheila and I have brought different works from around the country—sometimes from Minnesota and sometimes from other States—to the Nation's Capitol. I want to show a little bit of these students' work.

So often the focus on students is so negative. These are inner-city high school students. It was a wonderful diversity, with all sorts of nationalities, cultures, histories, different colors, a great group of students. I was so pleased they came to Washington. This work I think speaks for itself. I will read from the top:

> Is a corner in your home the only place your child felt safe today? Why is it always my fault? Stop it. Speak up. Seeing or hearing violence among family members hurts children in many ways. They do not have to be hit to feel the pain of violence.

I am going to hold this up for a moment so it can be seen by people who are watching this presentation. My colleagues can see this in the Russell Rotunda.

Next picture. I will hold it up. It says:

> In the time it takes you to tie your shoe, a woman is beaten. . ..Go ahead, now tie your other one! Speak up! Domestic violence causes almost 100,000 days of hospitalization, 30,000 emergency room visits, and 40,000 trips to the doctor every single year.

I will just hold this up for a moment so it can be seen. This is pretty marvelous work. This is art from the heart. This is art from the heart of high school students. I say that to the pages; they are high school students.

The next work:

> If we hear the violence and see the violence, why is it so hard to speak of the violence?
>
> Is being a passer-by keeping a secret? ''Speak up.''

Ninety-two percent of women who are physically abused by their partners do not discuss these incidents with a physician. Fifty-seven percent do not discuss the incidents with anyone.

Finally, this is really powerful. I will show it this way, too.

> So . . . how do your kids behave on a date? Love isn't supposed to hurt.

Two high school kids.

On average, 100 out of 300 school students are or have been in an abusive dating relationship. Only 4 out of 10 of these relationships end when the violence and abuse begin. One out of three high school students is or has been in an abusive dating relationship.

I say to my colleague from Nevada this is marvelous artwork done by high school students in inner-city Minneapolis. Twelve of them came to Washington, DC. I thank my colleague, Senator REID from Nevada, for having the courtesy and graciousness to acknowledge this work.

I want to tell you about a conversation I had. Maureen, who works with Interchange Food Pantry in Milwaukee, WI, told me about a phone call she received on Monday of this week—Monday this week. On Monday, Maureen received a phone call. It was a woman who was well known at the food pantry, a woman who has a file about an inch and a half thick documenting the domestic violence she has endured at the hands of an abusive husband.

Yesterday, this woman—we are talking about this week, right now. I want everyone to understand that this debate is about people's lives.

Yesterday, this woman ran out of her home with her 3-year-old child in her arms, fleeing her abusive husband. She went to school, and she picked up her three other young children. She went to a laundromat. She called Maureen. She was looking for help, and she didn't know where else to turn.

The people at the food pantry tried to place this woman in a domestic violence shelter. But homelessness right now seems to have reached epidemic proportions in Milwaukee. So many women are becoming homeless that all of the battered women's shelters are full to overflowing, and desperate women are presenting themselves as victims of domestic violence so they can be placed in shelters. The shelters don't have any room because there are so many homeless women and children. Some of these women are basically pretending as if they are victims. Plenty of them are. Because they are so battered, they try to find shelter. What this means is there is no place left to go for homeless women and women who are victims of domestic violence.

She couldn't find a shelter at this food pantry. They could find no shelter to place this woman. On the phone, they couldn't find anything for her.

This is 1999 in America. The economy is booming. We don't have this kind of discussion on the floor of the Senate enough.

All that food pantry was able to do was to give her some food vouchers and a bus ticket so they could go spend the night with her mother. But her mother lives in senior housing. She is not supposed to have overnight guests, and she could actually end up losing her house if they get caught.

So this woman, who has a 15-year history of abuse, is going to have to return to her home. That is where she is going. She will have to go back to this abusive, violent, dangerous situation for herself and for her children because she lacks the economic independence to do anything else.

No one should be forced to risk their life or the lives of their children because they are poor. This woman's story is a welfare nightmare. She is doing all she can. Her children are clean, and they are well cared for. But she is not making it economically. Her husband isn't willing to work. Therefore, the family has been sanctioned by the welfare department on and off. She has been forced to rely on the food pantry for help.

So she sells her plasma as often as possible—about three times a week. She doesn't have a high school degree. But the welfare agency, instead of making sure she gets her GED and the training she needs to get some kind of a living-wage job, has put her into a training program so she can become a housekeeper in a hotel. Their idea of getting this woman to a life of economic independence is to place her as a housekeeper in a hotel.

She has been in an abusive, dangerous situation for 15 years. Her caseworker is aware of her situation. But there is no help. There is no effort to make her economically independent so she can leave the marriage, and she is now being forced back into this home. She does not have the economic wherewithal to leave her home.

This woman has tried. She went to the welfare office. She asked to be placed in a job. They put her to work in a light manufacturing job, a job for which she had no training whatsoever. Making the situation even worse, they placed her in a job that was way out in the suburbs with a 45-minute commute each way on a bus.

Listen to this. This is why I think we need to know what is going on in the country. She had to get up at 4:30 in the morning, drop her kid off at child care—child care is hard to find at 4:30 in the morning—travel to her job, put in a full day's work, and ride all the way home, pick up her kids, and go back home to face her abusive husband. When she went to the welfare worker and explained the situation, she was told that if she quit this job, she would be sanctioned and she would lose her benefits.

This woman's life and the lives of her children are not going to get better until she can get out of her situation. But under the current welfare program—at least the way it is working in one State, in one community—this isn't going to happen.

Let me give a few examples from some of the studies that have been done. Then let me go into the overall debate.

Applying for cash assistance has become difficult in many places. In one Alabama county, a professor found that intake workers gave public assistance applications to only 6 out of 27 undergraduate students who requested them despite State policy that says anyone who asks for an application should get one.

This was from a Children's Defense Fund study. The study cited was by the professor who was doing fieldwork research on the application process in two Alabama counties.

Before I actually give the examples, let me go to the debate. There are those who argue that we don't need to do any policy evaluation because we have cut the rolls in half. But the goal was never cutting the rolls in half. The goal was to reduce poverty.

Let me cite some disturbing evidence: The reduction in the roles is not bringing a reduction in poverty. We want to know, what kind of jobs do the mothers have? What kind of wages? Are the families still receiving medical coverage? Is there affordable child care? Are children still participating in the Food Stamp Program? This is what we need to know.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. COVERDELL. 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. COVERDELL. Mr. President, I ask consent that following the vote which is to occur momentarily, Senator WELLSTONE be recognized for an additional 45 minutes, and following the use of or yielding back of time, Senator COVERDELL be recognized to move to table amendment No. 1842, no second-degree amendment be in order prior to the vote, and the vote would occur at 1:50.

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I agree with the request and I am pleased to work within this framework. I have a judge I have to meet; he is going to be appearing before an important committee. I do not get done with that until a little bit after 2 o'clock. Could we say 2:15 instead of 1:50?

Mr. COVERDELL. I wonder if it could be 1:45? What I am dealing with is a total sequence of time. There are other amendments. I wonder if we voted at 1:45, would it give the Senator time to get to his introduction? It would be very helpful if we could do that.

Mr. WELLSTONE. Mr. President, I will figure out how to do it.

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

AMENDMENT NO. 1861

Who yields time on the Bingaman amendment?

Mr. BINGAMAN. Mr. President, how much time is there at this point?

The PRESIDING OFFICER. There are 4 minutes equally divided.

Mr. BINGAMAN. Mr. President, let me sum up what the amendment does. It is an amendment to set aside $200 million of title I funds to be targeted at helping schools that are failing. We give a lot of speeches about how we need to help failing schools. This is a chance to vote to help failing schools. The amendment does not add money to the bill. The amendment says we are serious about accountability. We are giving the States some funds, earmarking some funds so they also can be serious about accountability in the expenditure of title I funds.

I have a letter from the National Governors' Association. I ask unanimous consent it be printed in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, October 7, 1999.

Hon. Senator JEFF BINGAMAN,
703 Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the nation's Governors, I write to express our

strong support for your amendment to provide states with additional funds to help turn around schools that are failing to provide a quality education for Title I students.

As you know, under current law, states are permitted to reserve one-half of one percent of their Title I monies to administer the Title I program and provide schools with additional assistance. However, this small set-aside does not provide the states with sufficient funds to improve the quality of Title I schools. A recent study by the U.S. Department of Education noted that the ''capacity of state school support teams to assist schools in need of improvement of Title I is a major concern.'' The programs authorized to fund such improvement efforts have not been funded. As a result, states have been unable to provide such services. According to ''Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I,'' in 1998, only eight states reported that school support teams had been able to serve the majority of schools identified as needing improvement. In twenty-four states, Title I directors reported more schools in need of school support teams than Title I could assist.

Earlier this year, the National Governors' Association (NGA) adopted an education policy that recognizes the important role of the states in providing technical assistance to local school districts to help them implement federal education programs. In addition, the policy calls for full implementation of the current Title I accountability provisions, including the requirements that states intervene in low performing schools. However, the policy calls on the federal government to provide states with sufficient funds to enable states to provide school districts with the tools to meet federal program requirements. Your amendment would provide such funding. Therefore, NGA supports your amendment and will urge other Senators to support the adoption of it.

We look forward to working with you towards the enactment of this and other provisions that will help states improve the quality of services provided to Title I students.

Sincerely,

RAYMOND C. SCHEPPACH.

Mr. BINGAMAN. Let me read a few sentences from it. This is addressed to me, Senator BINGAMAN.

On behalf of the nation's Governors, I write to express our strong support for your amendment to provide states with additional funds to help turn around schools that are failing to provide a quality education for Title I students.

It goes on to say:

Earlier this year, the National Governors' Association (NGA) adopted an education policy that recognizes the important role of the states in providing technical assistance to local school districts to help them implement federal education programs.

It goes on to say:

. . . the policy calls on the federal government to provide states with sufficient funds to enable states to provide school districts with the tools to meet federal program requirements. Your amendment would provide such funding. Therefore, NGA supports your amendment and will urge other Senators to support the adoption of it.

This is a good amendment. The States support it. It will help dramatically in improving our schools. We should not postpone this. We should not kick this down the road and say we will deal with it sometime in the future. We should do it today.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the amendment would take money that currently goes directly to school districts and give it to States for accountability purposes. The authorizing committee, chaired by Senator JEFFORDS of Vermont, wants to have an opportunity to take a careful look at this issue during reauthorization of the Elementary and Secondary Education Act. While the letter from the National Governors' Association states that the association supports the amendment, the fact remains that funds would still be taken from local school districts. While this may be a decision the authorizing committee may ultimately make, it needs to be decided at the authorizing committee level. This is a significant decision, to take money directly from classrooms, and should be carefully reviewed.

I yield the remainder of the majority's time, if any remains, and I move to table the Bingaman amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1861.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Dodd	McCain

The motion was agreed to.

AMENDMENT NO. 1842

Mr. COVERDELL. Mr. President, it is my understanding of the previous unanimous consent that we now are ready to hear Senator WELLSTONE from Minnesota for up to 45 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank my colleague from Georgia.

Mr. President, since I had a chance to speak on this amendment, I can be brief and probably will not need to take anywhere near the full amount of time.

Let me remind Senators what the vote on this amendment will be: To express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance to needy families. I am hoping not one Senator votes against this.

Again, the purpose of this amendment is to express the sense of the Senate that we want to know, what is the economic status of welfare mothers no longer on welfare? What is happening with this legislation? It is called policy evaluation.

It is a sense of the Senate because otherwise I would be subject to rule XVI. If the House had done their work and had sent over the Labor, Health and Human Services appropriations bill, I could do this amendment and I wouldn't have to do a sense-of-the-Senate amendment. I certainly hope there is not a motion to table this. I can't imagine why it would be controversial.

The Senate goes on record that we need to determine the economic status of these former recipients. We need to know how this legislation is working. We need to know whether or not these mothers, who have been sanctioned, actually have jobs. We need to know whether the jobs pay a living wage. We need to know whether these families have been cut off medical assistance when they are still eligible. We need to know whether or not families have been cut from food stamp assistance even when they are eligible, and we need to know what the child care situation is. We need to know the status of 2-year-olds and 3-year-olds.

This sense-of-the-Senate amendment has the support of some 120 different organizations: from Catholic Charities USA; Center for Community Change; Food Research and Action Center; National Center on Poverty Law; National Coalition Against Domestic Violence; NETWORK, a National Catholic Social Justice Lobby; YWCA of America—the list goes on and on—Children's Defense Fund; Women for Reform Judaism. There is a long list of organizations to which I think all of us give

some credibility as important justice organizations.

Again, I had a chance to speak about this amendment earlier. I will just summarize. Yes, the welfare rolls have been reduced by about half. There are 4.5 million fewer Americans receiving any assistance. But the goal wasn't to basically reduce the welfare rolls; the goal was to reduce poverty. There are still some 34-, 35 million poor Americans. Unfortunately, some 6.5 million children live in households with incomes less than half of the official poverty level. Among one subgroup of our population, the poorest of poor people, poverty has gone up.

Today, about 20 percent of all the children in our country and about a third of the children of color under the age of 6 are growing up poor. Still today the largest poverty-stricken group of Americans are children. Still today we have a set of social arrangements that allow children to be the most poverty-stricken group in our country. I cite as evidence, again, some disturbing studies. Families USA says we have about 670,000 fewer people who no longer receive medical coverage because of the welfare bill; 670,000 citizens no longer receiving any medical assistance because of the welfare bill. We have the U.S. Department of Agriculture telling us there has been about a 20- to 25-percent drop in food stamp participation, which has been the most important safety net program for children.

In addition, we have any number of different studies—NETWORK, Catholic Justice Organization being but one—which point out that most of the jobs these mothers are getting pay about $7 an hour. But if they don't have any health care coverage, they are worse off. There are too many examples I can give. Again, I want to make sure we have the data about children, 2 and 3 years old, who are not receiving adequate child care.

The question I am asking is embodied in the wording of this amendment: To express the sense of the Senate regarding the importance of determining the economic status of these former recipients.

What has happened to these women and children? How are they doing? Is this welfare bill working? We should do some honest policy evaluation. Today, at about quarter to 2, we will have a vote on an amendment every Senator should support. How can a Senator argue that it isn't important to know the economic status of these women and children? I don't see the case against it. I hope we get a strong vote, and then that will give us some momentum for finally moving forward with some legislation that eventually will have some teeth that will, in fact, call for this kind of policy evaluation.

I say to colleagues I could give many State-by-State examples of ways in which I don't think this is working quite the way we want it to. I won't. I could say to Democrats and Republicans that, in some cases, in some communities, there is success; in other cases, in other communities, what is going on it is rather brutal.

I can certainly say to all of my colleagues, in very good faith, we need to understand the drop in food stamp participation; they are so important to meeting the nutritional needs of children. We need to understand why so many people have been dropped from medical assistance. We need to know whether there is decent child care for these children, and we need to know whether or not these families are moving toward economic independence.

It is extremely important that we do this policy evaluation. That is all this amendment calls for. It is a sense-of-the-Senate amendment. It is to get Senators on record with a good, strong vote that we ''express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance in needy families.''

Mr. President, I don't know that more needs to be said about this amendment. I yield the floor and suggest the absence of a quorum.

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

The legislative assistant proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, we will allow the majority to go to another amendment and we will reserve the time of the Senator from Minnesota.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. A vote is set for 1:50 on the Wellstone amendment.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1825

(Purpose: To prohibit the use of funds for the promulgation or issuing of any standard relating to ergonomic protection)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1825.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed epidemiological studies that have been conducted of ''work related musculoskeletal disorders of the neck, upper extremity, and low back'' showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary to write an efficient and effective regulation.

(3) An August 1998 workshop on ''work related musculoskeletal injuries'' held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard or regulation regarding ergonomics prior to September 29, 2000.

AMENDMENT NO. 2270 TO AMENDMENT NO. 1825

(Purpose: To prohibit the use of funds for the promulgation or issuing of any standard, regulation, or guideline relating to ergonomic protection)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2270 to amendment No. 1825.

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

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

The amendment is as follows:

On page 1 of the amendment, strike all after the first word and insert the following:

___. (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed epidemiological studies that have been conducted of ''work related musculoskeletal disorders of the neck, upper extremity, and low back'' showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary for OSHA and the Administration to write an efficient and effective regulation.

(3) An August 1998 workshop on ''work related musculoskeletal injuries'' held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard, regulation, or guideline regarding ergonomics prior to September 30, 2000.

Mr. BOND. Mr. President, the perfecting amendment corrects an error in the date in the language we provided in the original amendment.

This is an amendment with respect to ergonomics. The issue of protecting employees against workplace injuries is critically important. We all can and must agree to that. However, we are concerned about the proposed actions of OSHA. Small businesses and concerned employers know that ensuring safe workplaces is critical to their employees and to their businesses. It is in their best interest to protect employees from workplace injury, but they can only accomplish that goal without regulations that are unduly harsh. They need to proceed on a basis that is carefully thought out, makes sense, and is based on sound science.

Since the 1990s, OSHA has been trying to develop a rule that would tell employers what they are supposed to do to protect employees from ergonomic injuries. But the agency still has no answers to fundamental questions that need to be answered before a regulation can be issued or will be effective. These questions are basic: How much lifting is too much? How many repetitions are too many? How can an employer determine what part of an injury is due to workplace factors? And, perhaps most important: What can an employer do to prevent injuries or to cure an injury that has happened?

After all the effort and time OSHA has spent on developing their proposal, there is not a single threshold or recommendation contained in it. Instead, it basically says to employers. ''We know there's a problem, and we can't figure it out. So we expect you to figure it out for us, and we will inspire you with fines and penalties if you don't.''

That doesn't make much sense.

As I said before, employers—particularly small businesses—know how much they can lose in lost time and lost employees through ergonomic injuries. They want help and good guidance. They don't want to say: Take your best guess and we will fine you if you are wrong. That is no way to do business.

The amendment I propose today delays the Occupational Safety and Health Administration's (OSHA) proposed standard on ergonomic protection until the essential scientific research to support this standard has been completed. Sound science to support a sound safety standard.

Some opponents have tried to deflect attention from the flaws and lack of scientific basic for OSHA's proposal by mischaracterizing this amendment as ''anti-women.'' Nothing could be further from the truth. To use the words of several women construction business owners representing the Associated General Contractors of America (AGC): ''Safety has no gender.''

We all want to promote safe and healthy workplaces. To date, voluntary efforts by the business community have led to a 17 percent decline in repetitive stress injuries over the past 3 years, according to the Bureau of Labor Statistics. This includes a 29 percent decline in carpal tunnel syndrome cases and a 28 percent decline in tendinitis cases—two of the most commonly cited ergonomic injuries. Such injuries make up just 4 percent of all workplace injuries and illnesses.

There are too many. We need to do better. But we need to do so based on sound science so employers, and particularly small businesses, will know what reasonable standards they should meet so they can protect their employees, which they, I believe, not only want to do but which is in their economic self-interest to do.

Despite this decline in ergonomic injuries, OSHA is on a rampage to impose new mandates with no clear thresholds or guidance to address the causes of these injuries. This irresponsible behavior helps no employee—woman or man.

Some proponents of OSHA's ergonomics standard have argued that because many large companies have been able to spend significant resources of time and money to solve ergonomic problems in their workplaces, all employers should now be required to do this. The problem with using these examples as the basis of a regulation is that each one of these companies approached the problem differently, and was able to address the problem in a way that made sense for them in their workplace and in their business with their employees. It does not follow from these examples that OSHA should seek to impose on all employers a regulation that will have to fit a wide variety of companies. There is a vast difference between Ford Motor Company being able to implement an ergonomics program and a small business being able to hire the necessary consultants, purchase the necessary equipment, and possibly redesign its processes to address ergonomic questions.

OSHA'a ergonomics rule is different from all other OSHA regulations that establish a threshold for exposure to a specific hazard and then tell the employer that if an employee exceeds that threshold, certain measures must be taken, or exposure must be reduced.

Because of this vagueness of OSHA's proposed standard, and the impact it would have on small businesses which would be forced to comply with it, I introduced the Sensible Ergonomics Needs Scientific Evidence Act—the SENSE Act—S. 1070 on May 18 of this year.

The amendment I offer today is fundamentally the same as that bill. It is simple and direct—it tells OSHA that it may not proceed with publishing a proposed rule on ergonomics until after fiscal year 2000. Why?

Because by that time National Academy of Sciences is expected to have completed a study that Congress and the President agreed upon last year. This study is intended to determine whether there is sufficient evidence to answer those questions I just laid out and to support a regulation on ergonomics.

We agreed to pay $890,000 for a study. As I said, Congress agreed, and the President signed it. If we are to disregard that, we waste the money, and we don't get the benefit of the investigation that has been going on during this period of time and is expected to make a sound basis for proceeding in a scientific manner to do something about workplace ergonomic injuries. But if OSHA publishes its proposal first, that is a classic example of what I have described as the bureaucracy's desire for, ready, fire, and aim. You need to figure out what you need to accomplish, and how you can do it before you start out and do it.

My amendment would not preclude OSHA from continuing its study of this issue, and I urgently call on the agency

to redouble its efforts, especially in light of the report of the SBA Chief Counsel for Advocacy, which I received last week.

That report is very critical of OSHA's estimates outlined in the agency's Preliminary Regulatory Flexibility Analysis of the proposed ergonomics standard. In fact, the report concludes that ''OSHA's estimates of the benefits of the proposed standard may be significantly overstated.'' In other words, this standard may not help employees—women and men—as much as OSHA would have us believe.

Equally troubling is the report's conclusion that the cost of the ergonomics standard to all businesses could be as much as 15 times more than what OSHA estimates. Moreover, the report emphasizes that the cost of the ergonomics standard could be as much as 10 times higher for small businesses than for large companies.

So for what a large company would have to do for employees, if it had to pay $1,000 per employee, a small business might have to pay $10,000 per employee. Those are some pretty significant margins of error. If this rule goes forward, small business, once again, is left holding the bag.

The report also points out that ''a small business is not simply a large business with fewer employees. Many factors affect how a standard may impact a small business much differently than a large business.'' It goes on to discuss the fact that small businesses often have higher employee turnover rates meaning that any training requirement will have a more significant impact on the small firm than the large one.

For women business owners, the cost issue is particularly worrisome. As AGC's women construction business owners put it: ''Women-owned companies are the fastest growing sector of our economy. Unfortunately, burdensome regulations are a barrier to women starting their own businesses. Often, these regulations discourage women from starting a new business or expanding an existing one.''

Mr. President, one thing is very clear—this is an extremely complicated issue. And we must have more reliable cost and benefit estimates—not to mention sound science and thorough medical evidence—before we push the Nation's small businesses into another maze of redtape.

If there are regulations which are burdensome but which are necessary on the basis of sound science to protect against ergonomic injuries, then let OSHA set them out. Let everybody abide by those standards. But when we don't even know what best medical and scientific evidence provides, why are we going forward down a blind alley with nothing but a huge cost at the other end?

Employees have a right to expect regulations will achieve realistic benefits to them—not exaggerated lofty goals that miss the mark and help no one.

Let me be clear about something. When you talk to workers who are in businesses or in jobs where they do lifting and work, they are very much concerned about their medical care.

They are very much concerned about their pension. They are also concerned about their job.

We are talking about something that could be a job killer. If we are telling this employee—because we have issued a standard without scientific basis—the cost may be so great that your employer can't afford to continue to hire you, what favor have we done that employee? If she is put out of work because the unknown requirements of a very expensive regulation are too much for the employer to bear, that woman could lose her job and lose the means of livelihood in the name of lessening ergonomic injuries, without any proof that they do so.

Let me stress again, we all agree in protecting employees from workplace injuries, it is extremely important. That is something we must do, we must assure. Employers want employees to be safe. If your mother, father, sister, or brother is working in a job with lifting or repetitive motions, the employers want them to be safe. However, small firms cannot accomplish the goal of worker protection through ill-conceived and poorly supported proposals such as OSHA's ergonomic standard which has such potential burden for small business. If the burdens are too high, the business may not survive.

As I indicated earlier, this has been a concern that women-owned businesses have shared. If a business folds, there are no employees to protect. Where is the sense in that? OSHA is doing everything in its power to get its proposal published soon. The House passed legislation on this issue, the Workplace Preservation Act, H.R. 987, by a vote of 217–209. I think it is time for the Senate to add its voice to the call for OSHA to act responsibly, to act dispassionately, but to act in good science.

To summarize: We don't have the science; we don't have the medical evidence; we don't have accurate cost figures; we don't know the benefits to employees; and we don't know what works in preventing injuries. Moreover, OSHA doesn't know those either. All we have is a potentially burdensome standard that small businesses, whether owned by a woman or a man, can ill afford.

I urge my colleagues to support this amendment to make certain that OSHA's ergonomic standard is based on sound science and ensure that we are protecting men and women in the workplace. I hope we can get a reasonable time agreement so views on both sides can be expressed and we can proceed to a vote on this very important amendment.

Mr. SPECTER. Mr. President, I seek to propound a unanimous-consent request for a time limit. I have already had some informal indications that Members on the other side of the aisle intend to speak at some length. I will propound a request for consent when the manager returns to the floor.

Mr. DURBIN. Will the Senator yield?

Mr. SPECTER. For a question.

Mr. DURBIN. I am happy to propound a question. Does the Senator from Pennsylvania not understand, the complexity of this issue virtually prohibits a time agreement? We will continue the debate until it is fully explored.

I think the Senator from Pennsylvania and Senator from Missouri are forewarned: Bringing an issue of this complexity to the floor invites a lengthy debate regarding worker safety, and we will object to a time limit.

Mr. SPECTER. This Senator does not understand how this matter—for that matter, any matter—is so complicated as not to be subject to a time agreement. We are all here under time limitations. I only have 5 years 3 months left on my term, for example. We all have some time limitations.

I think it is possible to have a time agreement. However, if the other side intends to talk at length—I do not want to inject the word ''filibuster'' into the discussion, but if the other side wishes to talk at length and is unwilling to enter into a time agreement, I do understand that; I do not understand that any matter is so complicated as to preclude a time agreement.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I will speak since I have the floor and I am manager of the bill.

Mr. President, this issue has been the subject of very contentious debate for years. Last year in the conference committee in the House and Senate, we debated at great length; the year before, we debated at great length. There is no doubt about emotions running high.

The subject of ergonomics is an effort to have some way to stop repetitious motions which cause physical injury to workers. Many of the big companies have adopted procedures which will protect their employees because it is cost effective to do so in the long run. Small businesses face a little different situation, which I understand. The distinguished chairman of the Small Business Committee has offered this amendment. I understand the point he is making.

I point out that there have been many studies on the issue. In 1998, a peer review of the National Academy of Sciences involving 85 of the world's leading ergonomic experts found ''research clearly demonstrates'' that specific interventions can reduce or prevent musculoskeletal disorders. The 6-month study answered the same seven questions the National Academy of Sciences is now reviewing.

A 1997 review by NIOSH of 600 studies produced the same result and found that ergonomic solutions were being successfully applied in many work settings. During last year's negotiations,

Congress and the administration agreed, by funding the study, they did not intend to delay OSHA's ruling. House Appropriations Chairman Livingston and ranking member OBEY—I think, on the record—made it clear that the Director of the Office of Management and Budget, Jack Lew, also concurred. We have had a letter from the Secretary of Labor with a veto threat. That is not unusual.

However, I believe there is a balance which can be obtained to protect workers and not to unduly burden businesses, including small businesses. That is why, as chairman of the subcommittee involved in the conference for several years, I have tried to work this out so we can find a way not to overburden small business and at the same time to protect workers from these musculoskeletal problems.

Right now, the Office of Management and Budget has the regulation and we do not know what form it will finally take. But someday we have to come to grips with the issue and stop studying it. Studies are very important to find out what the facts are, and then we must act on the facts. When studies are used to interminably delay, it doesn't become a study; it is a filibuster by study on one side, as it is filibuster by an assertion that it is too complicated, too intricate, to be able to come to grips with it and decide.

We are sent here to try to decide the issues. It is my hope we can debate the facts, try to understand what the underlying issues are, and then try to find a consensus on public policy. At some date, we will have to go ahead and act one way or another on the protection of the workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by the manager of the bill, and I also understand the Senate lingo that means if we offer this amendment, you will filibuster. That disappoints me greatly.

I ask unanimous consent to be a cosponsor of the Bond amendment.

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

Mr. NICKLES. I thank and compliment the Senator from Missouri for offering this amendment. It is needed. This amendment is needed because the administration is getting ready to promulgate some regulations in the near future that will cost hundreds of millions, if not billions, of dollars for American industry. When I say American industry, I am talking about small business, as well as, big business. I am talking about an unbelievably complex set of regulations and there is no telling how much it will cost to implement these regulations.

These regulations consist of how many motions you should make. That if you do more than a certain amount, then maybe that is not safe; or if you lift something, it cannot be lifted more than this number of times, or it will be too heavy or too stressful. OSHA and the Department of Labor try to make these very regulations and at the same time they say they honestly do not know what they are doing, so in many cases they will wait until laborers complain and then they will try to come up with regulations to alleviate their pain. These methods are not successful.

We have in fact already addressed this issue. The Senate houses the Congressional Research Service, a nonpartisan group, to research complex issues. There is a CRS study that was updated August 31, 1999. I will read from a copy of this report that addresses further ergonomic regulation:

> Due to the wide variety of circumstances, however, any comprehensive standard would probably have to be complex and costly, while scientific understanding of the problem is not complete.
>
> It would be costly, it would be complex, and, frankly, it would not be understandable. It would not be workable.
>
> The state of scientific knowledge about ergonomics—and especially the role of nonwork and psychological factors in producing observed syndromes—has become a key issue in the debate over how OSHA should proceed.
>
> Even if the problem were fully understood, the wide variety of circumstances will bedevil efforts to frame simple cost-effective rules. What are called ''ergonomic'' injuries are actually a range of distinct problems, much as ''cancer'' is not one but a family of diseases.

Throughout the summary of this report, the point is that, due to a lot of circumstances, any comprehensive rules would have to be complex and costly while scientific understanding of the problem is not complete.

What about a scientific study? Why don't we ask the scientists? If Congress' research arm says this is going to be costly, we do not have the scientific basis to do it, why don't we have scientific basis? Why don't we ask the experts to take a look at it and see if there is something they can come up with that would be workable?

Well, we did do that. Last year, Congress passed and almost every Member of this body, or the majority of the Members of both Houses of Congress, passed a bill that funded $900,000 for the National Academy of Sciences to complete a study and review the scientific literature as mandated by Congress and the President on ergonomics. They have not completed that study. They should complete the study in about a year, January 2001; in 13 or 14 months.

We are spending almost a million dollars on the study to ask the scientists to do an in-depth review. Yet many people say they want OSHA to go forth and come up with these complex rules in spite of the unfinished study. They are saying that they trust OSHA to come up with rules and regulations without this study, without the basis for making such rules? You talk about repetitive motions—OSHA often tells companies that they may possibly be doing something wrong and a company could ask OSHA whether or not they are in violation of certain standards and OSHA would reply: ''We don't know.''

These standards are almost impossible to define. What is repetitive motion? Standing at a machine on the job for 8 hours a day—that is ergonomic—is that too much? I grew up in a machine shop. I grew up in Nickles Machine Corporation. We lifted and moved a lot of heavy equipment. There is no way in the world some Federal bureaucrat knows what is the proper amount of weight that individuals should be moving around. There is no way to create a uniform standard that applies to each individual.

Are they going to come in and supervise and say: You should not be standing there for that period of time? Maybe you should not be working at your computer for this amount of time. Maybe you should not be engaged in moving heavy objects.

We are going to have the heavy hand of the Federal Government, Federal bureaucrats running all across the country trying to make those kinds of determinations, saying: If you do not comply with our infinite wisdom, we are going to fine you. We are going to close you down. Amazing. It is amazing that we would do such a thing.

The proposed regulations by OSHA are not workable. They are unbelievably complex. Anybody who has looked at them from a standpoint of real-life experience in the workforce agrees that this is not workable. So what have we done if we succeed with this amendment? We have passed restrictions keeping this administration from going forward on this enormously complex, expensive, regulatory scheme.

Last year, we said let's have this study, let's let this study go forward; let's look at real scientific facts before we implement a standard that could cost billions of dollars, and no telling how many jobs would be lost as a result. Let's let that happen. I regret that this was not already included in the committee bill.

I think most people will acknowledge we have a majority vote on this. We have the votes to do this. We have Democrats and Republicans who will support this amendment. We have a majority; we have a majority vote in the House as well. Now we have this implied senatorial discussion: If you have this amendment, due to its complexity, we will discuss it for a long time; i.e. we will filibuster this amendment. We will not let this bill pass. We don't care if we bring down the largest appropriations bill, that deals with Education, Labor, Health and a multitude of Governmental agencies—we don't care if we bring down the whole thing.

Why? Because organized labor wants this rule to go forward. I guess if the leadership of AFL/CIO wants this rule to go forward, we should absolutely let it go forward. That is what a few people are saying, although masked with niceties, in senatorial discussion: If

you insist on a vote on this amendment, we are going to talk for a long time and not let this bill pass.

As I said, we passed related legislation in 1998. We authorized the study I previously mentioned, to look deeper into the problems employees and industry face. Let's let the study work. Let's find out what the scientists have to say. Let's listen to the experts.

We had a couple of congressional hearings regarding this very issue. The following was concluded from a hearing in 1997:

> Any attempt to construct an ergonomic standard as a remedy for regional musculoskeletal injuries in the workplace is not just premature, it is likely to be counterproductive in its application and enforcement.

It is likely to be counterproductive. Does this give unions a chance to file complaints for harassment purposes? Has anybody thought of that? Of course they have. Does this increase people's leverage? ''If you work with us, maybe, a little bit, we will not be quite as vigorous in our complaints.'' Is this what we really want?

Another statement was made by Dr. Stephen Atcheson and others with the American Medical Association:

> The debate concerning whether certain occupations actually cause repetitive motion disorders is now well over a century old and far from settled.

This is complex business. You are talking about movements and actions in the workforce, and there are an unlimited number of movements and actions. Now we are going to have that regulated by the Federal Government? We are going to turn loose the Department of Labor, OSHA, to come up with regulations that have the force and the power to fine and assess and have bureaucrats telling people how to operate their businesses? As if people running those businesses could care less about their employees?

The whole premise of this regulation is Government knows best; employers certainly don't care about their employees—which I do not believe. I have been an employer. You show me an employer who doesn't care about his employees, and I will show you somebody who is going out of business in a very short period of time and probably deservedly so. It is this presumption—the Government knows best; we need Government as the caretaker for business operations—that I think is absurd. And we trust some bureaucrat in OSHA, who probably knows nothing about a particular operation, to come in and say: Here is how you should run your business. We know better than the people that have been managing that plant, working in that plant for years. There is no telling how much it will cost. No telling how many jobs will be lost, the costs that could be imposed, the costs that could result from unfair, unworkable regulations.

I compliment my colleague from Missouri, and I urge my colleagues to support the Bond amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to be brief because other colleagues are going to speak, and then I will come back later as we go forward in this debate.

I say to my colleagues on the other side, what Senator DURBIN from Illinois said is right on the mark. As ranking minority member on the Labor Committee, now called HELP, which has jurisdiction over OSHA and occupational health and safety issues which are very important to working people, I have a lot to say about this amendment. What I will say, as this debate goes forward, will be substantive, and it will be important in determining how all of us vote. This is an incredibly important issue.

I will start out for a few brief minutes right now and then turn it over to other colleagues. I will come back later as this debate develops.

This Bond amendment will basically stop OSHA from doing its job, which is the mission of the mandate of keeping American workers from getting injured at work. It basically stops OSHA from doing its job, and OSHA's job is to prevent workers from being injured at work.

This amendment will shut down the normal rulemaking process and stop OSHA from doing anything at all about ergonomic job hazards that are seriously injuring over 600,000 workers every year. That is a statistic my colleagues do not like to talk about. I have heard the arguments about bureaucrats and big government and all of the rest, but we ought not be too generous with the suffering of others. We are talking about 600,000 workers who are seriously injured every year. That is what this debate is all about.

Ergonomic injuries are serious injuries from repetitive motions, overexertion, and physical stress. They include carpal tunnel syndrome, back injuries, and tendonitis. The amendment before us will stop OSHA from issuing a standard to prevent these injuries until the National Academy of Sciences completes a new study which will take somewhere between 18 to 24 months. This amendment will stop OSHA from issuing not only a regulation, but even voluntary guidelines or standards. This amendment is an extreme amendment, extremely harsh in its impact on working people.

Last week, Secretary of Labor Herman wrote that she would recommend a veto of S. 1650 if this amendment is adopted. By the way, I also say to my colleagues, the reason Senator DURBIN was right in what he said earlier—that this debate will take some time—is because it is important to put a focus on the people and their lives and who is going to be affected by this.

With all due respect, quite often—and this particular case is a perfect example—when we talk about OSHA or NIOSH, when we talk about occupational health and safety, we are talking about a group of Americans who are rarely in the Senate or the House. These are not in the main, our sons or daughters. These are not in the main, our brothers or sisters or our parents. In fact, I think if they were, this amendment would not even be before the Senate. I do not want to lose sight of about whom we are talking.

There are four points I want to make as this debate develops. I will not develop any of these points right now, but I will mention them.

First, I want to spend some time later on talking about the people, real people who are affected by this debate. As we speak, there are workers who are injured needlessly because of the continuing efforts by this Congress, as represented by the Bond amendment, to keep OSHA from doing its job. These are real people with real health problems who are hurt at the workplace with disabling injuries. I want to spend a lot of time talking about who these people are. I want to present stories. I want to talk about these people in the most personal terms possible so we know what is at stake.

Second, I want to make the case that something can be done to stop people from being injured in this way, from stopping these physically disabling injuries, from stopping the pain. There is no need to wait another 2 years for another study. We do not need another study to show that ergonomic hazards cause injuries and these injuries can be prevented. We already know it. There are already reams of scientific evidence to prove it, and one more review of the scientific literature is not going to change anything. Later on in this debate, I will talk about the studies that have already taken place and what their conclusions are, all of which say we need to go forward right now.

Third, I want to dispel the mistaken impression among some Senators that a deal was worked out last year whereby OSHA would delay this rulemaking until the National Academy of Sciences completes its second study. Actually, that appears to be just the opposite of what happened.

According to the parties involved in those negotiations, there was an understanding that this new NAS study would not prevent OSHA from going forward. There was a clear understanding that this new NAS study would not prevent OSHA from going forward.

Finally, I want to make it clear that the issue is not the substance of OSHA's proposal. There is already a process in place for addressing any criticisms or any modifications that Senators and others may have. It is the same rulemaking process that is used for any other regulation: Interested parties are encouraged to comment and suggest changes. Criticisms or quibbles with OSHA's current proposal should not be used as an excuse to stop OSHA from doing anything whatsoever, and that is exactly what is happening. This

ergonomic standard has been delayed for far too long.

It was first proposed in 1990 by then-Secretary of Labor Elizabeth Dole. I will go back through that history as well, but I will conclude right now by saying that this amendment just shuts down the normal rulemaking process. It stops OSHA from doing its job. It does not speak to the 600,000 workers right now who are being injured and who are struggling because, in fact, we do not have ergonomic job standards. These injuries are serious injuries. They are disabling injuries. Surely, we can take action right now.

This is all about working people. It is all about making sure there is some safety at the workplace. It is all about our responsibility to move forward with a standard that will provide some protection. It is all about making sure OSHA is not gutted. It is all about making sure this amendment, which I view as a direct threat to many hard-working people, does not go forward.

Yes, we are here to debate this. My colleague, Senator DURBIN, is ready to speak. Senator HARKIN is going to speak. Senator KENNEDY will be here. And later on in the debate, I will come back and lay out story after story of families that will be affected by this amendment. I will talk about what this means in personal terms. I will talk about all the studies that have already taken place and what the science clearly suggests to us. We will have a major debate on this. I have no doubt the vast majority of people in this country expect the Senate to be on the side of providing some decent protection for hard-working Americans. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in support of the Bond amendment, and I ask unanimous consent to be added as a cosponsor of the amendment.

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

Mr. HUTCHINSON. Mr. President, it is my understanding there are a number of colleagues on both sides of the aisle who want to speak on the amendment. I ask unanimous consent that we limit the debate to 1 hour on this amendment.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUTCHINSON. Mr. President, I will speak for a moment about why I think this amendment is so important.

When I travel through Arkansas and with the opportunities I have had to be in other parts of the country where we have had hearings on workforce protections, one of the complaints I hear so frequently from my constituents is that regulatory agencies in general exceed the authority that has been delegated by the Congress. One of the frustrations I hear expressed from so many small businesspeople and others is: If you in the Senate and the House are the ones elected by us to represent us, why do these regulatory agencies seem to go off on their own, contrary to what you have expressed in legislation?

It is a question that is always difficult to answer. Frankly, too often we have allowed, whether it be OSHA or the IRS, regulatory agencies to exceed their statutory authority, and we have done an insufficient job in reining in what they are doing.

In this particular case, I think we see exactly that. OSHA is an agency to which we have delegated power. It seems to be determined to extend its regulatory power in a negative way through the imminent implementation of this ergonomic standard, regardless of that standard's effectiveness in protecting workers or its cost to American industry.

So, yes, there is an issue of safety; yes, there is an issue of cost; and, yes, there is an issue of what is the scientific basis for what OSHA is propounding to do.

So often what we find regulatory agencies doing ends up having unintended consequences which the Congress must go back and try to rectify at some later date or which results in a reversal of the rulemaking process in these various agencies.

We have already heard, in evidence presented on the floor of the Senate today, that there is concern that a premature ergonomic standard could have counterproductive consequences.

I say to my colleagues, if you are concerned about the health and welfare of the American workplace, if you are concerned about the safety of the American worker, then let's be sure that when OSHA implements a rule, they do so with a sound scientific basis for what they are doing.

Now, I don't know. If we can't count on the nonpartisan, highly respected Congressional Research Service, then who do we look to? That is why we pay them. That is why we have established them. They are well-respected. This is what they said. Senator NICKLES earlier quoted part of the CRS report. Let me quote an additional part of what they said. They said:

> . . . because of the wide variety of tasks, equipment, stresses and injuries involved, any comprehensive standard would probably have to be complex and costly.

They continue:

> . . . ergonomics is a difficult issue because, while there is substantial evidence of a problem, it is very complex and only partially understood.

I think it is not prudent to move forward with a rule when the CRS has concluded the issue is complex and we do not understand it. It is only partially understood. How can you implement a rule that is in the best interest of the American worker, much less the American economy, if we do not understand what the problem is and we can only acknowledge it is partially understood and it is complex?

As an example, the CRS cites that while a whole ''host of new products and services have become popular—such as back braces and newly designed keyboards—there is little in the way of scientific evidence about whether they do any good.''

What the opponents of this amendment are suggesting is that though we do not understand the issue, though it is acknowledged to be complex, though the CRS says we have a host of new products and services out there but there is no scientific evidence as to whether they do any good or not, we should nonetheless give the green light for OSHA to move ahead in a rulemaking process without substantial scientific basis for that rule.

Proponents of the ergonomics standard claim this issue has been adequately studied, if not overstudied—and that is what my friend and colleague from Minnesota was just saying—but it is simply not the case.

The National Institute for Occupational Safety and Health, NIOSH, after conducting an extensive review of the literature, stated that there are ''huge, fundamental gaps in our understanding'' which ''make it clear how little we really know about ergonomics.''

So those who would say, well, we have studied it—we have studied it and studied it—we have studied it enough, so let's go ahead with the rule, they are ignoring the basic conclusion, the overwhelming conclusion of the evidence and the literature on this issue, which concludes we simply do not understand ergonomics.

There are ''huge, fundamental gaps in our understanding.''

To my colleagues, I say it is for that reason that the Congress wisely, I believe, last year, in the omnibus appropriations bill, appropriated $890,000 so that we could fill those huge, fundamental gaps in our understanding concerning the issue of ergonomics—$890,000 for a more thorough review of literature by the National Academy of Sciences, a thorough study by the NAS, which, if there is a more respected group than the CRS, certainly in the area of science, it would be the NAS.

We want a rule, but we want a rule to be based upon good science, not something that is moved forward without adequate study and without adequate scientific basis, that could have negative impacts upon workers, and certainly will have negative impacts upon the workplace and the economics of the workplace.

Nonetheless, in spite of the fact that we authorized, we spent, we appropriated $890,000, OSHA has refused to wait for the results of that study. They already released a discussion draft of the ergonomic standard in February of this year.

I simply find it inexplicable why OSHA cannot wait for this definitive study to be completed. To me, it does not seem prudent to rush to judgment. To me, it does not seem prudent to rush to implement a rule without knowing exactly what the consequence

of that rule would be, how much it would help workers, or how much it might hurt workers, or exactly how much of a burden it would be to businesses. We do not know the answers to those questions. We need to know the answers before we allow OSHA to move forward with the rule.

Finally, I do not know that I can justify to my constituents in Arkansas, and to the average Arkansas worker who makes a median income of $27,000, how the Federal Government effectively wasted $890,000 of their hard-earned tax dollars by not even waiting for the completion of this study.

Therefore, I urge my colleagues to adopt the Bond amendment and make OSHA await the outcome of the NAS study so they can devise an ergonomics standard that will be effective in protecting American workers without unnecessarily burdening American businesses.

I thank the Chair and yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I rise in opposition to the amendment of my friend from Missouri and the Chairman of the Small Business Committee. I heard not all but most of the opening comments by the offerer of the amendment, Senator BOND. What I heard mostly was the concerns expressed by Senator BOND regarding its impact on small businesses.

While I happen to serve on the Small Business Committee, Senator BOND is the chairman of that committee. It goes without saying that Senator BOND has had a long and intense interest in the impact of rules and regulations on small businesses. I think I can say without fear of contradiction that Senator BOND has done a very good job in protecting and defending the rights of small businesses. Quite frankly, I believe I have, too, and others on the committee. I can understand Senator BOND's concern, legitimate concern about what would happen with the small businesses.

In that regard, I support his thrust in terms of making sure that we do not impact unduly on small businesses and that we fulfill our obligation to ensure that small businesses get the support whatever it might be, to help change and redesign a workplace that would be injurious to workers suffering from ergonomic types of illnesses.

To say that it would have an impact on small businesses does not mean we can't do anything about it because I think we have an obligation to protect the health and the safety and the welfare of the workers of this country. Whether they work for IBM or General Motors or whether they work for a small concern that employs five people, I believe we have an obligation to be concerned about their health and their safety.

Obviously, we also have an obligation to be concerned about the small businesses in this country. That is why I say, to the extent we can, we better be prepared to help small businesses to cut down on the illnesses and injuries to workers from musculoskeletal disorders and the results of ergonomic illnesses.

So again, I hope this is not just the reason someone might vote against this, because of the impact on small businesses; think about the impact on the workers, what is happening to workers out there.

I would also like to point out that if a small business has no workers with work-related musculoskeletal disorders (MSDs), is not in manufacturing and does not have workers with significant handling duties, that small business doesn't have to do a thing. Millions of small businesses (drycleaners, banks, advertising agencies, shoe repair) will have no obligation to comply unless a worker gets hurt. Then let us have a meeting of the minds to do both. Let's protect our workers, and then meet our obligation to help small businesses. It seems to me this is the way to go.

I know the Senator from Illinois has been waiting to speak, but let me also comment upon the fact that Senator BOND had said something about women-owned businesses, that women-owned businesses will be at risk. Quite frankly, women are at risk.

Here is a study done on ergonomics, called A Women's Issue, from the Department of Labor. The title says: Who is at Risk? Women experienced 33 percent of all serious workplace injuries—those who required time off of work—in 1997, but they suffered 63 percent of repetitive motion injuries, including 91 percent of injuries resulting from repetitive typing or keying and 61 percent from repetitive placing. Women experienced 62 percent of work-related cases of tendonitis and 70 percent of carpal tunnel syndrome cases. So this is a women's issue. It is women who are suffering more from repetitive injury diseases and illnesses than men are. We should keep that in mind.

Secondly, we hear about doing a study and that we shouldn't promulgate or have these rules prior to the study being done. Well, first of all, for the record, there is no new study being done. The study being done by the National Academy of Sciences, which is referred to often, is just a study or a review of existing literature. They are not conducting any new research. All of the literature being reviewed by the National Academy of Sciences is already available to OSHA. The study the NAS is doing is a review of all the existing studies. We have studied this issue to death. There have been more than 2,000 ergonomic studies, and there have been 600 epidemiological studies done on ergonomics. We have more than enough information to move ahead in protecting workers. The study we keep hearing about is simply a study of all the studies. Let us keep that in mind.

We have been a long time in this rulemaking process. We have had over 8 years of study. I think it is well to note, too, the first Secretary of Labor who committed the agency to issuing an ergonomic standard. It was then-Labor Secretary Elizabeth Dole, who committed the agency to issuing an ergonomic standard. We have been studying it ever since.

Also, keep in mind, no rule has been issued, not even a proposed rule. Again, that is all we are talking about, letting OSHA go ahead with a proposed rule. That is not the end of it. Once the proposal is issued, the public, people on all sides of the debate will have ample opportunity to comment on the proposal.

Lastly, this really does kind of break the agreement we had last year. Our word is our bond around this place. If we don't keep our word, this place disintegrates. Last year, we had an agreement made with the House Members, Congressman Livingston, who at that time was chairman of the Appropriations Committee, and DAVID OBEY, who was the ranking member. They signed a letter dated October 19, 1998. What they said was: We understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear that by funding the NAS study, it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics. It was signed by Chairman Livingston and ranking member OBEY.

I happen to be a member of the Appropriations Committee. Obviously, we are on an appropriations bill. I was involved in the discussions on that last year. The agreement was made to go ahead and let the National Academy of Sciences do a review—that is all it is; it is not a new study—of the studies that have already been done.

Let's keep that in mind; this is not a new study. During that time, OSHA was not prevented from going ahead and issuing a proposed rule—not a final rule, a proposed rule, which I have pointed out, then, allows everyone to have their input and allows us in Congress to see it. Again, people talked about this study, and we had this agreement. We should live up to the agreement.

They talk about the cost. Here is a whole packet—I will have them here if anybody wants to read them—of ergonomic changes made by companies, both large and small, to help reduce the significance and the number of injuries. These are what companies on their own did.

One caught my eye. This is from Sun Microsystems. They make computer equipment and systems in California. Problem: In 1993, the average work-related musculoskeletal disorder disability claim was $45,000 to $55,000. The solution: Sun Microsystems purchased ergonomic chairs and provided education and work station assessments to all who requested them. The company also encouraged workers to adopt proper posture while working with computers. The impact: The average repetitive-strain-injury-related claim dropped from $45,000 to $55,000 in 1993 to $3,500 in 1997.

Does it work? Yes, it does. It works well. We ought to get on with it. Let OSHA issue their proposed rule. These delays hurt workers. More than 600,000 workers lose work each year because of ergonomic-related injuries. These are our cashiers, nurses, cleaning staff, assembly workers in manufacturing and processing plants, computer users, clerical staff, truck drivers, and meat cutters.

This amendment should be defeated because the workers of this country deserve to have their health and their safety protected.

I yield the floor.

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

Mr. DURBIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Missouri, Mr. BOND.

During the course of this debate, we will hear many terms, which sound technical in nature, about the issue at hand. It has been described as ergonomics, musculoskeletal disorders. I think we ought to try to get this down to the real-world level of what this debate concerns.

I have before me a study from the Centers for Disease Control and the U.S. Department of Health and Human Services relative to this particular problem. They state, early in the study, the term ''musculoskeletal disorders'' refers to conditions that involve the nerves, tendons, muscles, and supporting structures of the body.

Another definition says: Ergonomic injuries have many names. They are called musculoskeletal disorders, repetitive stress injuries, cumulative trauma disorders, or just simply strains and sprains. These injuries occur when there is a mismatch between the physical requirements of a job and the physical capacity of a worker.

I wanted to make sure we said that at the outset, so those who are following this debate will understand that what is at issue is not a highly technical, scientific issue but something that every one of us who do manual chores at home or at the workplace understands. If you sit there and have to peel a bag of potatoes, when it is all over your hand is a little sore. What if you had to peel a bag of potatoes every half hour, 8 hours a day, 40 hours a week, 12 months a year? How would your hands react to it? That is what we are talking about—ergonomics; musculoskeletal disorders.

I note that the Republican majority wants to limit this debate. They have asked on two occasions that we agree to a limitation. I hope they will reflect on the fact that we are talking about injuries that occur to 600,000 workers a year. It is only fair to those workers, when we consider this amendment by Senator BOND of Missouri, that this debate reflect the gravity of the issue. I will not make a unanimous consent request at this time, but I think it is reasonable that we allot in this debate perhaps 1 minute for every 250 workers who were injured each year by one of these conditions.

That is 1 minute of debate for every 250 workers. By my calculation, that comes out to about 24,000 minutes, and it turns out to be a 40-hour work week. Wouldn't it be interesting if the Members of the Senate had to stand in their workplaces 4 and 5 hours at a time debating this amendment and then talk about the aches and pains they suffer. Imagine the worker who puts up with that every single day.

Each of us in the Senate brings our own personal experiences to this job. I am sure there are many colleagues in support of this amendment who have been engaged in manual labor. I oppose this amendment. I have had the experience, in my youth, of some pretty tough jobs. My folks were pretty adamant that I take on tough jobs so I would want to go back to school and finish my college and law school education.

Well, it worked. I grew up in East St. Louis, IL, and spent several summers working in the stockyards, sometimes working the graveyard shift, from midnight until 8 in the morning, and other times during the day. I did all sorts of manual labor, such as moving livestock, cleaning up in areas that needed to be cleaned up. It was a lot of hard, tough work. At the end of each summer, I was darn glad to go back to school.

But there were two jobs I had that educated me more than others about the workplace, and dangers, and why this debate is not about some dry concept but about real people who get up every single morning, pull themselves out of bed, brush their teeth, and head off to work to earn a paycheck to pay for their families' needs and maybe to realize the American dream.

One job I had was on a railroad. It was considered a clerical job. It involved a lot of moving back and forth, sometimes in the middle of the night, in Brooklyn, IL, between trains that stopped. I was a bill clerk walking up and down with a lantern, trying to keep track of these trains. One night, in the middle of the night, I climbed a ladder on the side of one of these gondolas to see if it was empty or full. As I started to jump down from that ladder, my college graduation ring caught on a burr on the ladder, causing a pretty serious injury and a scar I still carry. That was a minor injury. I was back at work in a few days. Some workers aren't so lucky.

But the job I had really educated me about this issue, so I understand it personally. I hope my colleagues can come to understand it. It is a fact that I worked four straight summers in a slaughterhouse, the Hunter Packing Company of East St. Louis, processing hogs and pork products. We were unionized, the Amalgamated Meat Cutters and Butcher Workers of Greater North America, and we had a contract. Thanks to that contract, I think I received $3.50 an hour, which, in the early 1960s, was a great wage for a college student. I could finish that summer and take $1,500 back to school and do my best to pay my bills. My kids, and a lot of college students today, laugh when they consider that amount of money, but that was a large amount of money in my youth. When you came to the slaughterhouse as a college student, you expected the worst jobs, and you took them if you wanted to make the salary you needed. So I worked all over this slaughterhouse.

The union had entered into an agreement with the company, Hunter Packing Company, which said: You will work an 8-hour day, but we define an 8-hour day in terms of the number of hogs that are processed. If I recall correctly, our contract said we would process 240 hogs an hour, which meant slaughtering or processing on 2 different floors, 2 different responsibilities.

Some people who worked there said: Wait a minute, if 240 hogs equals an hour, and we are supposed to work 8-hour days, and at the end of the day we are supposed to have processed or slaughtered 1,920 hogs, if we can speed up the line that carries these hogs, or speed up the conveyor belt that carries the meat products, we might be able to get out in 7 hours.

So it was a race every day to get to 1,920 hogs. Hundreds of men and women who were standing on these processing lines were receiving that piece of the animal or piece of meat to process it, knowing another one was right behind it, just as fast as they could move—repetitive action, day in and day out.

I saw injuries in that workplace because of the repetition and the speed. I can remember working on what we called the ''kill floor,'' where the first processing of a hog took place. I worked next to an elderly African American gentleman, a nice guy. He joked with me all the time because I was this green college student doing everything wrong. One day, I looked over as he slumped and fell to the floor; he passed out.

I can recall another day when I was working on a line where they were putting hams on a table to be boned and then stuck into a can so we could enjoy them at home. These men were—it was all men at that time—paid by the ham. The faster they could bone the hams, the more money they made. The knives they used were the sharpest they could possibly get their hands on. They covered the other hand with a metal mesh glove, and they would set out to bone the ham as quickly as they could. There were hams flying in every direction and hands flying in every direction. The next thing you know, there were injuries and cuts.

Of course, if your hand is cut and you work as a piece worker, you really don't make much money until it heals. You can't go back too soon into an environment with a lot of meat juices and water because it won't heal. I

would see these men with bandaged hands standing over to the side waiting for another chance to make a living for their family.

These images are as graphic in my mind today, in 1999, standing on the floor of the Senate, as they were in my experience as a kid in that packing house. As I looked around at the men and women who got up every single day and went to work—hard work, dirty work, but respectable work—and brought home a good paycheck for a hard day's work, I saw time and time again these injuries on the job.

The amendment offered by the Senator from Missouri, Mr. BOND, says to the Federal Government—in this case, it says to the Secretary of Labor—not to study and not to come up with regulations that would protect workers in the workplace from repetitive injuries.

It is a common question in legislatures and on Capitol Hill: Who wants this amendment? Who is pushing for this amendment? Who would want to leave millions of American workers vulnerable in the workplace from repetitive stress injuries when we know that over 600,000 workers a year are injured? Who is it who wants to stop or slow down this process?

Well, I am virtually certain it is some business interest. I don't know which one, because the curious thing is that every business that comes to talk to this Senator, or others, is quick to say: We care about our workers. We put things in place to protect our workers. We don't need the Federal Government to come in because safety in the workplace is No. 1 at our plant.

I hear that over and over again. I don't dispute it. When I talk to you a little later on about some of the companies that have responded to this particular challenge, you are going to find big names, Fortune 500 names, such as Caterpillar Tractor Company of Illinois, a big employer in my State. I am proud of what this company makes and exports around the world. You will hear about what they have done to deal with the problem. Chrysler Motor Company in Belvidere, IL. I have been there. We will talk about what they did.

Finally, you are going to say, if the Fortune 500 companies and the ones that talk to you are the good guys, the companies that are really trying to protect workers and understand how expensive and serious it is to have injuries in the workplace, who in the world is pushing for this amendment that would eliminate holding every business in America responsible for safety in the workplace?

My conclusion is that some bad actors out there in the business community who are not living up to the same standard as these companies are the ones behind this amendment. And the sad reality is, the larger companies, through the organizations that represent them in Washington, have joined ranks with the bad actors.

They are playing down the lowest common denominator. They are trying in a way to protect their competitors that aren't living up to the same good standards for their workers. I think that is shameful. I think it is disgraceful.

This Bond amendment—make no mistake—I want to read to you what it does—says after a lot of preparatory language:

> None of the funds made available in this act may be used by the Secretary of Labor, or the Occupational Safety and Health Administration, to promulgate, or to issue, or to continue the rulemaking process of promulgating or issuing any standard regulation or guideline regarding ergonomics prior to September 30, 2000.

In other words, turn out the lights downtown on establishing standards that you send down to businesses to protect workers.

Mr. SCHUMER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield to the Senator from New York for a question.

Mr. SCHUMER. I thank the Senator for yielding.

As I go around my State of New York, I meet all kinds of people who are unable to use their hands anymore because of the kinds of jobs they have had. We have had, for instance, in New York City, workers from a variety of jobs come together to talk about the need for some kind of standard. Many have been disabled by workplace injuries and have had to limit the amount of hours they work. One woman, for instance, an editor for a local TV station, says she can't use her hands for cooking, for opening doors, or for carrying anything.

I ask my colleague from Illinois, how would this amendment affect people in that position?

Mr. DURBIN. The Bond amendment, offered by the Senator from Missouri, would basically say to those workers: Your Government can't establish a standard to protect you in the workplace. It stops the Government from establishing a standard for workers.

Mr. SCHUMER. Mr. President, if the Senator might yield for another question, I guess there is some talk about whether we need to study further; that they are not yet ready to have standards. Yet it is my understanding that scientific and medical journals have had over 2,000 articles about the need for some kinds of standard, about what the problems are, and that it is pretty clear cut that in many new kinds of industries the problems that have developed at the workplace are so real that we have far more than enough information to develop standards.

Would the Senator care to comment on whether or not the argument that we are not ready to have standards in ergonomics washes?

Mr. DURBIN. I say to the Senator from New York, he is correct. Over 2,000 studies have established a causal relationship between certain work patterns and certain injuries.

I also say to the Senator from New York that this large volume I referred to earlier from the Centers for Disease Control, which is not a political organization—it is an organization dedicated to public health in America—concluded after one of their more recent studies as follows:

> A substantial body of credible epidemiological research provides strong evidence of an association between musculoskeletal disorders and certain work-related physical factors when there are high levels of exposure, and especially in combination with exposure to more than one physical factor; that is to say, repetitive lifting of heavy objects in extreme or awkward postures.

So the Senator from New York is correct. The evidence is in. There is need for standard of protection.

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

Mr. DURBIN. I would be happy to yield.

Mr. SCHUMER. Mr. President, I thank the Senator. I respect his expertise on this issue. I know he has been involved in it for a long time.

It is my understanding that in 1990 the Secretary of Labor, Elizabeth Dole—not a member of our party, now a candidate for President—said that OSHA must take all the needed steps to develop an ergonomics standard. That was virtually 10 years ago. There has been lots of planning since. Am I correct in assuming that even at the beginning of the decade it was pretty clear we needed some kind of standard, and that we have delayed and delayed to the harm of thousands, tens of hundreds, and hundreds of thousands of workers?

Mr. DURBIN. The Senator from New York is accurate. At the conclusion of my remarks, I will ask unanimous consent to enter into the RECORD a news release from the U.S. Department of Labor that is dated Thursday, August 30, 1990, a release from then-Secretary of Labor, Elizabeth Dole, that says as follows in the opening paragraphs:

> Secretary of Labor, Elizabeth Dole——

The same person who is now a Republican candidate for President, I might add——

> * * * today launched a major initiative to reduce repetitive motion trauma, one of the Nation's most debilitating across-the-board worker safety and health illnesses of the 1990s.

She goes on with a quote that says:

> These painful and sometimes crippling illnesses now make up 48 percent of all recordable industrial workplace illnesses. We must do our utmost to protect workers from these hazards, not only in the red meat industry, but all U.S. industries.

That was Secretary Elizabeth Dole, Republican administration, 1990.

Mr. President, I ask unanimous consent to have printed in the RECORD this news release in its entirety from the Department of Labor.

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

SECRETARY DOLE ANNOUNCES ERGONOMICS GUIDELINES TO PROTECT WORKERS FROM REPETITIVE MOTION ILLNESSES/CARPAL TUNNEL SYNDROME

Secretary of Labor Elizabeth Dole today launched a major initiative to reduce repetitive motion trauma, once of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's.

''These painful and sometime crippling illnesses now make up 48 percent of all recordable industrial workplace illnesses. We must do our utmost to protect workers from these hazards, not only in the red meat industry but all U.S. industries,'' Secretary Dole said.

''We are publishing these guidelines now because we want to eliminate as many illnesses as possible, as quickly as possible.

''The Department is committed to taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis. Thus, I intend to begin the rulemaking process by asking the public for information about ergonomic hazards across all industry. This could be accomplished through a Request for Information or an Advanced Notice of Proposed Rulemaking consistent with the Administration's Regulatory Program.

''We are emphasizing the need for employers to fit the job to the employee rather than the employee to the job,'' Secretary Dole said. ''This involves such measures as designing flexible work stations which can be adjusted to suit individuals and relying on tools developed to minimize physical stress and eliminate crippling injuries. It begins with organizing work processes with the physical needs of the workers in mind.''

Repetitive motion trauma, also referred to as cumulative trauma disorders (CTD's), are disorders of the musculoskeletal and nervous systems resulting from the repeated exertion, or awkward positioning, of the hand, arm, back, leg or other muscles over extended periods daily.

They include lower back injuries, carpal tunnel syndrome, (a nerve disorder of the hand and wrist), and various tendon disorders, among others.

''We are initially focussing on the red meat industry because its problems are well-documented and very severe,'' Secretary dole said.

The guidelines for the red meat industry, being issued in the form of a booklet by the Labor Department's Occupational Safety and Health Administration (OSHA), were developed to assist employers in the industry in developing ergonomic hazard abatement programs.

''The message in the guidelines is simple: repetitive motion illnesses can be minimized through proper workplace engineering and job design and by effective employee training and education,'' Secretary Dole said. ''The guidelines list the keys for success: commitment by top management, a written ergonomics program, employee involvement and regular program review and evaluation.

''We will be closely monitoring and assessing the success of the Red Meat Guidelines in addressing ergonomic hazards to give us more information on which to proceed as we deal with these issues on an industry-wide basis.

''We owe a debt of thanks to the United Food and Commercial Workers, AFL–CIO; the American Meat Institute, and the National Institute for Occupational Safety and Health for their expert assistance in developing these guidelines. Their willingness to join with us in finding and implementing solutions to ergonomic problems has been most encouraging.''

Assistant Secretary of Labor Gerard F. Scannel, who heads OSHA, said his agency would begin an inspection program early next year in the red meat industry as another phase of the special emphasis program initiated by the issuance of the guidelines.

He said the special emphasis program for the meat industry has been designed to ensure that the well-recognized ergonomic hazards in the industry are being adequately addressed and that ergonomic programs are in place in all major meatpacking plants.

Each red meat plant in the U.S. will be sent a copy of the meatpacking guidelines. As part of the special emphasis program, employers will be offered the opportunity to enter into agreements with OSHA to abate their ergonomic hazards.

Though those who sign such an agreement will be subject to monitoring visits and OSHA inspections in response to complaints, they will not be cited or penalized on ergonomic issues if the monitoring visits show a comprehensive effort and satisfactory progress in abating such hazards.

Scannell said that while the guidelines are advisory, ''compliance with them could demonstrate to an OSHA inspection team that an employer is committed to addressing ergonomic hazards.''

Scannell said the guidelines include a list of questions and answers about common problems to provide more specific assistance to small businesses.

''Ergonomics Program Management Guidelines for Meatpacking Plants,'' the official title of the booklet, builds on the cooperative approach of OSHA's safety and health program management guidelines issued in January 1989. Although strict adherence to today's guidelines is not mandatory, OSHA believes following them can produce significant reductions in repetitive motion illnesses.

The recommended program begins with analysis of the worksite to identify potential ergonomic problems. Ergonomic solutions may include: engineering controls such as proper work stations, work methods and tool designs, work practice controls such as proper cutting techniques, new employee training, monitoring adjustments and modifications, personal protective equipment such as assuring proper fit of gloves and appropriate protection against cold and administrative controls such as reducing the duration, frequency and severity of motions; slowing production rates; limiting overtime; providing adequate rest pauses; increasing the number of workers assigned to a particular task; rotating workers among jobs with different stressors; ensuring availability of relief workers; and maintaining equipment and tools in top condition.

Further, meatpackers need to develop an effective training program to explain to employees the importance of working in ways that limit stress and strain, and the need to report symptoms of CTDs early so that preventive treatment can forestall permanent damage.

Employers must also instruct employees in the proper techniques for their individual jobs. Annual retraining is necessary to assure that employees continue to do their jobs correctly.

An effective ergonomics program also includes medical management with trained health care providers to work with those implementing the ergonomics program and to treat employees. The guidelines describe helpful steps including periodic workplace walkthroughs, symptoms surveys and lists of light-duty jobs for employees recovering from repetitive motion injuries.

They stress the importance of a good health surveillance program; the need to encourage early reporting of symptoms; appropriate protocols for health care providers; and evaluation, treatment and follow-up for repetitive motion illnesses.

Finally, the booklet offers suggestions for recordkeeping and monitoring injury and illness trends.

The guidelines also include a glossary of terms and a list of references. Employers may contact OSHA regional offices with questions about ergonomics, recordkeeping or other safety and health issues by consulting the directory at the end of the booklet.

Single copies of ''Ergonomics Program Management Guidelines for Meatpacking Plants'' are available free from OSHA Publications, Room N3101, Frances Perkins Building, 200 Constitution Ave., NW, Washington, D.C. 20210 by sending a self-addressed mailing label.

Mr. SCHUMER. Mr. President, I rise today to state my opposition to this amendment.

When people say government is not responsive to people's problems or that it gets nothing done—they are talking about this amendment which bars OSHA from issuing a standard on ergonomics.

We know the facts. Ergonomics is no longer the mystery it once was. Over 2,000 articles related to this appear in scientific and medical journals.

We do not need new studies. How many studies do we need before everyone recognizes the obvious—ergonomic injury is real?

The 600,000 workers who experience severe back pain or hand and wrist pain have been studied ad nauseam.

So let's move forward and develop a standard. It will ultimately save businesses money and it will protect workers, because a standard will keep people in the workplace.

The Department of Labor has worked on formulating a standard since former-Secretary Elizabeth Dole said in 1990 that OSHA must take all the needed steps to develop an ergonomics standard. That's 10 years of planning. We don't need another year of delay.

This shouldn't be a partisan issue. We need not pit business versus labor. All sides will benefit.

If not now, I predict eventually we will develop an ergonomics standard. Because as this economy becomes more dependent on the computer, and more top level managers spend much of their day in front of a screen—they will develop the same injuries that are reserved now only for secretaries.

And that will be impetus to develop a standard for them and for those in construction and factories that develop repetitive motion stress.

Last April in New York City, workers from a variety of jobs came together to talk about the need for an ergonomics standard. Some have been permanently disabled by workplace injuries. Some have had to limit the hours they work.

One woman, an editor at a local television station, said can't use her hands ''not for cooking, opening doors, carrying anything.''

Passing this amendment means we believe these people are faking it. No wonder people are so frustrated by government.

Let's defeat this amendment.

Mr. President, will the Senator also answer another question?

Mr. DURBIN. Certainly.

Mr. SCHUMER. This is one other problem that I have heard from my constituents in New York. Workers who have labored long and hard who show up at the job day in, day out develop certain types of problems, and because there are no standards, all too often when they go to their supervisor, when they go to their boss, when they go to somebody of some authority in the company in which they work—it could be a large company, it could be a small company—and complain of these problems, they are told they are faking because these injuries are different. Many of them are the kinds of injuries we are used to where, God forbid, you see blood or bone or some bruise. These are injuries that hurt and affect their ability to work just as much, but they can't be seen in the same way.

Has the Senator from Illinois come across the same type of problem, and wouldn't the promulgation and maintenance of standards help these people prove they have a real problem?

Mr. DURBIN. I think the Senator from New York identifies the real problem here in defining the issue because in many cases we are talking about what is characterized as a ''soft tissue injury.'' In other words, examination by an x ray or an MRI may not disclose any problem and yet there is a very serious and real problem.

I used to find in my life experience people suffering neck and back injuries. You couldn't point to objective evidence of why this person was crippling up or why this person had a problem. In fact, the problem was very real.

What we are trying to do is establish a standard so the worker is not accused of malingering and the worker is not accused of faking it, but the worker has a recourse when there is a very real and serious injury to at least get time off and at least go for some medical attention.

The Senator from Missouri, Mr. BOND, with this amendment wants to stop this process, wants to say that this Government will not establish that standard of protection for American workers. The net result of it, of course, is that 600,000 victims of these injuries each year will not have the protection to which the Senator from New York has alluded.

Mr. SCHUMER. I thank the Senator.

Mr. DURBIN. Mr. President, let me go on to say that the objective of continuing to study this matter is one of the oldest strategies on Capitol Hill. It is the way many people who object to a certain thing occurring delay the inevitable and prolong the process of review.

I have been involved for years in the battle against the tobacco companies. I can't think of a product in America that has been studied more than tobacco. It shouldn't be. It is the No. 1 preventable cause of death in America today.

When the tobacco companies ruled the roost on Capitol Hill, they would postpone health standards and warning labels, and banning smoking on airplanes, for example, by saying: We just need another study. If we can get another study, then maybe we will arrive at the truth about what to deal with, what to do in dealing with tobacco products.

This is another good illustration. I listened to the Senator from Missouri. He said in his conclusion supporting this amendment, which I rise in opposition to: ''It is time for OSHA to act compassionately.''

I understand the virtue of compassion, and I hope I have some in my life. But there is no compassion for millions of American workers if we do not set out to establish a standard of protection when it comes to these types of injuries.

To postpone this for another year—which is what this amendment would do—is to put their health and safety at risk. For what? So that bad companies that care less about their worker injuries don't have to improve the workplace? That is what it is all about. That is the bottom line on this debate.

As I said earlier, major companies already recognize the problem and respond to it. Go into many of your discount stores and one sees workers wearing back brace belts. I have seen them at Wal-Mart and other stores. Their employers understand reaching over and pulling groceries hour after hour can cause some back strain, so they have done something about it. Voluntarily, on their own, they have done something. They don't want the workers to be off work and an expense to the company. They want them to continue on the job with good morale and they provide them some protection.

When I went to the Belvidere Chrysler plant where they make the Neon automobile in my State of Illinois, I was pleasantly surprised to see all the changes that had taken place on the assembly line. In the old days, a worker would turn around and pick up a piece of an automobile, move around, and put it on the automobile to fix it in place. That has changed. There are all sorts of cranes and devices so parts can be moved without strain or stress to the employee. That was done not just to protect the employee but to protect the bottom line of the company.

Frankly, worker injuries cost the companies in terms of time lost and in terms of productivity as the experienced workers leave the line and someone new takes their place. That is being done by conscientious companies. OSHA needs to develop a standard for those that are not conscientious. The Bond amendment is not compassionate. The Bond amendment stops the Department of Labor from establishing that standard of protection.

As I mentioned earlier, over 6 million workers have been injured in the course of keeping records on this particular type of injury, 600,000 each year. Over 2,000 studies on these hazards have detailed how the hazards in the workplace harm people and put them out of work, and the devastating impact they have had on the American workforce.

Yet the Bond amendment delays, stops it, says to the workers who go to work every single day, put your life and your earning capacity at risk in the workplace. And we in Congress, each year, for the sake of a handful of companies that refuse to act responsibly in dealing with their workers, will stop you from any standard of protection.

The following disorders in 1997 accounted for more than 600,000 workplace injuries. One is fairly common. In fact, some people who work in my office have dealt with this problem because of the nature of working on a keyboard. This type of musculoskeletal disorder is called carpal tunnel syndrome. It accounts for $20 billion annually in workers' compensation costs. As I am speaking now, there is a court reporter standing in front of me working away at her machine; she does that every single day. If she is not careful, she can develop problems, as people in ordinary clerical situations do on a regular basis.

I don't think these people are malingerers. I don't think these people are faking. Ever seen the scars from the surgery? That strikes me as a great length to go to to fake an injury. I think these people are in real pain and seeking real relief.

One of the things I have noticed, some of the keyboards have been changed now so there is less stress on the hands of workers who use them. Companies have decided in redesigning the keyboard that they will address that problem directly. It could be that the development of a standard by the Department of Labor will move our country in that direction and reduce the $20 billion paid out every year by American businesses for workers' compensation cases involving those with carpal tunnel syndrome.

Who is affected the most by the Bond amendment? Which workers will be hurt the most by the Bond amendment? Women across America. Women workers suffer a much higher rate of carpal tunnel syndrome. According to the Bureau of Labor Statistics, 86 percent of repetitive motion injury increases were suffered by women; 78 percent of tendinitis increases were suffered by women. Yet women make up 46 percent of the workforce.

What kind of jobs are these women in? We have talked about clerical jobs, obviously. But there are nurses, nurse's aides, cashiers, assemblers, maids, laborers, custodians, and, yes, many of these jobs employ minority workers. It is estimated between 25 and 50 percent of the workforce are Hispanic and African American workers in those particular jobs.

A 6-month study by the National Academy of Sciences in 1998 stated,

''The positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear.''

We heard the Senator from Arkansas, we heard the Senator from Missouri—I am sure we hear others—stand up and defy this scientific conclusion. Despite 2,000 studies and this clear language, some would lead Members to believe that it is still a mystery how 600,000 workers could complain of this type of injury in America every single year. We know better. We know better from our life experience. That is why this amendment is so bad, why this amendment, in delaying protection for those workers, ignores the obvious, the injuries and the scientific conclusion that leads us to at least a standard of care to protect those same workers.

A few minutes ago, I made reference to the press release from the Department of Labor, 1990, at a time when the Secretary was Elizabeth Dole. Elizabeth Dole is a person I came to know and respect when she was Secretary of Transportation and appeared before my subcommittee in the House of Representatives. There was a time when we spoke of worker protection issues as bipartisan issues. Sadly, with a very few exceptions, that is not the case anymore.

If we are talking about increasing the minimum wage, which historically was a bipartisan issue—both Democrats and Republicans understanding that people who went to work every day deserve a living wage—that has changed. It has changed for the worse.

This amendment, if it comes to a vote, will evidence that this has become a very partisan matter. Those offering the amendment on the Republican side of the aisle will generally, if not exclusively, vote in support of the amendment; those on the Democratic side of the aisle will generally vote against it. We have broken down on partisan lines.

The sad reality is the workers we are talking about and the workers who were injured do not break down on partisan lines. The workers who come off that job with neck and back injuries and carpal tunnel syndromes are Republicans, Democrats, Independents, and nonvoters. They deserve better than to let this issue break down to the partisan battle which it has.

Secretary of Labor Elizabeth Dole said in August of 1990:

> We must do our utmost to protect workers from these hazards in all U.S. industries.

She said at that time, 9 years ago:

> We are publishing these guidelines now because we want to eliminate as many illnesses as possible as quickly as possible.

She goes on to say:

> The Department [of Labor] is committed to taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis.

That was 9 years ago. Here we are today, without those standards of protection, and an effort underway by Senator BOND of Missouri to, once again, delay the establishment of these standards.

Secretary Elizabeth Dole said in 1990:

> We are emphasizing the need for employers to fit the job to the employee, rather than the employee to the job. This involves such measures as designing flexible workstations which can be adjusted to suit individuals and relying on tools developed to minimize physical distress and eliminate crippling injuries. It begins by organizing work processes with the physical needs of the workers in mind.

That is basically what I have seen applied to businesses in my home State of Illinois, by companies that care. This entire news release has now been agreed to be part of the RECORD. Those who review this debate will see that Secretary Dole was on the right track—a Republican Secretary of Labor.

Why, today, the Republican Party, through the amendment of Senator BOND of Missouri, wants to take a different venue, a different tack, and to eliminate this responsibility, I cannot explain.

This press release is from a different Labor Secretary, not our current Secretary of Labor, Alexis Herman, who said if the Bond amendment is adopted, she will veto this entire important bill; it is from Secretary Elizabeth Dole. But it is from Secretary Elizabeth Dole. Secretaries Dole, Reich, and Herman have support this issue, but they are not alone. Other endorsements establishing the standard of protection for American workers come from the American Nurses Association, the American Academy of Orthopedic Surgeons, the National Academy of Sciences, the American Public Health Association, and the National Advisory Committee on Occupational Safety and Health.

I received a letter from the American Public Health Association, which I would like to make part of this record as well.

I ask unanimous consent this letter be printed in the RECORD.

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

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, September 27, 1999.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We are deeply concerned about S. 1070, legislation that would not only block OSHA from issuing an ergonomics standard, but even from issuing voluntary guidelines to protect working men and women from ergonomic hazards, the biggest safety and health problem facing workers today.

We strongly support OSHA's efforts to promulgate a standard to protect workers from ergonomic injuries and illnesses. These disorders are real, they are serious and they account for nearly a third of all serious job related injuries (more than 600,000 workers a year); moreover, they are preventable. One type, carpal tunnel syndrome, alone results in workers losing more time from their jobs than any other type of injury, including amputations. The workers' compensation costs of ergonomic injuries are estimated at $20 billion annually, the overall costs at $60 billion.

For women workers, OSHA's efforts are particularly important, because nearly half of all injuries and illnesses among women workers result from ergonomic hazards. Though these hazards are present in a variety of jobs, many of the occupations predominantly occupied by women are among the hardest hit by ergonomic injuries.

Workplace musculoskeletal disorders can be prevented. There is a clear and adequate foundation of scientific and practical evidence, including a 1998 congressionally requested National Academy of Sciences study demonstrating that these disorders are work-related and that ergonomic solutions in the workplace can prevent injuries. These workplace solutions can protect workers, decrease workers' compensation costs, and produce gains in productivity and workplace innovation.

We recognize that there is another National Academy of Sciences study pending, and that this is the reason for the legislation. We also recognize that useful information will come out of that study that can be applied to improve protections for workers. However, sufficient data already exists to protect workers. Failure to act on adequate data in this regard is irresponsible.

After almost a decade of work, OSHA is finally moving forward with a proposed ergonomics standard to prevent work-related musculoskeletal disorders. Upon official publication, this proposal will allow a public debate on ergonomics before a final rule is issued. We are aware of the differing views surrounding this proposal. However, such debate is not unique to ergonomics. Such differences in views have existed in almost all of OSHA's major rulemaking, including other serious workplace hazards such as asbestos, benzene and lead.

The rulemaking process—the proper forum for debate over regulatory proposals—will provide the opportunity for all parties to present their views, opinions and evidence.

We urge you to resist efforts to block OSHA from working on the development and adoption of an ergonomics standard by voting ''no'' on S. 1070 or any other effort to prevent OSHA from protecting workers from ergonomic hazards. Blocking these necessary safeguards will needlessly risk the health of millions more working people.

Sincerely,

ORGANIZATIONS

9–5, National Association of Working Women.
Alaska Health Project.
American Association of Occupational Health Nurses, Inc.
American Nurses Association.
American Public Health Association.
Central New York Occupational Health Clinical Center.
Chicago Area Committee on Occupational Safety and Health.
Connecticut Council on Occupational Safety and Health.
Johns Hopkins Education and Research Center.
Montana Tech of the University of Montana, Safety, Health and Industrial Hygiene Department.
National Organization for Women.
National Partnership for Women and Families.
National Women's Law Center.
New Hampshire Coalition for Occupational Safety and Health.
New York Committee for Occupational Safety and Health.
North Carolina Occupational Safety and Health Project.
Northwest Center for Occupational Health and Safety (University of Washington).
Rhode Island Committee on Occupational Safety and Health.

Rochester Council on Occupational Safety and Health.
San Diego State University, Graduate School of Public Health.
South Central Wisconsin Committee on Occupational Safety and Health.
Southeast Michigan Coalition on Occupational Safety and Health.
University of Puerto Rico School of Public Health.
Western New York Council on Occupational Safety and Health.
Wider Opportunities for Women.
Wisconsin Committee on Occupational Safety and Health.
Women Work! The National Network for Women's Employment.

Mr. DURBIN. Mr. President, this letter is dated September 27, 1999. It comes from a long list of organizations that comprise the American Public Health Association.

Reading the introductory paragraphs will make it clear where they stand, in opposition to the Bond amendment:

We are deeply concerned about S. 1070, legislation that would not only block OSHA from issuing an ergonomics standard, but even from issuing voluntary guidelines to protect working men and women from ergonomic hazards, the biggest safety and health problem facing workers today.

We strongly support OSHA's efforts to promulgate a standard to protect workers from ergonomic injuries and illnesses. These disorders are real, they are serious and they account for nearly a third of all serious job related injuries (more than 600,000 workers a year); moreover, they are preventable. One type, carpal tunnel syndrome, alone results in workers losing more time from their jobs than any other type of injury, including amputations. The worker's compensation costs of ergonomic injuries are estimated at $20 billion annually, the overall costs at $60 billion.

For women workers, OSHA's efforts are particularly important, because nearly half of all injuries and illnesses among women workers result from ergonomic hazards. Though these hazards are present in a variety of jobs, many of the occupations predominantly occupied by women are among the hardest hit by ergonomic injuries.

Why is it when it comes to this floor and the battle is worth fighting, if the well-heeled special interest groups with the strongest lobbies can come in, whether it is an oil company trying to avoid paying its fair share of royalties to drill for oil on public lands or other large companies, we take the time and end up giving the special favors, but when it comes to women in the workplace, minorities in the workplace, time and time again this Senate, this Congress, will cut a corner and say, ultimately: Perhaps we ought to give the benefit of the doubt to the employer, perhaps we ought to ignore the 600,000 who are injured?

As one who spent a small part of my life in the workplace, that standard is upside down. If the Senate in Washington, DC, is not here to protect those who are voiceless, then we have lost our bearings completely. This issue goes to the heart of that debate.

The General Accounting Office has found employers can reduce costs and injuries associated with musculoskeletal disorders and improve not only employee health but productivity and product quality.

When workers know their employer cares enough about them to make the workplace safer for them, it is a clear and strong message to them that increases employee morale. The time has come for the other side of the aisle to make good on its promise to the American people. The leader in the candidacy for the Presidency on the Republican side, Gov. George W. Bush of Texas, claims he is a compassionate conservative. During the course of this campaign, we will try to figure out what that means.

Today, we can ask ourselves if we are seeing an exhibition of compassionate conservatism from the Republican side of the aisle. I think not. With this amendment, I think we see an effort to turn our backs on people who need compassion, understanding, and protection.

Last year, the chairman of the House Appropriations Committee, Robert Livingston of Louisiana, and his ranking Democratic member, DAVID OBEY of Wisconsin, made it clear in a letter to the Secretary of Labor:

. . . by funding the National Academy of Sciences study [on this issue], it is no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.

The reason I raise that is so those who are following the debate understand that this attempt at delay is nothing new. I have the letter. The letter makes it clear that both the Democratic and Republican leaders on the House Appropriations Committee last year made it clear they wanted to go forward with the rule or a standard of protection on these types of injuries.

I ask unanimous consent the letter be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 19, 1998.

Hon. Alexis Herman,
Secretary of Labor,
Washington, DC.

DEAR MADAM SECRETARY: Congress has chosen not to include language in the Fiscal Year 1999 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act that would prohibit OSHA from using funds to issue or promulgate a proposed or final rule on ergonomics. As you are well aware, the Fiscal Year 1998 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act did contain such a prohibitiion, though OSHA was free to continue the work required to develop such a rule.

Congress has also chosen to provide $890,000 for the Secretary of Health and Human Services to fund a review by the National Academy of Sciences (NAS) of the scientific literature regarding work-related musculoskeletal disorders. We understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear that by funding the NAS study, it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.

Sincerely,

BOB LIVINGSTON,
Chairman.
DAVID OBEY,
Ranking Member.

Mr. DURBIN. Here we have the Bond amendment which says the deal is off. For the sake of some companies which do not protect their workers in the workplace and do not care to spend the money to do it, we are basically going to say we will establish no standards for workplaces across America. Senator GREGG, my colleague, proposed the new National Academy of Sciences study last September in committee. Then he stated, ''. . . the study does not in any way limit OSHA'' in moving forward with the ergonomic standard.

By the way, this study asks exactly the same seven questions the previous study asked. Even Chairman STEVENS of Alaska stated, ''There is no moratorium under this agreement.''

So we are told the Department is supposed to go forward in establishing these standards. Along comes the Bond amendment. I remind my colleagues, the Bond amendment stops the Department of Labor in its tracks. It prohibits that department, OSHA, from promulgating or continuing the rulemaking process, issuing any standard, regulation, or guidelines regarding ergonomics for a year.

So the deal has been changed. The losers in this bargain are the workers across America who expect us to care and expect us to respond. I think it is time to bring an end to this charade. We have a real problem. We need real solutions. Workers across this country need real protection. The Bond amendment removes the possibility of establishing this standard of protection.

A few weeks ago I was visited by Madeleine Sherod. Madeleine is a victim of these injuries, a mother of five children who are now all grown. She has worked for an Illinois paint company for 20 years.

When she started, she literally lifted and moved work stations from one area of the plant to another. This job consisted of lifting several different sizes and weights of boxes. After several months of this type of work she transferred to the shipping department where she performed the duties of a warehouse worker. Her job consisted of driving a material handling truck and lifting cartons of paint that were packaged in various sizes and weights (5 gallon pails weighing approximately 20 lbs–90 lbs). She performed this job for at least 13 years. She later transferred to a job where she now operates several different pieces of machinery. She must keep the equipment operating efficiently—if the machinery breaks down then manual labor must be performed.

Her first injury occurred about 15 years ago. She was diagnosed with carpal tunnel syndrome and had surgery to relieve the pain. As a mother of 5 children her ability to perform the normal tasks as a parent was an everyday struggle. She was unable to comb her three daughters hair, wash dishes, sweep floors, or many other day-to-day tasks that working moms must perform.

Her second injury occurred about 7 years ago. Madeleine was diagnosed with tendinitis and this time had tenon release surgery. Even today she has to wear a wrist brace to help strengthen her wrist. Being extra cautious has become part of her everyday life when it comes to the use of her wrist.

She recently found a lump on her left wrist, and is preparing herself for yet another surgery.

The company has not been able to make any adjustments for her at this time. They say that there really is nothing they can do to change the work that is preformed in the shipping department to curtail repetitive use of the hands, knees and back.

And here's the clincher: the majority of the women who have worked for this company for more than 10 year have had similar surgeries for their injuries.

The PRESIDING OFFICER. If the Senator will suspend, we have an order to vote on the Wellstone amendment at 1:50.

Mr. DURBIN. I will suspend.

VOTE ON AMENDMENT NO. 1842

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the Wellstone amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1842. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—98

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

NAYS—1

Enzi

NOT VOTING—1

Dodd

The amendment (No. 1842) was agreed to.

AMENDMENT NO. 1825

Mr. NICKLES. Mr. President, parliamentary inquiry: What is the pending business before the Senate?

The PRESIDING OFFICER (Mr. VOINOVICH). Amendment No. 2270, in the second degree, offered by Senator BOND.

Mr. BURNS. Mr. President, I am pleased to support an amendment that I feel to be extremely important to the small business owners of Montana. That amendment is the Sensible Ergonomics Needs Scientific Evidence Act, the SENSE Act. This amendment makes the Occupational Safety and Health Administration, OSHA, to do the sensible thing—wait for a scientific report before OSHA can impose any new ergonomics regulations on small business.

According to the Bureau of Labor Statistics, BLS, the overall injury and illness rate is currently at its lowest level. Date shows that musculoskeletal disorders have declined by 17 percent over the past 3 years. But OSHA continues to aggressively move forward with an ergonomics regulation and ignoring the intent of Congress.

I have been hearing from small business owners of across the State of Montana. Businesses that range from construction companies to florists that fall under OSHA's mandated ergonomics regulations are telling me something has to be done. They are being forced to comply with ridiculous rules and regulations that OSHA cannot prove to be harmful to employees.

Before OSHA can move forward with any new regulations a few things need to be proven. First, OSHA needs to objectively define the medical conditions that should be addressed, not a broad category of all soft tissue and bone pains and injuries that might have resulted. Second, they need to identify the particular exposures in magnitude and nature which cause the defined medical conditions. Last they need to prescribe the changes necessary to prevent their recurrence. Right now OSHA cannot prove any of these things.

We need to make sure that OSHA is not running free and loose. They cannot have free rein to enact new rules and regulations without having significant scientific evidence to back up their new mandate. This amendment, to put it simply, will delay moving forward with any ergonomics rule or guideline until completion of an independent study of the medical and scientific evidence linking on-the-job activities and repetitive stress injuries.

This is a very complicated issue, and we need to make sure that there is sound science and through medical evidence to protect our small business and employees from misguided rules and regulations. The SENSE Act does not prohibit OSHA from continuing to research ergonomics or from exercising its enforcement authority, it just puts the small business owner on a level playing field. I yield the floor.

Mrs. MURRAY. Mr. President, I strongly oppose this amendment. It is our responsibility as the Nation's leader to reduce the hazards that America's workers face—not putting roadblocks in the way of increased workers safety. Ergonomic injuries are the single largest occupational health crisis faced by men and women in our workforce today. We should let the OSHA issue an ergonomics standard.

Ergonomic injuries hurt America's workers. Each year, more than 600,000 private sector workers in America are forced to miss time from work because of musculoskeletal disorders, MSDs. These injuries hurt our America's companies because these disorders can cause workers to miss three full weeks of work or more. Employers pay over $20 billion annually in worker's compensation benefits due to MSDs and up to $60 billion in lost productivity, disability benefits, and other associated costs.

The impact of MSDs on women workers is especially serious. While women make up 46 percent of the total workforce and only make up 33 percent of total injured workers, they receive 63 percent of all lost work time ergonomic injuries and 69 percent of lost work time carpal tunnel syndrome.

In addition, women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome. In fact women suffer over 90 percent of the MSDs among nurses, nurse aides, health care aides, and sewing machine operators. Women also account for 91 percent of the carpal tunnel cases that occur among cashiers.

Despite all the overwhelming financial and physical impacts of MSDs and the disproportionate impact they have on our Nation's women, there have been several efforts over the years to prevent the Occupational Safety and Health Administration, OSHA from issuing an ergonomics standard.

Let's be clear, this amendment is intended to delay OSHA's ergonomic standard until yet another scientific study is performed on ergonomic injuries. We have examined the merits of this rule over and over again. Contrary to what those on the other side of this issue say, the science supports an ergonomics standard. We also had a bipartisan agreement that the current National Academy of Sciences, NAS, study would—in no way—impede implementation by OSHA.

NAS has already studied this issue. The new study would address the exact same issues that were dealt with in the previous study. They are also using the same science. No new science. It is mind boggling.

The National Institute for Occupational Safety and Health, NIOSH, studied ergonomics and conclude that there is ''clear and compelling evidence''

that MSDs are caused by work and can be reduced and prevented through workplace interventions. The American College of Occupational and Environmental Medicine, the world's largest occupational medical society, agreed with NIOSH and saw no reason to delay implementation. The studies and science are conclusive in the Senator's mind.

Further—and possibly most persuasive—last year, the administration and leaders in Congress on this side of the aisle only agreed to a new study because those on the other side said that this new study would not delay the issuance by OSHA of a rule on ergonomics. Now they are not standing by their word.

We cannot afford to delay an important standard which will greatly improve workplace safety.

I urge my colleagues to oppose this amendment. We should allow OSHA to issue an ergonomics standard. It will be an important first step in protecting our Nation's workers from crippling injuries.

Mr. KERRY. Mr. President, I want to spend some time this afternoon speaking to my colleagues to vote against the amendment before us today, the amendment that would prohibit the Department of Labor or the Occupational Safety and Health Administration from issuing any standard or regulation addressing ergonomic concerns in the workplace for one year.

Mr. President, this prohibition would come just as OSHA prepares, in the next few weeks, to publish its proposed rule on ergonomics for public comment. This would be a blow to American workers and a real step backwards for the kind of cooperative approach to business and the workplace that we need in this country.

Mr. President, let's be clear about the issue before us, the question of ergonomics and which workplace injuries will continue to occur if this amendment becomes law.

Ergonomics is the science of fitting workplace conditions and job demands to the capabilities of the working population. The study of ergonomics is large in scope, but generally, the term refers to the assessment of those work-related factors that may pose a risk of musculoskeletal disorders. It is well-settled that effective and successful ergonomics programs assure high productivity, avoidance of illness and injury risks, and increased satisfaction among the workforce.

Many businesses and trade associations have already implemented safety and health programs in the workplace and have seen productivity rise as fewer hours on the job are lost. According to Assistant Secretary of Labor Charles N. Jeffress in his testimony before the House Committee on Small Business, programs implemented by individual employers reduce total job-related injuries and illnesses by an average of 45 percent and lost work time injuries and illnesses by an average of 75 percent.

Ergonomic disorders include sprains and strains, which affect the muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs; repetitive stress injuries, that are typically not the result of any instantaneous or acute event but are usually chronic in nature, and brought on as a result of a poorly designed work environment (these injuries are common causes of muscoskeletal problems such as chronic and disabling lower-back pain); and carpal tunnel syndrome.

And let's be clear that this, Mr. President, is a real problem for American businesses and workers. Industry experts have estimated that injuries and illnesses caused by ergonomic hazards are the biggest job safety problem in the workplace today, as each year more than 600 thousand workers suffer from back injuries, tendinitis, and other ergonomic disorders. In fact, OSHA, estimates that injuries related to carpal tunnel syndrome alone result in more workers losing their jobs than any other injury. The worker compensation cost of all ergonomics injuries is estimated at over 20 billion dollars annually.

What is most troubling, Mr. President, is that these types of injuries are preventable. There is something that can be done to protect the American worker. It should be noted that in drafting its proposed rule—a rule Mr. President, that is scheduled to be issued in just a few weeks—OSHA worked extensively with a number of stakeholders, including representatives from industry, labor, safety and health organizations, State governments, trade associations, and insurance companies. OSHA has drafted an interactive, flexible rule that allows managers and labor to work in unison to create a safer workplace environment. OSHA even placed on its Website a preliminary version of the draft proposed rule, in order to facilitate comments from the public. Mr. President, this is not a ''command and control'' regulatory action.

As noted by Assistant Secretary Jeffress: ''An employer [should] work credibly with employees to find workplace hazards and fix them . . . the rule creates no new obligations for employers to control hazards that they have not already been required to control under the General Duty Clause under Section 5 of the Occupational Safety Act or existing OSHA standards.''

In other words, Mr. President, this rule is simply an interactive approach between employee and manager to protect the assets of the company in ways that are either already being done, or should be done under existing rules. This new rule is a guide and a tool, not an inflexible mandate.

According to the Department of Labor, thirty-two states have some form of safety and health program. Four States (Alaska, California, Hawaii, and Washington) have mandated comprehensive programs that have core elements similar to those in OSHA's draft proposal. In these four states, injury and illness rates fell by nearly 18 percent over the five years after implementation, in comparison with national rates over the same period.

I'd like to share with my colleagues two examples from my home state of Massachusetts that show how business and labor can benefit from successful ergonomics programs. Crane & Company, a paper company located in Dalton, Massachusetts signed an agreement with OSHA to establish comprehensive ergonomics programs at each of their plants. According to the company's own report, within three years of starting this program, the company's musculoskeletal injury rate was almost cut in half.

Lunt Silversmiths, a flatware manufacturer in Greenfield, was troubled by high worker's compensation costs. One OSHA log revealed that back injuries were the number one problem in three departments. By implementing basic ergonomic controls, lost workdays dropped from more that 300 in 1992 to 72 in 1997, and total worker's compensation costs for the company dropped from $192,500 in 1992 to $27,000 in 1997.

That's the difference this common sense approach can make. And, Mr. President, in spite of the arguments for the Bond amendment, there bulk of the science and the research proves that an ergonomic standard is needed in the American workplace.

The National Academy of Sciences, the same group directed in this amendment to complete a study on this issue, already has compiled a report entitled Work-Related Musculoskeletal Disorders. And the report tells us that workers exposed to ergonomic hazards have a higher level of pain, injury and disability, that there is a biological basis for these injuries, and that there exist today interventions to prevent these injuries.

In 1997, the National Institute for Occupational Safety and Health completed a critical review of epidemiologic evidence for work-related musculoskeletal disorders of the neck, upper extremity, and lower back. This critical review of 600 studies culled from a bibliographic database of more than 2,000 found that there is substantial evidence for a causal relationship between physical work factors and musculoskeletal disorders.

Furthermore, Mr. President, we are not talking about a new phenomenon, or the latest fad. In 1990, Secretary of Labor Elizabeth Dole, in response to evidence showing that repetitive stress disorders (such as carpal tunnel syndrome) were the fastest growing category of occupational illnesses, committed the agency to begin working on an ergonomics standard. This rulemaking has been almost ten years in the making. Now is the time to put something in place for the American worker.

This rule has been delayed for far too long. In 1996, the Senate and the House

agreed to language in an appropriations conference report that would prevent OSHA from developing an ergonomics standard in FY 1997. In 1997, Congress prevented OSHA from spending any of its FY 1998 budget on promulgating an ergonomics standard. Last year, money in the FY 1999 budget was set aside for the new NAS study cited in this amendment, and the then-Chairman and Ranking Members of the House Appropriations Committee sent a letter to Secretary of Labor Alexis Herman, stating that this study ''was not intended to block or delay OSHA from moving forward with its ergonomics standard.''

Mr. President, we should wait no longer for this standard to be proposed, and workers should not have to wait until a new study is completed to be directed from preventable injuries. The time to protect the American workplace is now.

People on the other side of this issue may argue that this is an expensive rule, or that the science is inadequate. This is simply not true. The changes envisioned by the rule will increase productivity and save costs. The studies have been numerous. Preventing OSHA from even working on an ergonomic standard, much less issuing one, at the eleventh hour is not the right approach for American workers.

This standard is a win-win for workers and management: the better that workers are protected, the more time they spend on the job. The more time they spend on the job, the more productive the workplace. And it is obvious, but it bears restating, the more productive the workplace, the more productive this country. Workers want to be at work, and their bosses want them at work.

We ought to be capable—as a Senate—to put that common sense approach and this simple ergonomics standard into place and we all be able to vote against the Bond amendment and help out workers and our businesses move forward together.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Missouri. This amendment would needlessly delay OSHA from implementing regulations to prevent one of the leading causes of work place injuries, musculoskeletal disorders (MSDs).

Each year, more than 600,000 American workers suffer work related MSDs and it is costing businesses $15 to $20 billion in workers' compensation costs alone. It is estimated that one out of every three dollars spent on worker's compensation is related to repetitive motion injuries.

Many of the jobs that are disproportionately subject to ergonomic injuries are held by women. In fact, while women experience 33 percent of all serious workplace injuries, they suffer 61 percent of repetitive motion injuries. This includes:

91 percent of all injuries related to repetitive typing;

61 percent of repetitive placing injuries;

62 percent of work related cases of tendinitis; and

70 percent of carpal tunnel syndrome cases.

The supporters of this amendment argue that OSHA should delay ergonomic protection until the National Academy of Sciences completes a second review of existing studies. This comes despite the fact that there is already substantial scientific evidence linking MSDs to the workplace.

The first study completed by the National Academy of Sciences found that ''research clearly demonstrates that specific interventions can reduce the reported rates of musculoskeletal disorders for workers who perform high-risk tasks.'' That peer reviewed study was conducted just last year.

The National Institute for Occupational Safety and Health reviewed more than 2,000 studies of work-related musculoskeletal disorders. They concluded that ''compelling scientific evidence shows a consistent relationship between musculoskeletal disorders and certain work related factors.''

In a letter to the Department of Labor, William Grieves, president of the American College of Occupational and Environmental Medicine, notes that ''there is an adequate scientific foundation for OSHA to proceed with a proposal and, therefore, no reason for OSHA to delay the rulemaking process while the National Academy of Science panel conducts its review.''

I ask unanimous consent that this letter be printed in the RECORD.

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

AMERICAN COLLEGE OF OCCUPATIONAL AND ENVIRONMENTAL MEDICINE,

February 15, 1999.

CHARLES N. JEFFRESS,
Assistant Secretary of Labor, Occupational Safety and Health, U.S. Department of Labor, Washington, DC.

DEAR MR. JEFFRESS: The American College of Occupational and Environmental Medicine (ACOEM) urges you to move forward with a proposed Ergonomics Program Standard.

The College represents over 7,000 physicians and is the world's largest occupational medical society concerned with the health of the workforce. Although the College and its members may not agree with all aspects of the draft proposal, we support the Occupational Safety and Health Administrations's (OSHA) efforts to promulgate a standard. An ergonomics program standard that ensures worker protection and provides certainty to employers is preferable to the uncertainties of the general duty clause. As physicians, the College's members will vigorously participate during rulemaking to ensure that a final standard is protective of workers, represents the best medical practices and is supported by the science of musculoskeletal diseases.

It is incumbent on OSHA to carefully consider the science and to give all due consideration to the results that will come from the National Academy of Science panel's review of the scientific literature regarding musculoskeletal disorders. However, there is an adequate scientific foundation for OSHA to proceed with a proposal and, therefore, no reason for OSHA to delay the rulemaking process while the National Academy of Science panel conducts its review.

The College looks forward to its active participation in this rulemaking. In the interim, please do not hesitate to contact me or Dr. Eugene Handley, Executive Director.

Sincerely,

WILLIAM GREAVES,
President.

Mrs. FEINSTEIN. All of these studies have found links between repetitive motion injuries and workplace factors and suggest that OSHA must be permitted to go forward with sensible regulations to insure a safe workplace.

Ergonomic programs have proven to be effective in reducing repetitive motion injuries in the workplace. Many businesses which have voluntarily instituted an ergonomic program have found the long term benefits to far outweigh the short term costs.

Red Wing Shoes in Minnesota found that their workers' compensation costs dropped 75 percent in the 4 years after they began an ergonomic program.

Fieldcrest-Cannon in Columbus, Georgia, saw the number of workers' suffering from repetitive motion injuries drop from 121 in 1993 to 21 in 1996.

By redesigning its workstations, Osh-Kosh B'Gosh reduced workers' compensation costs by one-third.

Mr. President, I certainly agree that decisions on government regulations should be based on sound science. In this case, there is already a substantial body of scientific evidence which concludes that there is a relationship between MSDs and the workplace and that ergonomic programs can significantly reduce these injuries.

During this decade, more than 6.1 million workers have suffered from serious workplace injuries as a result of ergonomic hazards. As we move into the next century, American workers must be given adequate protection from these preventable injuries. Congress must allow OSHA to move forward with sensible ergonomic regulations. I urge my colleagues to vote to defeat this amendment.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Bond Amendment. It's bad for American workers and bad for our economy.

OSHA must move forward with an ergonomics standard. Each year, more than 600,000 individuals in our private sector work force miss time due to ergonomic injuries, or musculoskeletal disorders (MSDs). These injuries cost our economy over $80 billion annually, including approximately $60 billion on lost productivity costs. Nearly $1 out of every $3 in worker's compensation payments result from MSDs.

More importantly, these injuries cause terrible pain and suffering—as well as increased health care costs. OSHA's ergonomics standard is supported by overwhelming scientific evidence. The National Academy of Sciences (NAS) study concluded that workplace interventions can reduce the incidence of MSDs. When this study

was funded in 1998, the Appropriations Committee and the Administration agreed that funding this study was not a mechanism for delaying the OSHA standard. We must honor our agreement and let OSHA do it's work on behalf of working men and women in our country.

Mr. President, ergonomics is also a women's issue. Women account for nearly 75% of lost work time due to carpal tunnel syndrome and 62% of lost time due to tendinitis. Many of the women affected by MSDs are in the health care industry, including nurses, nurse aides and health care aides. Women in the retail industry are also disproportionately affected by ergonomic injuries.

I strongly urge my colleagues to help improve workplace safety by joining me in opposing this amendment. As a great nation, it is our duty to protect our most valuable resource—our working men and women.

Mr. NICKLES. Mr. President, for the information of my colleagues, we have been debating for the last hour or so—although we did have a discussion on the Wellstone amendment—the issue of the Bond amendment dealing with ergonomics. We have been debating it for a significant period of time. I personally am ready to vote on the amendment. I know there has been some discussion on both sides, but I ask unanimous consent that we have 30 additional minutes equally divided on the Bond amendment.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, again, I think most things have been said on this amendment that need to be said. I don't know if Members want more debate. I will make an additional request, and that is that we have 2 hours of debate on the Bond amendment equally divided.

Mr. REID. Reserving the right to object, Mr. President, I say to my friend from Oklahoma, this deserves some attention. We have 600,000 people a year who are injured as a result of these accidents. We had over 2,000 studies. The time is here to go forward with some rules and regulations to protect American workers. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I will make one additional try. I ask unanimous consent that we have 4 hours equally divided on this bill.

Mr. REID. Reserving the right to object, I have been on the floor—this is the fifth or sixth day—trying to work with the majority to move this bill along. We have worked with the Members on the minority. We have moved a significant number of amendments, probably 65 or 70. We are to a point now where this bill could be completed but for this one contentious issue. From the very beginning, we have said this is an issue that deserves a lot of attention. We say, again, we are willing to work with the majority on this bill, but if this matter is here, we are going to have to discuss it. The American people, 600,000 a year, are injured with these accidents. It deserves more than 2 hours or 4 hours. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Senator KENNEDY.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a minimum wage amendment be in order and that we have 1 hour of debate on that.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in light of the fact that we are not going to get a time agreement on ergonomics, on the Bond amendment, in a moment I will move to table, as manager. First, I would like to move ahead on sequencing after the vote.

I ask unanimous consent that the Senator from West Virginia, Mr. BYRD, be recognized at the conclusion of the vote and then, following Senator BYRD's statement, we move to the amendment to be offered by the Senator from New Hampshire, Mr. SMITH, so we will be on notice that that will be the next order of business.

The PRESIDING OFFICER. Is there objection? Is there objection to the request?

Mr. KENNEDY. Mr. President, reserving the right to object, is it the intention to withdraw the amendment, then, if it is not tabled?

Mr. NICKLES. Let's have the vote.

Mr. KENNEDY. Is it the intention to withdraw the amendment if it is not tabled?

Mr. SPECTER. If I may respond to the Senator from Massachusetts, it is not my amendment, but it is my hope, as manager of the bill, that that would happen. But that is up to the offeror of the amendment.

Mr. KENNEDY. Well, unless such is clear, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I move to table the Bond amendment No. 1825 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, was the unanimous consent request agreed to?

The PRESIDING OFFICER. The request was objected to.

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the vote, I be recognized for not to exceed 30 minutes to speak on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator will have 30 minutes following the vote.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

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

The result was announced—yeas 2, nays 97, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—2

Jeffords
Specter

NAYS—97

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

NOT VOTING—1

Dodd

The motion to table was rejected.

Mr. LOTT. Mr. President, in view of the time that has been spent discussing this very important issue, and also the fact there have been several attempts to find ways to limit the debate, and now in view of the vote on the motion to table which was unanimous against tabling it, putting the Senate back to exactly the position we were in before, I think the thing to do at this time is to withdraw this amendment and move forward.

I think that is a mistake. I want to say to one and all, this issue will be joined further, and we will find a way for the content of this amendment to be in some legislation and passed through the Congress this year.

Mr. BOND. Mr. President, it has become clear to me that my amendment, which would force OSHA to do their job correctly instead of hastily, is a bigger concern to those on the other side than the wide range of benefits that the underlying Labor/HHS appropriations bill provides. This disappoints me tremendously.

However, because the Labor/HHS appropriations bill will provide funding for so many programs that will help causes I support, I will not allow my amendment to prevent passage of this bill.

By allowing OSHA to go forward at this moment, we are saying that it is

acceptable for an agency charged with protecting employees to promulgate a regulation that has insufficient scientific and medical support. We are saying that it is acceptable for OSHA to tell employers that we don't have the answers, but we expect you to come up with them, and we will fine you if you don't. We are saying that it is acceptable for an agency that should be focusing on helping employers protect their employees from hazards, instead to tell them that they have no idea how to help them do this, but it would be OK for them to be cited just the same.

The heart of this issue is that although there have indeed been many studies conducted, they have not managed to answer the critical questions that employers need to know to be able to protect their employees: ''How much lifting is too much?'', How many repetitions are too many?'', and ''What interventions can an employer implement to protect his or her employees?'' This is what we mean by saying that there is not sufficient sound science to support this regulation.

This regulation, whenever it comes out and takes effect, will be the most far reaching regulation ever issued by OSHA. It will be one of the most far reaching regulations from any agency and will ultimately effect every business in this country. To say that we will allow OSHA to proceed with a regulation of this nature, that we know is horribly flawed and without adequate scientific and medical support, borders on a dereliction of our duty.

Many speakers opposed to my amendment have focused on the number of workers who are believed to be suffering from ergonomics injuries. One of the great uncertainties about this issue is that we don't even know what it means to be in that group. That number includes many people who suffer from common problems like back pain which may or may not have any connection to the workplace. What constitutes a musculoskeletal disorder is one of those questions around which there is still no consensus within the medical and scientific communities.

Under the Occupational Safety and Health Act, OSHA has jurisdiction only over workplace safety questions. If the condition which represents a hazard is not part of the workplace, OSHA has no authority to compel an employer to address the problem. With ergonomics, there is no way for an employer to be able to tell when a condition has arisen because of exposures at the workplace or because of activities or conditions that have nothing to do with the workplace. Many factors such as age, physical condition, diet, weight, and even family history can influence whether someone is vulnerable to an ergonomic injury. We still don't know why two workers doing the same work for the same amount of time will have different experiences with injuries. It is simply beyond an employer's role and ability to ask them to determine how much of an injury may have been caused by factors outside their control. I do not believe that we should be telling employers that they should intrude into their employee's private lives to the degree that would be necessary to eliminate all possibility of suffering an ergonomic injury.

I will continue to seek opportunities to come back to this issue because I believe so strongly that without sound science on this issue, OSHA's regulation on ergonomics will force many small businesses to choose between complying and staying in business. Under this decision everyone loses. However, in the interest of moving the Labor/HHS appropriations bill, I will allow my amendment to be withdrawn.

AMENDMENT NO. 1825 WITHDRAWN

Mr. LOTT. I ask unanimous consent that amendment 1825 be withdrawn.

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

The amendment (No. 1825) was withdrawn.

The PRESIDING OFFICER. The Senator from West Virginia.

THE COMPREHENSIVE TEST BAN TREATY

Mr. BYRD. Mr. President, the Senate tomorrow is scheduled to begin debate on one of the most important and solemn matters that can come before this body—a resolution of ratification of a Treaty of the United States. The Treaty scheduled to come before us on Friday is the Comprehensive Nuclear Test Ban Treaty, commonly referred to as the CTBT.

Consideration of a Treaty of this stature is not—and it should never be—business as usual. A Treaty is the supreme law of this land along with the Constitution and the Laws that are made by Congress pursuant to that Constitution. Article VI of the Constitution so states: ''This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding.''

Mr. President, consideration of a Treaty is not business as usual.

And yet, Mr. President, I regret to say that the Senate is prepared to begin consideration of the Comprehensive Test Ban Treaty under a common, garden-variety, unanimous consent agreement, the type of agreement that the Senate has come to rely upon to churn through the nuts-and-bolts legislation with which we must routinely deal, as well as to thread a course through the more contentious political minefields with which we are frequently confronted.

In fact, unanimous consent agreements have become so ubiquitous that silence from a Senator's office is often automatically assumed to be acquiescence. So it was the case when this unanimous consent request came to my office. I was not in the office at the time. We are very busy doing other things, working on appropriations bills, and so on. And so at the point when this unanimous consent agreement proposal reached my office, I was out of the office. When I came back to the office a little while later, the request was brought to my attention. But by the time it was brought to my attention, it was too late. I notified the Democratic Cloakroom that I would object to the unanimous consent agreement, but I was informed that the agreement had already been entered into.

I make this point not to criticize the well-intentioned objective of this unanimous consent agreement, which was to seek consensus on the handling of a controversial matter. I do not criticize the two leaders who devised the agreement. I criticize no one. I do, however, point out the unfortunate repercussions of the agreement as it affects the Senate's ability to consider the ratification of a treaty.

In short, unanimous consent is a useful tool, and it is a practical tool of the Senate. I suppose I may have, during the times I was majority leader of the Senate, constructed as many or more unanimous consent agreements than perhaps anybody else; I certainly have had my share of them, but it is not an all-purpose tool.

The unanimous consent agreement under which the Comprehensive Test Ban Treaty is to be considered reads as follows, and I now read from the Executive Calendar of the Senate dated Thursday, October 7, 1999.

Ordered, That on Friday, October 8, 1999, at 9:30 a.m., the Senate proceed to executive session for consideration of the Comprehensive Nuclear Test-Ban Treaty; that the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification; that it be in order for the Majority Leader and the Democratic Leader to each offer one relevant amendment; that amendments must be filed at the desk 24 hours before being called up; and that there be a time limitation of four hours equally divided on each amendment.

Ordered further, That there be fourteen hours of debate on the resolution of ratification equally divided between the two Leaders, or their designees; that no other amendments, reservations, conditions, declaration, statements, understandings or motions be in order.

Ordered further, That following the use or yielding back of time and the disposition of the amendments, the Senate proceed to vote on adoption of the resolution of ratification, as amended, if amended, all without any intervening action or debate.

So if one reads the agreement, it is obvious that the treaty itself will not be before the Senate for consideration. I allude to the words in the unanimous consent request, namely:

. . . that the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification.

So the Senate will not have any opportunity to amend the treaty, itself, but it is the resolution of ratification that will be before the Senate.

Mr. President, the foregoing unanimous consent agreement may be expedient and there may be some who would even consider it to be a savvy way to dispose of a highly controversial and politically divisive issue in the least amount of time with the least amount of notoriety. The politics of this issue are of no interest to me. I am not interested in the politics of the issue. I have not been contacted by the administration in any way, shape, form, or manner. Nobody in the administration has talked with me about this. I am not interested in the politics of it. Not at all. There has been some politics, of course, abroad, about this agreement, but I am not a part of that. I did join in a letter to the chairman of the Foreign Relations Committee urging that there be hearings, but I have not been pressing for a vote on the treaty.

The politics of the issue do not interest me. But the propriety of this unanimous consent agreement does. Simply put, it is the wrong thing to do on a matter as important and as weighty as an arms control treaty.

The Senate Armed Services Committee began a series of hearings on the CTBT just this week, and I commend the distinguished chairman of the Committee, Senator WARNER, and the distinguished ranking member, Senator CARL LEVIN, for their efforts and commitment to bring this matter before the Senate and to have hearings conducted thereon.

The first hearing, on Tuesday, was a highly classified and highly informative briefing by representatives of the CIA and the Department of Energy. I wish that all of my colleagues had the opportunity to hear the testimony given at that hearing, and to question the witnesses. Unfortunately, only the members of the Senate Armed Services Committee were privy to that information. I should say the distinguished ranking member of the Senate Foreign Relations Committee, Mr. BIDEN, was present also.

The second hearing, yesterday, brought before the Committee Defense Secretary Bill Cohen; General Henry Shelton, the chairman of the Joint Chiefs of Staff; Dr. James Schlesinger, the former Secretary of Defense and Energy; and General John Shalikashvili, former Chairman of the Joint Chiefs. Again, their testimony was very illuminating. I wonder how many of my colleagues, outside of the Armed Services Committee, and Mr. BIDEN, had the opportunity to follow that hearing—which lasted almost five hours—given the crush of other important business on the Senate floor?

My coilleagues simply haven't had the opportunity to do it, other than those of us on the Armed Services Committee.

I wonder how many of my colleagues have had an opportunity, since the vote on the CTBT was scheduled last week, to analyze, question, and digest the testimony and the opinions of the distinguished officials that the Committee heard from yesterday? I wonder, for example, how many of my colleagues heard from Secretary Cohen that a new National Intelligence Estimate that will have a major bearing on the consideration of this Treaty is due to be completed early next year? It is my judgment that the Senate should have that assessment in hand before it considers imposing a permanent ban—a permanent ban—on nuclear testing.

The Armed Services Committee held its third, and I believe final, hearing on the CTBT this morning. The witnesses included Energy Secretary Bill Richardson, as well as the current directors of the nuclear weapons laboratories, and a selection of arms control experts, including a former director of one of the labs. Again, it was an extraordinarily informative hearing.

I was there for most of it. Unfortunately, I was scheduled to go elsewhere near the close of the hearing. But it was an extraordinarily informative hearing. The laboratory directors were candid and forthcoming in their observations. They raised a number of important issues. I wonder how many of our colleagues here, outside the membership of the Armed Services Committee, heard those.

I have attended every hearing and every briefing available this week in order to prepare myself for tomorrow's debate. But I did not prepare myself before this agreement was entered into. When the agreement came to my office and I objected and found that I objected too late, then I bestirred myself to learn more about this treaty. I have listened to witnesses, and I have questioned witnesses. I still have many questions—more now than when I started.

I wonder how many of my colleagues—particularly those who have not had the same entree that members of the Senate Armed Services Committee have had to this week's hearings—have questions about this treaty. With the exception of Senator BIDEN—and, incidentally, Senator BIDEN is very knowledgeable about the treaty. He has studied it thoroughly and is very conversant with the details of the treaty. Perhaps some of the other members of the Foreign Relations Committee have done likewise. But other than that committee and the Committee on Armed Services, I daresay that few Senators have had an opportunity to engage themselves in a study of the treaty and even fewer, perhaps, have had the opportunity to hear witnesses and to question those witnesses.

But, with the exception of Senator BIDEN, not even the members of the Senate Foreign Relations Committee have had the opportunity to hear and question the witnesses who appeared before the Armed Services Committee this week. I wonder how many of my colleagues will participate in the debate tomorrow and how many will participate in the debate next Tuesday. These days are bookends around the holiday weekend when no votes are scheduled after this evening until 5:30 p.m. Tuesday at the earliest. I am confident that many Senators have important commitments in their home States that may conflict with this debate. Does anyone in this Chamber seriously believe we can give the Comprehensive Test Ban Treaty the consideration it deserves in the amount of time that has been set aside to debate it?

Beyond the question of time, Mr. President, is an even more disturbing question: The propriety of considering a major treaty under the straitjacket of procedural constraints in which only two amendments, one by each leader, will be in order. I have questions since I have read this treaty. I have reservations. Perhaps they will be put to rest by the debate. Or, it may be, as I continue to study the treaty and listen to the debate, that I would want to offer an amendment myself. I might want to offer an understanding or a condition.

I might want to offer a reservation. I have done so on other treaties. It may be that some of my colleagues would wish to do likewise. We do not have that opportunity under this unanimous-consent agreement, with the exception of our two fine leaders. I know that they will go the extra mile, as they always do, to accommodate the concerns of the Members. But they, too, are in a cul-de-sac—only one way in, one way out. They are limited to one amendment each. Without exception, the other 98 Members of the Senate are effectively shut out from expressing, in any meaningful and binding way, reservations or concerns about this treaty.

Mr. President, that is not the way to conduct the business of weighing a resolution dealing with the supreme law of the land. We might do that on an agriculture bill. We might do it on a bill making appropriations for the Department of the Interior. But this is a treaty we are talking about. A law can be repealed a year later but not a treaty.

For the good of the Nation, this unanimous consent agreement ought to be abandoned, and there are ways to do it. It is a unanimous-consent agreement, I understand that, and ordinarily a unanimous-consent agreement can only be vitiated by unanimous-consent, or it can be modified by unanimous consent. But there are ways to avoid this vote. I urge my colleagues to put politics aside in this instance, at least, and to seek a consensus position on considering a comprehensive test ban treaty that upholds the dignity of the United States Senate and accords the right to United States Senators to debate and to amend.

One need only read Madison's notes concerning the debates at the Convention to understand the importance of treaties in the minds of the framers.

We are talking here not about an appropriations bill; we are not talking about a simple authorization bill; we are talking about something that affects the checks and balances, the separation of powers that constitutes the cornerstone of our constitutional system in this Republic. This is one of those checks and balances; this involves the separation of powers. The Senate, under the Constitution, has a voice in the approval of treaties. The President makes the treaty, by and with the consent of the United States Senate.

I was here when we considered the Test Ban Treaty of 1963. I was on the Armed Services Committee at that time. I listened to Dr. Edward Teller, an eminent scientist who opposed that treaty. I voted against that treaty in 1963. I opposed it largely on the basis of the testimony of Dr. Edward Teller.

We need to listen to the scientists. We need to listen to others in order that we might make an appropriate judgment. Who knows how this will affect the security interests of the United States in the future. This is a permanent treaty. It is in perpetuity, so it is not similar to a bill. As I say, we can repeal a law. But not this treaty. This treaty is in perpetuity—permanent. Maybe that is all right, but we need more time to study and consider it.

We are told that the polls show the people of the Nation are overwhelmingly in favor of this treaty. I can trust the judgment of the people generally, but the people have not had the opportunity to study the fine print in this treaty. Most Senators have not. This is not a responsibility of the House of Representatives. This is the responsibility solely of the Senate under the Constitution of the United States. It is a great burden, a great responsibility, a very high duty, and we must know what we are doing.

I have heard dire warnings as to what a rejection of the treaty might mean. One way to have it rejected fast, I am afraid, is to go through with this vote. But then how can we make up for it if we find we have made a mistake? If we find that we are wrong, it may be too late then. We had better stop, look, and listen and understand where we are going. We need more hearings.

I hope we will put politics aside in this instance and seek a consensus position on considering a comprehensive test ban treaty that upholds the dignity of the United States Senate. I am an institutionalist. I have an institutional memory. I have been in this body for 41 years, and I have taken its rules seriously. I believe the framers knew what they were doing when they vested the responsibility in the Senate to approve or to reject treaties. We ought not take that responsibility lightly. The very idea of the unanimous-consent request says Senators cannot offer reservations; they cannot offer conditions; they cannot offer amendments; they cannot offer understandings.

Let us so act that we reflect the importance of the treaty. Reject it if you will or approve it if you will, but let's do it with our eyes open. Let's not put on blinders. Let's not bind our hands and feet and mouths and ears and minds with a unanimous-consent agreement that will not allow unfettered debate or amendments.

Let the Senate be the institution the framers intended it to be.

I have not said how I shall vote on the treaty. I want to understand more about it. But I want other Senators to have an opportunity to understand it as well.

Mr. President, I thank Senators for listening, and for their patience in indulging these remarks.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, first let me commend the distinguished Senator from West Virginia for those very thoughtful remarks on the Comprehensive Test Ban Treaty.

I share his concern about the timing of the vote. I think the Senate is not yet ready to vote. My view is that there should have been hearings a long time ago. I attended part of the hearings—closed-door hearings—in S–407 on Tuesday of this week. They lasted about 5 hours.

I concur with the Senator from West Virginia that it is a very complex subject. I had studied the matter and had decided to support it. But I do think more time is necessary for the Senate as a whole—not just to have a day of debate on Friday and a day of debate on Tuesday and to vote on it. I think the Senate ought to ratify, but only after adequate consideration has been given to it. While the United States has been criticized for not taking up the treaty, if we were to reject it out of hand on what appears to be a partisan vote, it would be very disastrous for our foreign policy.

So I thank the Senator from West Virginia for his customary very erudite remarks on the Senate floor.

Mr. BYRD. I thank the distinguished Senator for his enlightened remarks. And, as always, he approaches a matter with an open mind, devoid of politics, and with only the interest of doing good, not harm; and that is his response in this instance.

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

Mr. SPECTER. Mr. President, we are now prepared to move on to our next amendment. I ask unanimous consent that there be 30 minutes equally divided prior to a motion to table on the amendment to be offered by the distinguished Senator from New Hampshire, Mr. SMITH, relative to Davis-Bacon, and no amendments be in order prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1844

(Purpose: To limit the applicability of the Davis-Bacon Act in areas designated as disaster areas)

Mr. SMITH of New Hampshire. Mr. President, I call up my amendment No. 1844 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH) proposes an amendment numbered 1844.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent 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. . No funds appropriated under this Act may be used to enforce the provisions of the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) in any area that has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Mr. SMITH of New Hampshire. Mr. President, this is a very simple, straightforward amendment that would prohibit enforcing Davis-Bacon prevailing wage requirements in areas designated by the President as natural disaster areas. Section 6 of the Federal Davis-Bacon Act allows the President to suspend this act in the event of a national emergency.

I think all of us would agree, especially those Senators in North Carolina and in Virginia as well, that we did have a national emergency with Hurricane Floyd.

Pursuant to this authority, President Bush suspended Davis-Bacon in 1992 to help speed up and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki.

So Hurricane Floyd has dealt this tremendous blow to the residents of the eastern seaboard, from Florida to North Carolina, even as far as New York. FEMA has called this one of the biggest multistate disasters in U.S. history. Many States believe cleanup costs from Hurricane Floyd will far exceed the costs of either Hurricanes Fran or Hugo. So relaxing the Davis-Bacon provisions in these hard-hit States will lower tremendously the cost of rebuilding these communities and help create job opportunities for those in need of work.

Many people come to these communities and volunteer their time to help their friends and relatives and neighbors in need, and others cut their costs of services to help these unfortunate

victims of the hurricanes. Davis-Bacon's prevailing wage requirements will increase the cost of construction, forcing the taxpayers to pay more and receive less in return. Not only that, it will cost the victims more. So that is why there is a provision, a waiver provision, the President may exercise to bring these costs down in times of disasters.

Government estimates, economic studies, and those involved in the construction industry believe Davis-Bacon actually inflates the cost of a construction project by an estimated 5 to 38 percent. For people who are the victims of these hurricanes—where there is Federal help—to have to pay more in these construction projects and for it to cost the taxpayers that much more money is outrageous. CBO estimates that Davis-Bacon adds $9.6 billion over 10 years to the cost of all Federal construction projects.

The historic floodwaters of Floyd have resulted in hundreds of millions of dollars in property damage and created a huge swath of human misery that will last for months. The Davis-Bacon Act should be suspended to aid disaster relief in the areas designated as natural disasters. It is reasonable. That is why there is a provision for a waiver. It is unfortunate President Clinton has decided not to waive it, or at least has not waived it to this point.

On September 21, 1999, the Wall Street Journal, in an editorial entitled ''Hurricane Davis-Bacon,'' stated:

Folks whose electricity shorted out when floodwaters hit their circuit box or shopkeepers sweeping the mud and debris out from once-vibrant businesses need no reminders about the costs imposed by Hurricane Floyd. But as they go about their repairs they may find that the destructive powers of Mother Nature are nothing compared with those of Washington.

Continuing to quote:

Start with the Davis-Bacon Act, which effectively requires that workers on federally subsidized construction projects receive union wages—even though only about a quarter of the construction industry is unionized. Davis-Bacon looms large in the wake of Floyd because so much disaster relief comes from the federal government. It was for precisely this reason in 1992 that President George Bush ordered the relaxation of Davis-Bacon rules to hasten repairs in Florida, Louisiana and Hawaii after hurricanes devastated those states.

Continuing to quote from the Wall Street Journal:

The happy result was twofold: Not only did the work get done faster, between 5,000 and 11,000 new construction jobs, mostly to semi-skilled minority workers, were created. Alas, the jobs didn't last long. Within days of becoming President in 1993, Bill Clinton revoked the Bush waivers on Davis-Bacon as a payback for organized labor's support. Mr. Clinton's continued defense is particularly galling to many minority workers, conscious of the law's origins in the Jim Crow attitudes of the 1930s. ''People can't see the jobs and buildings that aren't created because of Davis-Bacon, but it is a major factor in the low-income housing crisis,'' says Elzie Higginbottom, a low-income housing builder from Chicago's South Side.

Clearly the priority after any natural disaster must be getting help to the people who need it. But as we help the victims of Floyd pump water out of their basements and get their lives back on track, let's be careful not to contribute to the structural damage with . . . Davis-Bacon that only raise costs and make it that much harder to do the work that needs to be done.

I think that editorial sums it up about as well as it can be summed up. The bottom line is, this act, which, ironically, discriminated against minorities—and that was the purpose of the act when it was first originated—will cost taxpayers millions of dollars and take advantage of an unfortunate situation where people have suffered through a disaster.

I ask, what would be the problem of the President granting a waiver of Davis-Bacon? As I said before—and I think the Wall Street Journal said it better than I—the answer is, because the President owes a lot to organized labor, he is not about to do it. I think it is outrageous because the intent was clear.

I will read from a letter from 80 organizations in support of my amendment. The list includes a number of outstanding national organizations. It also includes several State organizations representing some of the States that have been hit hardest by Hurricane Floyd and other disasters. It is the Coalition to Repeal the Davis-Bacon Act.

It is unfair to further burden the local communities devastated by Hurricane Floyd and other disasters with the inflated costs of Davis-Bacon.

Mr. President, I think Senators will recognize some of the organizations—I will not read them all; there are 80—the American Society of Civil Engineers, the American Trucking Association, Associated Builders and Contractors, Citizens Against Government Waste, Citizens for a Sound Economy, Free Enterprise Institute, National Association of Home Builders, National Association of Manufacturers, National Center for Neighborhood Enterprise, National Federation of Independent Business, National League of Cities, National School Boards Association, National Tax Limitation Committee, National Taxpayers Union, U.S. Chamber of Commerce, to name a few of the 80.

I ask unanimous consent that this letter be printed in the RECORD.

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

COALITION TO REPEAL THE DAVIS-BACON ACT,
October 5, 1999.

Hon. ROBERT C. SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The Coalition to Repeal the Davis-Bacon Act urges you to support the amendment by Senator Bob Smith (R–NH) to relax the 1931 Davis-Bacon Act for disaster stricken areas across the country, during the debate on the Fiscal Year 2000 Labor/Health and Human Services and Education Appropriations legislation.

Hurricane Floyd has devastated states along the eastern seaboard, from Florida to North Carolina to New York, which now face major reconstruction demands. It is clearly one of the largest multi-state disasters in U.S. history. Relaxing Davis-Bacon in these hard hit states will lower the cost of rebuilding these communities and will help create job opportunities for those in need of work.

Section 6 of the Davis-Bacon Act [40 U.S.C. 276a-5], allows the suspension of the Act in the event of a ''national emergency.'' Pursuant to this, President George Bush relaxed Davis-Bacon rules in 1992 to hasten repairs in Florida, Louisiana and Hawaii and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki. As a result, the work was completed faster and between 5,000 and 11,000 new construction jobs were created, mostly to semi-skilled minority workers.

It is unfair to further burden the local communities devastated by Hurricane Floyd and other disasters with the inflated costs of Davis-Bacon. The Davis-Bacon Act has been demonstrated to inflate construction costs by 5 to 38 percent above what the project would have cost in the private sector. Lifting Davis-Bacon restrictions would reduce unnecessary federal spending and guarantee more construction for the dollar as communities try to rebuild in the wake of devastating disasters. Forcing disaster stricken communities to be saddled with Davis-Bacon will just raise their costs and make it harder to do the work that needs to be done.

The September 21, 1999, editorial in The Wall Street Journal, ''Hurricane Davis-Bacon'' summarized, ''Clearly the priority after any natural disaster must be getting help to the people who need it. But as we help the victims of Floyd pump the water out of their basements and get their lives back on track, let's be careful not to contribute to the structural damage with . . . Davis-Bacon that only raise costs and make it that much harder to do the work that needs to be done.''

We strongly urge you to waive Davis-Bacon and truly help communities that are trying to reconstruct their public infrastructure after a disaster.

Sincerely,

APAC, Inc.
APAC Alabama, Inc.
APAC Arkansas, Inc.
APAC Carolina, Inc.
APAC Florida, Inc.
APAC Georgia, Inc.
APAC Mississippi, Inc.
APAC Tennessee, Inc.
APAC Virginia, Inc.
American Concrete Pipe Association
American Legislative Exchange Council
Amerian Society of Civil Engineers
American Trucking Associations
Americans for Responsible Privatization
Ashburn & Gray Construction
Associated Builders & Contractors
Associated General Contractors of the Carolinas
BE & K, Inc.
Barrus Construction Company
Brick Institute
Business Leadership Council
Cajun Contractors, Inc.
Capital City Asphalt Company
Citizens Against Government Waste
Citizens for a Sound Economy
Complete Building Services—A division of the Donahoe Co.
Construction Industry Manufacturers Association
Contract Services Association
Council of 100
Council of State Community Development Agencies
Finley Construction
Fluor Corporation
Free Enterprise Institute

Harmony Corporation
Hays Mechanical Contractors
Hodges Construction
Independent Bakers Association
Independent Electrical Contractors, Inc.
Institute for Justice
ITT
Joule, Inc.
KCI Constructors, Inc.
Labor Policy Association
Land Improvement Contractors of America
Lauren Constructors, Inc.
Louisiana Association of Business and Industry
MacGougald Construction
McClinton Anchor Construction
M.W. Kellogg Company
N.C. Monroe Construction Company
National Aggregates Association
National Association of Home Builders
National Association of Manufacturers
National Association of the Remodeling Industry
National Center for Neighborhood Enterprise
National Federation of Independent Business
National Frame Builders Association
National Industrial Sand Association
National League of Cities
National Ready Mixed Concrete Association
National School Boards Association
National Slag Association
National Society of Professional Engineers
National Stone Association
National Tax Limitation Committee
National Taxpayers Union
Niagara County Business Association
Printing Industries of America
Public Service Research Council
Reno Construction Company
Repcon, Inc.
Small Business Survival Committee
Southern Roadbuilders
Southern Roadbuilders Concrete Paving
Texas Bitulithic Construction Company
Thompson-Arther Construction
Thompson & Thompson
TIC/The Industrial Company
Trotti & Thomson Construction Co.
U.S. Business and Industrial Council
U.S. Chamber of Commerce
Wilkerson Maxwell Construction

Mr. SMITH of New Hampshire. Mr. President, I am going to reserve the remainder of my time. It is my understanding that each side has 15 minutes on this debate; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. How much do I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. SMITH of New Hampshire. I will yield the floor at the moment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Massachusetts.

Mr. KENNEDY. How much time do we have, Mr. President?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SPECTER. How much time does the Senator from Massachusetts want?

Mr. KENNEDY. I will take 6 minutes.

Mr. SPECTER. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we get started with this debate on the question of Davis-Bacon, it is kind of interesting. Over the course of recent days, we see a series of actions that have been directed at working families. The problem that most working families in our Nation face is that they have not participated in the great economic surge we have seen over recent times. Nonetheless, there is a continued effort to undermine their wages.

Let's start with the continuing denial by the majority to permit us a vote on the minimum wage. Then everyone in the country saw the actions of the Republican leadership recently, diverting the earned-income tax credit in order to be used for balancing the budget. We have had recent debates on the floor of the Senate about undermining the National Labor Relations Board, which tries to work out legitimate disputes on the basis of laws that have been in effect for years. There was also action taken on the floor of the Senate which cut back on the total number of OSHA inspections to protect workers in their workplaces in this country.

Beyond that, there have been the efforts to pass what is called comp time, which would have eliminated the 40-hour workweek and abolished overtime. All of that has been happening over the last 2 years.

I don't know why the other side has it in for, in this instance, construction workers. But the attacks seem to be fairly uniform, if we look over the facts of the record in terms of working families. That is true with regard to pensions as well. We will have another time to debate and discuss this. But those are the facts.

Rather than speculate on what is in an editorial or what is in a particular report, the best way to look at this is, first, the average wage of a construction worker in this country is $28,000 a year. Maybe that is too much for some Members of this body, but that is the average in terms of a construction worker. Yet the Senator from New Hampshire, in this amendment, says, in some parts of this country that isn't necessary for a worker to be able to bring up a family. It seems to me that $28,000, which is the average construction wage, is not an excessive wage in this country.

Secondly, if you read the Davis-Bacon Act you will see that the President already has discretion to suspend the Davis-Bacon Act if he believes there is a national emergency and its in the national interest. Presidents have in fact exercised this authority: President Bush waived the Davis-Bacon Act in 1992 after Hurricanes Andrew and Iniki. So the President has some flexibility if there are particular emergencies, but that is effectively being denied with the amendment of the Senator from New Hampshire.

Thirdly, if you look at various studies on Davis Bacon, including one by the University of Utah looking at 9 States that have repealed State Davis-Bacon laws, you see two very important facts: No. 1, there is a dramatic reduction in terms of training programs for construction workers; and, No. 2, the quality of the work by construction workers deteriorates, so the cost of doing business, rather than going down, actually goes up. Isn't that interesting? Now, with the amendment, we are trying to effectively undermine the wages construction workers would receive in these circumstances.

And what do we find in the States that have actually repealed State Davis-Bacon? They may get a little bump in the first few months in terms of some bidding, but what happens is, with the dramatic reduction in training programs and dramatic reduction in skill, the costs of various contracts go up. We will have a chance to go through that.

That is the issue: Whether at this time we are going to say men and women who are earning $28,000 a year are to see their wages cut. Many of them lost their homes, too; many of the workers who would be affected by this amendment live in areas where there has been devastation; many of these people have been wiped out completely and now, not only are they trying to get back on their feet, but as a result of this amendment, they will be denied at least the reasonable compensation which they had received at other times. Of course, this has implications in terms of the payment of taxes. This has important implications in terms of health care costs because in most of these contracts where you have Davis-Bacon, they have health care insurance.

You are going to find additional kinds of burdens on local communities. This hasn't been talked about. Workers will see insufficient payments into their pension funds, which is going to mean that retirement programs for these various workers are going to be compromised, all under the guise that somehow we are helping the areas where many of our fellow citizens have suffered and suffered extensively as a result of these extraordinary acts of nature.

I am all set to support whatever is necessary to help those families in any of these areas—and no one can watch what has happened to people in North Carolina and along those flood zones and not be moved—but let us do it right. Let us do it correctly, and let us not take it out on construction workers who, in many instances, have been devastated. Let us make sure they are going to get a reasonable day's pay for a reasonable day's work.

If I may have 30 more seconds, I want to include in the RECORD that after Hurricane Andrew, in 1992, the GAO tried to assess the savings from suspending Davis-Bacon, but the GAO report was unable to conclude there were any savings.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. SPECTER. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. Five minutes.

Mr. SPECTER. We only have 15 minutes. How much time remains, Mr. President?

The PRESIDING OFFICER. Eight minutes 26 seconds remain.

Mr. WELLSTONE. I will use 3 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I find this amendment to be very troubling, and I hope colleagues will support our effort to table it. This amendment plays off hard-working people who are trying to make a decent wage against people in communities that are faced with disaster.

In 1999, so far, there have been 72 disaster declarations in 36 States, including Minnesota. The Smith amendment would suspend the Davis-Bacon application to all contracts in these areas for the entire year.

I think what people in Minnesota and in our country are saying to us is, when there is a disaster in our community and we need the help, please help us. I think what people in Minnesota and in the country are saying to us is that the prevailing wage is important, a living wage is important, a family wage is important, so please don't go cutting our wages.

There is absolutely no reason in the world to play off construction workers and the need to make a decent wage and support your family with whether or not we are going to be able to provide disaster relief to communities. This is a false choice. It is, in many ways, an outrageous choice. This amendment should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I find some of the remarks of my colleagues very interesting. To say this is a partisan attack against working people is so outrageous and so untrue that it barely deserves a response. People who don't belong to unions also have families. They also need to feed those families. Let's understand what is happening, if we can tone down the rhetoric a little bit. Nonunion workers who want to stand side by side with the volunteers, who perhaps are putting sandbags up to stop the floodwaters from coming into somebody's home, are asking to work at a lesser wage than the union worker to help these people out. And they can't do it under the Davis-Bacon provision.

That is what we are talking about. There is no concern expressed on the other side about the nonunion worker's family; it is only the union worker's family. We have people who are volunteering for no money, no pay, to stand and help these victims of floods and other disasters, and then we have nonunion people who are saying, look, maybe I am off from school, or maybe I am taking off a few days from my own job to help my friends, and I am willing to work for $5, $6, or $7 an hour, something less than the prevailing union wage. They can't do it. That is what we are talking about. This is the issue.

This is nothing more than a payback for the huge contributions that come in from the labor unions, pure and simple. That is all it is. There is no excuse for this. The provisions in the law are very clear. The President could easily waive Davis-Bacon under the law, if he wished, but he doesn't want to do that. That is what we are hearing from the other side—lack of concern for the working man, unless he is a union man. If he is a union man, we have to protect him. If he is a nonunion man, who cares, we don't care about his family.

Mr. President, I will submit for the RECORD a September 30 letter to President Clinton, interestingly, signed by 20 Members of Congress, including 7 from flood-damaged North Carolina. I ask unanimous consent that it be printed in the RECORD, along with an editorial from the Washington Times.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States of America,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to relax Davis-Bacon prevailing wage requirements to facilitate repairs in states hardest hit by Hurricane Floyd. As you know, Hurricane Floyd has dealt a devastating blow to residents along the eastern seaboard from Florida to North Carolina to New York. The Federal Emergency Management Agency (FEMA) has called this one the biggest multi-state disasters in U.S. history. Many states believe that clean-up costs from Hurricane Floyd will far exceed the cost of either Hurricane Fran or Hugo.

In North Carolina some 1,000 roads and 40 bridges remain closed, as are sixteen school systems. Thousands remain without electricity and an estimated 30,000 homes were damaged or destroyed by the storm and flooding with 1,600 beyond repair. Agricultural impacts are estimated at more than $1 billion in North Carolina with more than 110,000 hogs and 1,000,000 chickens and turkeys killed by the storms. Water systems in nine counties are contaminated and many wastewater treatment plants are wholly or partly out of operation. FEMA estimates that nearly 7,100 homes are reported to be either destroyed or heavily damaged in South Carolina, Virginia, Pennsylvania, and other states. And while nearly a week has gone by since Floyd's arrival, it is anticipated that even more damage will be uncovered as the flood waters retreat.

As you may recall, President George Bush suspended to the Davis-Bacon Act in 1992 to help speed up and lower the cost of rebuilding the communities ravaged by Hurricanes Andrew and Iniki. President Bush took this action pursuant to Section 6 of the Act [40 U.S.C. 276a–5] which allows the President to suspend the Act in the event of a ''national emergency.''

The economic effects of this hurricane are significant. Many businesses have been damaged or destroyed. Thousands of individuals have either lost their livelihoods or can not make it to work because of impassable roads. It may be months or years before these communities are rebuilt and a record amount of federal assistance will be needed to do so.

Relaxing Davis-Bacon in these hard hit states will lower the cost of rebuilding these communities and will help create job opportunities for those in need of work. Davis-Bacon prevailing wage requirements increase the cost of construction—forcing taxpayers to pay more and receive less in return. Government estimates, economic studies, and those involved in the construction industry believe that the Davis-Bacon Act inflates the cost of a construction project by an estimated 5 to 38 percent. The Congressional Budget Office estimates that Davis-Bacon adds about $9.6 billion (over 10 years) to the cost of all federal construction projects.

The historic floodwaters of Floyd has resulted in hundreds of millions of dollars in property damage and created a huge swath of human misery that will last for months. We urge you to suspend the application of Davis-Bacon for disaster relief in the areas affected by Hurricane Floyd.

Sincerely,

Bill Goodling, Bill Barrett, Vernon J. Ellers, Sue Myrick, Charles H. Taylor, ——— ———, Matt Salmon, ——— ———, Tillie K. Fowler, Pete Hoekstra, Cass Ballenger, Richard Burr, Walter B. Jones, Howard Coble, Joe Knollenberg, Ron Paul, Tom Tancredo, Bob Schaffer, Robin Hayes, Nathan Deal.

[From the Washington Times, October 1999]

FLOOD RELIEF FOR UNIONS

Bailing out after Hurricane Floyd was bad enough. What the Federal Emergency Management Agency called one of the biggest disasters in history destroyed or damaged more than 30,000 homes and closed some 1,000 roads, 40 bridges and 16 school systems in North Carolina alone. But now the victims of Hurricane Floyd must also deal with a man-made problem: North Carolina residents and those of other states may have to endure union attempts to gouge them out of their flood relief. The Davis-Bacon Act dictates that persons working on federally subsidized projects receive the so-called prevailing wage. In practice, of course, that means the prevailing union wage, which is invariably higher than whatever wage employer and employee might agree to without government interference. Big Labor's friends in Congress passed Davis-Bacon to price out of the market low-wage competition and thereby protect the union cartel on federal projects.

So effective has this union-only requirement been that by some government estimates Davis-Bacon arbitrarily boosts the price of construction projects as much as 38 percent. Since taxpayers rather than lawmakers must absorb the cost of this shakedown, Congress has seen little need for reform.

But applying Davis-Bacon to flood-relief work necessarily means shifting flood relief from persons in desperate need of help to paychecks for organized labor. Some lawmakers have now written to President Clinton asking him to relax Davis-Bacon for flood relief so hurricane victims, not unions, are its beneficiaries. ''The economic benefits of this hurricane are significant,'' said lawmakers in their Sept. 30 letter. ''Many businesses have been damaged or destroyed. Thousands of individuals have either lost their livelihoods or cannot make it to work because of impassable roads. It may be months or years before these communities are rebuilt and a record amount of federal assistance will be needed to do so. Relaxing Davis-Bacon in these hard-hit states will lower the cost of rebuilding these communities and will help create job opportunities for those in need of work.'' Among the signatories are North Carolina lawmakers Sue

Myrick, Charles Taylor, Cass Ballenger, Walter Jones, Howard Coble, Robin Hayes and Richard Burr.

There is a precedent for relaxing Davis-Bacon. President George Bush suspended the law in 1992 to speed relief work in communities rebuilding after hurricanes Andrew and Iniki. The statute provides that the president may suspend the law in the event of a national emergency.

On the off chance that Mr. Clinton may be more sensitive to the pleas of campaign supporters in organized labor than he is to those of persons in need of flood aid, Sen. Bob Smith has said he would offer an amendment to the Department of Labor appropriations bill forbidding the department from using federal funds to enforce Davis-Bacon in places the president has designated as natural disaster areas, including North Carolina and other hard-hit states. A vote could come as early as today. Says Mr. Smith, ''The historic floodwaters of Floyd have resulted in hundreds of millions of dollars in property damage and created a huge swath of human misery that will last for months,'' says Mr. Smith. ''The Davis-Bacon Act should be suspended to aid disaster relief.

It should not be a difficult vote, nor should it be a difficult decision for Mr. Clinton, to agree to protect flood victims from union gouging. With the national spotlight focused on the anguish of those in North Carolina and elsewhere, do the Clinton administration and its supporters want to argue that Big Labor's bottom line is the only line that matters? It's time to show some compassion. It's time to suspend Davis-Bacon.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I am opposed to the amendment offered by the distinguished Senator from New Hampshire.

The Davis-Bacon Act was passed in 1931, and it was enacted in order to see to it that the Federal projects would not pay lower than the prevailing wage rate in a given area. That is not necessarily a union rate, but may be a nonunion rate as well. The Federal Government has moved in this direction in order to assure the quality of the work that would be done. In order to have quality work done and to see to it that people in a local area receive the work, the Federal Government has established this standard.

Federal contracts are awarded on a low bid proposition, to who makes the lowest bid. If an out-of-area contractor were to come forward and make a lower bid, that would deprive people in the area of that employment and would not provide the kind of quality work that would be assured.

Robert Reischauer, head of the CBO, testified a few years ago that the payment of the prevailing wage rate is designed to help the Federal Government get the kind of quality necessary. This was the quote of the Director of the Congressional Budget Office, Robert Reischauer, when he testified before Congress on May 4, 1993.

Higher rates do not necessarily increase costs. If these differences in wages were offset by hiring more skilled and productive workers, no additional construction costs would be involved.

It is also important to note that Davis-Bacon creates a financial incentive for contractors to fund and support apprenticeship training by allowing them to pay employees in registered apprenticeship programs less than the prevailing wage rate otherwise required.

When we have had votes on this matter—and I have looked for a contested vote—as recently as 1996, there was bipartisan support to uphold Davis-Bacon. There is also a concern that if this exception were to be enacted on disaster areas, there would be a problem in finding skilled workers to come into the disaster areas and do the work. Thirty-seven States are involved in disaster areas, including my State of Pennsylvania; and if the prevailing wage rate were to be disrupted for the purposes of their Federal contracts, it would not be possible to get the same skilled laborers from the immediate area to come in and perform the necessary services.

As I say, Davis-Bacon has been enacted since 1931. It has a very important purpose—for the Federal Government to get quality work, including the considerations advanced by others on paying a fair wage. It has been challenged from time to time, and while I respect the arguments made by Senator SMITH, it seems to me that this amendment ought to be rejected.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 10 seconds.

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

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes 21 seconds.

Mr. SPECTER. Mr. President, I yield 1 minute to Senator REID of Nevada.

Mr. REID. Mr. President, what this amendment would do is a number of things that are not good for working men and women. It would be an automatic suspension of the Davis-Bacon enforcement in areas where there have been disasters. It would mean hundreds of thousands of construction workers who typically go to these areas to work would lose the wage protections currently afforded them under the law. The President of the United States already has the authority to waive Davis-Bacon in the event of a national emergency.

So far this year disasters have been declared in 36 States, including Nevada.

This amendment is ill timed, ill advised, especially in light of the disasters that we had to deal with throughout the country.

Mr. SMITH of New Hampshire. Mr. President, it is interesting that in those 36 disasters that the Senator from Nevada spoke of, the President has not decided to waive Davis-Bacon.

The history on it is remarkable. We have had bipartisan votes on this floor on Davis-Bacon in the past in terms of some disasters. Presidents Roosevelt and Nixon also suspended Davis-Bacon to alleviate administrative confusion and delay, and to control inflation.

There is a long—as I mentioned earlier, President Bush—history of bipartisan waivers and relaxation of the Davis-Bacon provisions.

There is also an interesting editorial in the Detroit News. I ask unanimous consent to have it printed in the RECORD after my remarks.

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

(See Exhibit 1.)

Mr. SMITH of New Hampshire. Mr. President, I will read a brief excerpt from that editorial, called ''End of Payoff.'' It says:

Here in Michigan, former deputy state treasurer and Hillsdale College economics professor Gary Wolfram has estimated that the prevailing wage law costs State taxpayers $70 million to $100 million more than they would necessarily have to pay each year for State and local public works projects.

I am having a hard time understanding how it helps working men and women to increase their taxes to pay to clean up disaster areas. If somebody could explain that to me, I might exchange my position.

For the life of me, I don't understand how it makes sense to charge the taxpayers more money to clean up in unfortunate situations where we have disasters. It makes no sense to me.

I conclude by saying that the Davis-Bacon Act is a Depression-era wage subsidy law. Its intent was demonstrated in the CONGRESSIONAL RECORD, which was to preserve northern construction jobs for white union men, and to prevent them from being taken by less expensive southern black labor.

That was the original intent of that law, and its impact on taxpayers wastes valuable Federal tax dollars. It is a discriminatory law that limits equal access to work opportunities.

Finally, no one should take unfair advantage of people who are the victims of disasters.

As I said to you earlier, volunteers give their time, and nonunion people would like to come and help. They are going to be denied the right. They are not going to be able to work for the taxpayers or the Federal Government at a wage less than the prevailing union wage. It is going to cost the taxpayers.

Those people who would like to help and who also have families to feed are going to be denied work. They are going to be told: Go home. You can't work because we have to pay a wage higher than for which you are willing to work.

That is un-American. In America, it is an agreement between the employer and the employee. If an employee wants to work for less, then the employee has the right to do it.

I urge support of my amendment and oppose the motion to table.

EXHIBIT 1

END THE PAYOFF

For close to 35 years, Michigan taxpayers have been paying more than they should for public works projects because of a political

payoff known as Public Act 166 of 1965, commonly called the ''prevailing wage'' law. State Rep. Wayne Kuipers has proposed an elegant solution to this problem. Rep. Kuipers has a bill that simply states that Public Act 166 of 1965 ''is repealed.''

Rep. Kuipers' bill, HB 4193, should be promptly enacted. The prevailing wage law requires that all state and local governments pay union wages on their public works projects, regardless of whether they can get the work done using less costly nonunion labor. It is an act of pure economic protectionism for one special interest.

In fact, it is a clone of the federal Davis-Bacon Act, adopted by Congress in the 1930s for the odious purpose of freezing lower-wage minority bidders out of federal public works contracts. The U.S. General Accounting Office has long advocated the repeal of the Davis-Bacon Act.

Here in Michigan, former deputy state treasurer and Hillsdale College economics professor Gary Wolfram has estimated that the prevailing wage law costs state taxpayers $70 million to $100 million more than they would necessarily have to pay each year for state and local public works projects.

The law was held in abeyance between 1994 and 1997. A federal judge in Midland threw out the prevailing wage act, but in 1997 a federal appellate court panel reinstated it. During the interregnum, several school districts sold construction bonds. When the law was upheld, they were left with shortages because their bonds did not account for the prevailing wage requirement.

The Legislature, instead of repealing the act, voted to make up the difference for the affected school districts at a cost of $20 million over 10 years. As we noted at the time, this amounted to a $20 million bribe to organized labor interests.

The Michigan Supreme Court, in a particularly benighted and anti-taxpayer ruling last year, extended the prevailing wage law to the construction of a student activity center, funded by student fees and other nonstate appropriations, at Western Michigan University. The court's majority acknowledged that it was overturning a trial judge and two rulings by the state Court of Appeals as well as a longstanding state Labor Department interpretation, to reach this ruling.

Unions contend that the premium pay supported by the prevailing wage is the result of their better-trained workers and the superior quality of their work. Rep. Kuipers, R-Holland, a former contractor has a different opinion: Let the unions prove their case by competing for public construction dollars without the artificial support of the prevailing wage act.

The bill is in the House Employment Relations Committee. Surely, this measure is one of the reasons for a Republican-controlled Legislature.

OUR VIEW

The prevailing wage act imposes unnecessary costs on taxpayers and should be repealed.

OPPOSING VIEW

The act guarantees high-quality workmanship on public works projects.

Mr. SPECTER. Mr. President, by way of a very brief reply, I think that Davis-Bacon is American. It has been American since 1931, almost as long as I have been in America; right about the same time. It has worked very well.

There is merit to what the Senator from New Hampshire has argued in some respects. But to say that it is not American, this has been the Federal law for a very long time.

How much time remains, Mr. President?

The PRESIDING OFFICER. Forty-five seconds.

Mr. SPECTER. I yield the remainder of time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, prevailing wage means just that. That is in a given area. The fact is that the average, as I mentioned, construction worker who will be affected by this earns $28,000 a year. That is what it comes down to.

I refer to that University of Utah study which showed that injuries went up and the cost of the buildings went up because there was a deterioration in productivity and the skills that were necessary for completion.

It doesn't make any sense to bring this up as an amendment on this particular bill.

Let's bring it back to committee. If the Senator has an argument to make, let's follow the regular legislative process. Let us table this amendment.

Mr. SPECTER. Mr. President, I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1844. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—59

Abraham	Feinstein	Moynihan
Akaka	Fitzgerald	Murkowski
Baucus	Gorton	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Hollings	Robb
Boxer	Inouye	Rockefeller
Breaux	Jeffords	Santorum
Bryan	Johnson	Sarbanes
Byrd	Kennedy	Schumer
Campbell	Kerrey	Shelby
Cleland	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
DeWine	Lautenberg	Stevens
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Feingold	Mikulski	

NAYS—40

Allard	Crapo	Inhofe
Ashcroft	Enzi	Kyl
Bennett	Frist	Lott
Bond	Gramm	Lugar
Brownback	Grams	Mack
Bunning	Grassley	McCain
Burns	Gregg	McConnell
Chafee	Hagel	Nickles
Cochran	Hatch	Roberts
Collins	Helms	Roth
Coverdell	Hutchinson	Sessions
Craig	Hutchison	Smith (NH)
Thomas	Thurmond	
Thompson	Warner	

NOT VOTING—1

Dodd

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I believe we are near the conclusion of this bill. We are about to move to the Wellstone amendment. We are very close to completion of this bill. We are now going to move to the Wellstone amendment, and there are no further amendments on the Republican side.

Mr. REID. I say to the manager of the bill, on this side, we have the Wellstone amendment we need to complete and the manager of the bill has an amendment. I say to the manager, we also have Bingaman-Domenici which needs to be worked out or offered.

Mr. SPECTER. We are very close, Mr. President. I ask unanimous consent that there be 1 hour of debate equally divided in relation to the Wellstone amendment on mental health prior to a motion to table.

Mr. REID. Reserving the right to object. I ask the Senator be allowed to offer his amendment before we enter into the time agreement. We will do that as soon as he offers the amendment.

Mr. WELLSTONE. If I may offer the second-degree amendment——

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I yield so the Senator may offer his amendment, and then I will repropound the unanimous consent request.

AMENDMENT NO. 1880

(Purpose: to increase funding for the mental health services block grant)

Mr. WELLSTONE. Mr. President, I call up my amendment No. 1880.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1880.

Mr. WELLSTONE. 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:

On page 31, line 9, strike ''$2,750,700,000'' and insert ''$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and''.

AMENDMENT NO. 2271 TO AMENDMENT NO. 1880

(Purpose: To increase funding for the mental health services block grant)

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

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

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2271 to amendment No. 1880.

Mr. WELLSTONE. 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:

Beginning on page 1 of the amendment, strike ''$70,000,000'' and all that follows and insert the following: ''$358,816,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act ($48,816,000 of which shall become available on October 1, 2000 and remain available through September 30, 2001), and''.

Mr. SPECTER. Mr. President, I ask unanimous consent that there be 1 hour of debate equally divided in relation to the Wellstone amendment on mental health prior to a motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, for the information of all Senators, it is not anticipated that this side of the aisle will use very much time. So Senators should be prepared to vote perhaps even in advance of 5 o'clock.

Mr. WELLSTONE. I say to my colleague, I will be pleased to use his additional time if he wants me to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will shortly outline my amendment, which is a very important amendment dealing with community block grant mental health services. I want to start out, however, in a very personal way.

Mr. President, the Governor of Minnesota, Governor Ventura, in an interview with Playboy magazine said that he did not read books by Ernest Hemingway because the writer killed himself. And he want on to say:

I've seen too many people fight for their lives. I have no respect for anyone who would kill himself. If you're a feeble, weak-minded person to begin with, I don't have time for you.

At Harvard University yesterday Governor Ventura was asked about his remarks, that suicide was for the feeble, weak-minded. And he said:

I do upwards of 25 interviews a week . . . over 1,000 interviews a year. I'm human. You got good days; you got bad days.

He continued:

I don't have sympathy, is what my feelings are on suicide. . . . To me it's something that doesn't have to happen if people take a positive attitude on life like I do.

Today the Surgeon General, David Satcher, gave a very eloquent speech. Today is the ninth annual National Depression Screening Day. He pointed out that suicide is the ninth leading cause of mortality in the United States, responsible for 31,000 deaths.

Mr. President, 85 Americans die every day having taken their lives. Suicide is the fourth leading cause of death for children ages 10 to 14.

I want to respond to these remarks by Governor Ventura because I have devoted so much of my work as a Senator in the mental health area, with Senator DOMENICI, my colleague from New Mexico, who is a Republican, and Senator REID from Nevada.

First of all, let me acknowledge the work of Al and Mary Kluesner. The Kluesners are wonderful people. Al and Mary Kluesner started an organization 10 years ago called SA/VE. This is an organization made up of family members. Many of them are parents who have lost their children. Al and Mary Kluesner have lost two children to suicide.

The Governor of Minnesota and all Americans need to understand that suicide is directly linked to mental illness. The form of mental illness we are talking about is severe depression. When people struggle with severe depression, they lose hope.

I want the Governor of Minnesota to understand that this mental illness is not a moral failing. I want Governor Ventura to understand that all these families that have gone through so much pain need support. They do not need ridicule.

Today is the ninth annual National Depression Screening Day. This is when communities set up free confidential screening opportunities for people to talk privately with mental health professionals, receive educational material about the symptoms and treatment for depression and, when appropriate obtain referrals for care.

Clinical depression is one of the most common illnesses. It affects more than 19 million Americans a year. These educational programs are to be commended. But if we do not have the resources to fund proper treatment for mental health illnesses, then all of this research and all of this education and all of this information may be for nothing.

The clinical care that is needed may never reach those who need it the most.

Why? Because they cannot afford it.

Why? Because we do not have fairness—parity—in mental health coverage.

Why? Because we drastically underfund public programs for mental health care, such as the mental health block grant program.

Why? Because of problems with mental health services provided through the Medicaid programs, which represent 19 percent of nationwide mental health care.

Why? Because it seems we would rather incarcerate children with mental illness than to provide community treatment programs that are so desperately needed.

Why? Because we do not provide coverage for medication in so many health care programs.

Untreated mental illness so often leads to tragedy such as suicide. We know from today's congressional briefing on depression and the elderly an outstanding fact: The highest suicide rate—often the result of undiagnosed and untreated depression—is for white men over 85 years old—65.3 per 100,000 persons.

Suicide is the third leading cause of death among young people ages 15 to 24.

We need to increase funding for mental health services, not decrease it.

This amendment, which I will summarize in a moment——

Mr. REID. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. REID. I have heard with—I do not know if the word is ''horror'' but certainly with disgust the statements made by the Governor of Minnesota. The Senator knows—because we have spoken—that 31,000 people each year kill themselves. The Senator knows that; isn't that true?

Mr. WELLSTONE. That is true.

Mr. REID. Isn't it true that during the time we are going to be debating this very important matter, there will be four people in our country during this hour's period of time who will kill themselves?

Mr. WELLSTONE. That is correct.

Mr. REID. And for the Governor of the State of Minnesota to say—I am sorry to report—that these people in effect deserve to die because they have problems, is not understandable. The Senator understands. We have held hearings in the Senate dealing with suicide. We have heard from academics, we have heard from people from the entertainment industry, we have heard from people from all walks of life because suicide does not discriminate among people; it does not affect only one age group; it does not affect one economic group more than others; it affects everyone.

It is true, is it not, I say to my friend, that the vast majority of suicides could be avoided if that person had some counseling and many times a little bit of medication? Isn't that true?

Mr. WELLSTONE. My colleague from Nevada is absolutely correct. That is why I had to respond to these comments by Governor Ventura from Minnesota. This is an illness. This is an illness that affects many Americans. This is an illness that has led to such pain for so many families.

I mentioned Al and Mary Kluesner from Minnesota who started an organization. Sheila and I have been to their gatherings, I say to my colleague, for the last 3 years. Hundreds of people come, including parents who have lost their children to suicide. They do not need ridicule. We need to understand this is not a moral failing. This is an illness. Suicide is the result of this illness. With treatment, we can prevent these deaths.

Mr. REID. I will make one last statement, if I could.

The illness that leads people to commit suicide, it is no different than someone that has tuberculosis, someone who has cancer; isn't that true?

Mr. WELLSTONE. Mr. President, I say to my colleague from Nevada, he is absolutely correct. The research over especially this last decade—which has focused on brain diseases—over and over and over again points out that these diseases are comparable to physical illnesses. They are diagnosable and they are treatable, but the big challenge for us is to overcome the stigma, to overcome the discrimination. That is why I am so outraged by these remarks by Governor Ventura.

Mr. REID. Mr. President, I very much appreciate, admire, and respect the Senator from Minnesota, who is on the floor now talking about these issues. We need to talk more about them.

We don't know why people kill themselves. We have some understanding, but we need to study this. Thank goodness the Centers for Disease Control is now studying suicide. The Federal Government, for the first time, has directed research to determine why 31,000 Americans, young and old, kill themselves every year.

Again, I appreciate very much the Senator from Minnesota having the courage to talk about an issue some people refuse to acknowledge.

Mr. WELLSTONE. I thank my colleague.

I point out to the Senator from Nevada, this is the fourth leading cause of death among children, ages 10 to 14, suicide, among white males. There are other populations as well. The rate of suicide among African American males, ages 15 to 19, has increased 105 percent between 1980 and 1996.

Senator SPECTER and Senator HARKIN have done a yeoman's job of getting more support for these mental health services. What I am trying to do is take this mental health performance partnership block grant program, which supports comprehensive community-based treatment for adults with serious mental illnesses and children with serious emotional disturbances, back to the level of funding the President requested. This is administered through the Substance Abuse and Mental Health Services Administration, SAMHSA.

I say to my colleague from Pennsylvania, if I could have 5 more minutes to summarize this, we want to go to a voice vote, and this amendment will be accepted. I will be honored.

Let me simply talk about the services that are so important. This is funding for communities for programs that include treatment, rehabilitation, case management, outreach for homeless individuals, children's mental health services, and community-based treatment services that have everything in the world to do with providing treatment to people and enabling people to live lives with as much independence and dignity as possible.

Right now the mental health block grant is funded at $310 million. That is a small amount compared to the tremendous need. This amendment would add $50 million. With this amendment, we could provide support for some important community services that would make a tremendous amount of difference.

I went over some of the gaps earlier. My colleague from Pennsylvania, who is managing this bill on the Republican side, said there is an indication to accept this amendment. I will be very pleased. I know colleagues want to move this along.

I say to my Republican colleagues and Democratic colleagues, I appreciate the support for this. I know Senator SPECTER is committed to this. I know Senator HARKIN is as well. I would like to have this amendment approved. I would like to see the additional resources. This is an extremely important program. We have to do a lot better in this area. We can do it at the community level, but for those adults—and we are, in particular, talking about adults with serious mental illnesses and children with serious emotional disturbances—all too often, they wind up out on the streets or they wind up in prison or they wind up not receiving the care. So much of this illness is diagnosable. So much of it is treatable. There are so many ways we can help people.

I think accepting this amendment and making sure we can keep this level of funding as we go to the conference committee would be extremely important.

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

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, we have been reviewing this amendment for additional funding for the mental health block grant. It is obviously a good program, beyond any question. The key issue is how far we can stretch in this bill. I have talked to the Senator from Minnesota and told him that after consulting with some of my colleagues on this side of the aisle, we would be prepared to accept it on a voice vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SPECTER. I yield back my time.

Mr. WELLSTONE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment No. 2271.

The amendment (No. 2271) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment No. 1880.

The amendment (No. 1880) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

APPOINTING JUDICIAL NOMINEES

Mr. HATCH. Mr. President, the Constitution provides that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint * * * Judges of the Supreme Court, and all other Officers of the United States * * *'' Thus, the President has the power to nominate persons to serve as federal judges and the Senate has the power to render advice and consent on these nominations. And the Constitution requires that the President's power to nominate be exercised ''with'' the Senate's power to advise and consent in order for a final appointment to be made. To the extent such cooperation occurs, the appointment process will be fair, orderly, and timely. To the extent such cooperation does not occur, the appointment process will break down.

When I assumed the Chair of the Judiciary Committee, I inherited a process rocked by public strife and private in-fighting. I was determined to lower the temperatures on both sides of the Committee and to preside over a process that did not allow personal attacks on a nominee's character. To accomplish this I turned to the Constitution itself and its requirement that the President and the Senate work ''with'' each other in the appointment process and the Constitution's limits on the power of federal judges.

And it has worked. When the President has consulted with the Committee and with home-state Senators, a nominee has moved through the process smoothly. Under my Chairmanship, the Committee has focused its review on each nominee's, integrity, temperament, competence, and respect for the rule of law. To date Republicans have confirmed 325 of President Clinton's nominees to the federal bench.

When there have been problems with a nominee, or a potential nominee, the President's consultation with the Committee has enabled us to address those problems privately. For example, a senator on the Committee recently asked me to examine a potential nominee, and when there were problems with that nominee, that Senator and I were able to deal with the problem privately and I expect another candidate will be forthcoming soon. Thus, the process has worked without damaging a candidate's reputation or his family.

When the President works with the Senate the process will adequately staff the federal Judiciary. Indeed, after last year's extraordinary number of confirmations, the vacancy rate in the federal Judiciary was reduced to a very low 5.9%. The Chief Justice in his most recent report on the state of the federal Judiciary congratulated the President and the Senate, stating ''I am pleased to report on the progress

made in 1998 by the Senate and the President in the appointment and confirmation of judges to the federal bench ....''

As of today, the Judiciary Committee has held 5 hearings for judicial nominees and have reported 30 nominees to the floor of the Senate. There are currently just 62 vacancies, yielding a vacancy rate of only 7.4%. This is 1 vacancy less than existed at the end of the 103rd Congress when Democrats controlled the Judiciary Committee. Further, should the Senate confirm the 8 nominees that are currently on the floor and the 4 nominees for which we held a hearing today, the number of vacancies will fall to 51, yielding a vacancy rate of just 6%. This will be the lowest vacancy rate for any first session of Congress since the expansion of the judiciary in 1990. Moreover, it is virtually equivalent to the vacancy rate at the end of the last Congress, which was the lowest vacancy rate for any session of Congress since the expansion of the judiciary in 1990. When the President works with us and respects the constitutional advice and consent duties of the Senate, the process has, in fact, worked smoothly.

When the President fails to work with the Senate, however, the process does not work smoothly. This was the unfortunate case with Judge Ronnie White. The record shows that Judge White is a fine man. However, he has written some questionable opinions on death penalty cases. The record resulted in both Missouri Senators opposing his nomination on the floor. This record resulted in local and national law enforcement agencies opposing his nomination as well. Here are just some of the letters expressing concern or opposition to Judge White's nomination:

The Missouri Federation of Police Chiefs oppose the nomination; the National Sheriff's Association opposed the nomination; the Mercer County, Missouri prosecutor opposed the nomination; the Missouri Sheriffs' Association expressed deep concern over one of Judge White's dissents in a death penalty case involving the murder of one sheriff, two deputies, and the wife of another sheriff, and asked the Senate to consider that dissent in voting on Judge White's nomination. Indeed, 77 of 114 of Missouri's sheriffs asked for serious consideration of Judge White's record. The sheriff of Moniteau County, Missouri, whose wife was murdered by the criminal for whom Judge White would have reversed the death sentence wrote in opposition to the nomination.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

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

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, October 4, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: I am writing to ask you to join the National Sheriffs' Association (NSA) in opposing the nomination of Mr. Ronnie White to the Federal Judiciary. NSA strongly urges the United States to defeat this appointment.

As you know, Judge White is a controversial judge in Missouri while serving in the Missouri Supreme Court. He issued many opinions that are offensive to law enforcement; one on drug interdiction and several involving the death penalty. Judge White feels that drug interdiction by law enforcement is too intimidating. He is more concerned with his personal view of drug interdiction practices than with the legitimate law enforcement effort to prevent the trafficking of illegal drugs. Drug interdiction is a cornerstone in the fight against crime, and this reckless opinion undermines the rule of law.

Additionally, judge White wrote an outrageous dissenting opinion in a death penalty case. In 1991 Pam Jones, the wife of Sheriff Kenny Jones of Miniteau, Missouri, was gunned down with three other law enforcement officials while hosting a church service at home. The assailant, who was targeting the Sheriff, was tried and convicted of murder in the first degree. He was subsequently sentenced to death for the four murders. During the appeals process, the case came before the Missouri Supreme Court where six of the seven judges affirmed the conviction and the sentence. Judge White was the court's lone dissenter urging a lower legal standard to allow this brutal cop killer a second chance at acquittal. In our view, this opinion alone disqualifies Judge White from service in the Federal courts. He is irresponsible in his thinking, and his views against law enforcement are dangerous. Please read Judge White's dissenting opinion in this case.

We urge you in the strongest possible terms to actively oppose the nomination of Judge White. He is clearly an opponent of law enforcement and does not deserve an appointment to the Federal Judiciary. His views and opinions are highly insulting to law enforcement, and we look forward to working with you to defeat this nomination.

Respectfully,

PATRICK J. SULLIVAN, Jr.,
Sheriff, Chairman, Congressional Affairs Committee and Member, Executive Committee of the Board of Directors, NSA.

SHERIFF'S DEPARTMENT,
MONITEAU COUNTY,
California, MO, August 11, 1999.

DEAR FELLOW SHERIFF: I am writing to you about Judge Ronnie White of the Missouri Supreme Court, who has been nominated to be a federal district judge. As Sheriffs' we go to work for the people of Missouri every day. Our lives are on the line. Every law enforcement, and every law-abiding citizen, needs judges who will enforce the law without fear or favor. As law enforcement officers, we need judges who will back us up, and not go looking for outrageous technicalities so a criminal can get off. We don't need a judge like Ronnie White on the federal court bench.

In addition to being Sheriff of Moniteau County, I am a victim of violent crime. So are my children. In December 1991, James Johnson murdered my wife, Pam, the mother of my children. He shot Pam by ambush, firing through the window of our home during a church function she was hosting. Johnson also killed Sheriff Charles Smith of Cooper County. Deputy Les Roark of Moniteau County and Deputy Sandra Wilson of Miller County. He was convicted and sentenced to death. When the case was appealed and reached the Missouri Supreme Court, Judge White voted to overturn the death sentence of this man who murdered my wife and three good law officers. He was the only judge to vote this way.

Please read Judge White's opinion. It is a slap in the face to crime victims and law enforcement officers. If he cared about protecting crime victims and enforcing the law, he wouldn't have voted to let Johnson off death row.

The Johnson case isn't the only anti-death penalty ruling by Judge White. He has voted against capital punishment more than any other judge on the court. I believe there is a pattern here.

To me, Ronnie White is clearly the wrong person to entrust with the tremendous power of a federal judge who serves for life. Please write to our U.S. Senators, Christopher S. Bond and John Ashcroft, and ask them to oppose the White nomination. Ask them to persuade other Senators to do likewise. Effective law enforcement saves lives. The deterrent value of capital punishment saves lives. As a federal judge, Ronnie White would hurt law enforcement and he would oppose effective death penalty enforcement.

You can write to Senator Bond and Senator Ashcroft at U.S. Senate, Washington, DC 20510. Please speak up before it's too late.

Sincerely,

KENNY JONES,
Moniteau County Sheriff.

MISSOURI FEDERATION OF
POLICE CHIEFS,
St. Louis, MO, September 2, 1999.

Senators JOHN ASHCROFT, and CHRISTOPHER BOND,
Kansas City, MO.

DEAR SENATOR ASHCROFT AND SENATOR BOND: We have just learned of the nomination of Judge Ronnie White to be a federal district judge.

After reading Sheriff Kenny Jones' letter and seeing Judge White's record, we were absolutely shocked that someone like this would even be nominated to such an important position.

We want to go on record with your offices as being opposed to his nomination and hope you will vote against him. A copy of Sheriff Jones' letter is attached.

Sincerely,

BRYAN KUNZE,
Vice President, MFPC.

MISSOURI SHERIFFS' ASSOCIATION,
Jefferson City, MO, September 27, 1999.

Sen. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR HATCH: Attached please find a copy of the dissenting opinion rendered by Missouri Supreme Court Judge Ronnie White in the case State of Missouri, Respondent, v. James R. Johnson, Appellant.

Also, please find attached a copy of a petition signed by 92 law enforcement officers in Missouri, including 77 Missouri sheriffs.

In December 1991, James Johnson murdered Pam Jones, wife of Moniteau County Sheriff Kenny Jones. He shot Pam by ambush, firing through the window of her home during a church function she was hosting. Johnson also killed Sheriff Charles Smith of Cooper County, Deputy Les Roark of Moniteau County and Deputy Sandra Wilson of Miller County. He was convicted and sentenced to death. When the case was appealed and reached the Missouri Supreme Court, Judge White voted to overturn the death sentence of this man who murdered Mrs. Jones and three good law officers.

As per attached, the Missouri sheriffs strongly encourage you to consider this dissenting opinion in the nomination of Judge

Ronnie White to be a U.S. District Court Judge.

Sincerely,

JAMES L. VERMEERSCH,
Executive Director.

We, the undersigned, understand that Judge Ronnie White of the Missouri Supreme Court, has been nominated to be a United States District Court Judge.

We need judges who can balance the duty of the law enforcement officer to enforce the law with the preservation of the Constitutional rights of the accused.

In 1993, one James Johnson was convicted and sentenced to death for the ambush and murder of Pam Jones, the wife of the Moniteau County Sheriff Kenny Jones and three other law enforcement officers. Judge White rendered the only dissenting opinion to reverse this conviction.

We respectfully request that consideration be given to this dissenting opinion as a factor in the appointment to fill this position of U.S. District Judge.

Position Agency:

Sheriff, Mississippi County; Sheriff, Pulaski County; Dade County Sheriff; Sheriff of Vernon County.; Barry County Sheriff; Barry County Deputy Sheriff; Franklin County Sheriff; Sheriff, Mercer County.

MERCER COUNTY
PROSECUTING ATTORNEY,
Princeton, MO, September 3, 1999.

Hon. JOHN D. ASHCROFT,
U.S. Senator, Washington, DC 20510

DEAR SENATOR ASHCROFT: As Missouri Prosecutors, we work to enforce the laws of our cities, counties, and the state of Missouri on a daily basis. We are aware of significant concern among law enforcement officials regarding the nomination of Missouri Supreme Court Judge Ronnie White to the federal bench. We share this concern.

Judge White's record is unmistakably anti-law enforcement, and we believe his nomination should be defeated. His rulings and dissenting opinions on capital cases and on Fourth Amendment issues should be disqualifying factors when considering his nomination.

Judge White has evidenced clear bias against the death penalty from his seat on the Missouri Supreme Court. He has voted against the death penalty more than any other judge has. In capital cases, he has dissented more than any other judge. Further, he has filed more lone dissents in capital cases than any other judge. Without question Judge White has displayed an anti-capital punishment bias that is second to none on the Missouri Supreme Court.

One of the most terrible examples of this bias came in State v. Johnson, when Judge White filed a lone dissent, supporting reversal of the capital sentence imposed on Jim Johnson. Johnson was sentenced to death for the murders of Cooper County Sheriff Charles Smith, Moniteau County Deputy Les Roark, Miller County Deputy Sandra Wilson, and Pam Jones, the wife of Moniteau County Sheriff Kenny Jones. Except for Judge White's dissent, the ruling against this brutal cop killer was unanimous. Judge White was the lone member of the Court to vote to give Johnson a new trial and a second chance to go free.

In State v. Damask, and State v. Alvarez, the Supreme Court ruled 6–1 that drug checkpoints on main highways in Franklin and Texas Counties were constitutional. Judge White, again, disagreed alone. Judge White voted to throw out evidence against accused drug traffickers who were arrested at checkpoints on Interstate 44 and U.S. 60.

Another troubling concern, while not in itself sufficient reason to disqualify, is Judge White's lack of significant experience in trial courts. Certainly the nomination would be less flawed if he had significant experience as either a criminal litigator or trial judge. He has neither.

On the Missouri Supreme Court, the other six members of the Court routinely override Judge White's outlandish dissenting opinions. In Missouri, we are fortunate to have a Supreme Court that is sympathetic to law enforcement, and prone to interpreting the law as it is written. However, if Judge White is placed on the federal bench, he will be a one-person majority. His flawed opinions will be the only ones that count, and barring an appeal to higher courts, he will be accountable to no one.

People in the law enforcement community are rightly concerned by Judge White's votes in cases like Johnson and Damask. We urge you to show your support for the hard work of Sheriffs, police officers, prosecutors, and other law enforcement officials, and help defeat the nomination of Judge White to the federal bench.

JAY HEMENWAY,
Mercer County Prosecuting Attorney.

TEXAS COUNTY PROSECUTING ATTORNEY,
Houston, MO, October 4, 1999.

Hon. JOHN ASHCROFT,
U.S. Senator, Washington, DC.

SENATOR ASHCROFT, It is my understanding that the nomination of Ronnie White to the United States Federal Court is coming up for a vote soon in the United States Senate. I have serious concerns about this nomination.

Judge White's voting record has given law enforcement officials cause for alarm. While on the Supreme Court he has consistently voted against use of the death penalty, even in the most brutal and clear-cut cases. In fact, White has voted against use of the death penalty more than any other judge on the Court.

White's was also the lone dissenting vote on the case allowing drug checkpoints of major highways in our state. There are other causes of concern, but I think it is best summed up as follows: The Judiciary exists to interpret the law, not make it. Judge White's opinions as a member of the Missouri Supreme Court have caused me to fear more judicial activism and pro-criminal jurisprudence that would run contrary to the will of our founding fathers and to the good of our country.

Please examine Judge White's record closely, Senator. This is an enormously important decision with the most serious of implications. Thank you for taking the time and making the effort to cast a wise vote on the nomination.

Most sincerely,

DOUG GASTON.

Mr. HATCH. Mr. President, had the White House worked with these home-State Senators and with other Senators to achieve broad support for the nominee, perhaps Judge White would not have been defeated. I don't know. I might add, had both home-State Senators been opposed to Judge White in committee, Judge White would never have come to the floor under our rules. I have to say, that would be true whether they are Democrat Senators or Republican Senators. That has just been the way the Judiciary Committee has operated. Had the President diligently worked with Senators to determine that there would not be broad support for the candidate, he could have found an alternative, consensus candidate. But the President did not. Thus, Judge White's nomination failed on the floor of the Senate.

To compound the problem, the President and some of my colleagues in this body made the grave error of suggesting that race was the reason that Senate Republicans voted against Judge White. This transparently political accusation has, as the administration is well aware, no basis in fact. The Judiciary Committee, under my chairmanship, has not kept formal statistics on the race of any of these nominees, nor would we have informed Democrat or Republican members that Judge White is an African American. Many of my Republican colleagues were literally unaware of Judge White's race, and that is the way it has been. We just haven't made notice of anybody's race as we have confirmed these 325 judges that President Clinton has nominated.

Instead, they were aware of his record in death penalty cases. I admit that that awareness happened at a relatively late time in this matter. It caught me by surprise as well—the opposition at least. They were aware of the opposition of State and national law enforcement communities that arose after his committee hearing. They were aware of the opposition of both home-State Senators that was announced after his hearing. Indeed, I even had a Democratic Senator inform me that had that Senator known of the recent law enforcement opposition to Judge White's nomination, that Senator would have opposed the nomination as well. Senator BOND did support this judge at the hearing but later changed his position on this as he became more and more aware of the opposition by law enforcement. It was not race that defeated Judge White; it was his record and the opposition of the elected leaders of his State.

These same Republican Senators who opposed Judge White overwhelmingly supported the nomination of Charles Wilson, an African American, to the Eleventh Circuit Court of Appeals in Florida. While Senate Republicans were mostly unaware of Judge Wilson's race, Members were informed of his outstanding record as a Federal Magistrate and U.S. Attorney, the strong Florida support for Mr. Wilson, and the support of both home-State Senators—1 Republican and 1 Democrat—for Mr. Wilson. Most members were not informed of his race. But these home-State Senators were for Mr. Wilson. And there was broad support in the Senate for Mr. Wilson's candidacy. It was not race that confirmed Mr. Wilson; it was his record and the support of the elected leaders of his State.

The same is true for other minority nominations. To mention a few, Victor Marrero, Carlos Murguia, Adalberto Jordan—nominees whose records show they were qualified and respected the rule of law, who had the support of home-State Senators, and who had broad support in the Senate. Thus, the suggestion that the Republicans in this

body voted against Judge White on the basis of race is no more true than a parallel accusation that my Democratic colleagues voted against Clarence Thomas because of his race. I don't think any of us have made that suggestion.

I am also deeply disappointed by the patently false suggestions from the administration, and some in this body, that Republicans intentionally delay the processing of minority and women nominees based on their race and gender. This would be a surprise to Charles Wilson, who was nominated on May 27, reported by the Judiciary Committee to the floor of the Senate on July 22, and confirmed on July 30. This would also be a surprise to Marryanne Trump Barry, who was nominated on June 17, reported by the Judiciary Committee to the floor of the Senate on July 29, and confirmed on September 13. Both of these nominees had outstanding records reflecting respect for the law, strong home-State support, the support of both home-State Senators, and broad support in the Senate. Mr. Wilson, Judge Barry, and most of these other nominees proceeded smoothly through the confirmation process because the President worked with the Senate, not against the Senate.

The administration is very proud of its record of placing women and minorities on the bench, and it makes a point of informing the public of its work in this regard. In an address to the American Bar Association this summer, President Clinton called the collection of judges he has nominated to the Federal bench ''the most diverse group in American history.'' Nearly half are women and minorities, he said.

But each of these judges was confirmed by the Senate, and all were confirmed with Republican support. How can it be that a Senate which has directly participated in this record of accomplishment can become an institution of bias simply by opposing one nominee—a nominee opposed by both home-State Senators and by an overwhelming number of State and national law enforcement leaders? It cannot be. It simply cannot be. The record and the Department of Justice's own numbers speak for themselves.

According to the Clinton administration's own data, the Senate—whether it was under Democratic or Republican control—has done its duty and confirmed qualified women and minorities. For example, in 1998, based on Department of Justice data, approximately 32 percent of judicial nominees were women, and 21.5 percent were minorities. Even though the committee does not keep formal statistics, I had my staff manually compute the proportion of women and minorities reported to the Senate floor. So far this year, over 45 percent of the judicial nominees reported to the Senate floor are women or have been minorities.

Yes, some nominees take longer than others—but it is not because of their race or gender. My colleagues, I believe, know that. I believe the President and his people at the White House know that. Indeed, several of the nominees of the past that took longer to confirm had my strong support. These included Anne Aiken, Margaret Murrow, and Susan Mollway. I have been condemned for that by certain people on the far right almost on a daily basis ever since.

In the end, those who make these troubling accusations either, one, believe them to be true or, two, know they are not true, but want to politicize the issue. Either motivation is evidence of a serious problem within our noble institution, which I hope we, as leaders, can work to rectify. That is one reason I am taking this time today. Using race as a political tactic to advance controversial nominees is especially troubling. I care too much about the Senate and the Federal judiciary to see these institutions become the victims of base, cheap, wedge politics.

I would urge my colleagues and the President to reconsider this destructive and dangerous ploy. Instead, they should put aside this destructive rhetoric and work with us to do what is best for the Judiciary, the Senate, and the American people.

The Ronnie White nomination is an unfortunate example of what I believe is an increasing pattern on the part of the Clinton White House. I am referring to what appears to be a fire-sale strategy of knowingly sending up nominees who lack home-State support. Some time ago, I sent the White House Counsel a letter stating clearly that consultation was an essential prerequisite to a smoothly functioning confirmations process. But over the past several months, a number of nominees have been forwarded to the Senate over the objection—both private and public—of home-State Senators. Is this a pattern the aim of which is to get nominees confirmed, or is this a strategy, the object of which, is to create a political show down with the Senate. My concern is with the latter.

To find the answer to the current political crisis, I turn once again to the Constitution and its requirement that the President and the Senate work ''with'' each other in the nomination and advice and consent process. To enable us to return to working together instead of against each other, I propose that we take time for both sides to cool off. The President and the Senate should take a step back, cool off, and then return to working with each other in the nomination and confirmation process as the Constitution so plainly requires.

Mr. President, we have worked well with this President up to now. I have certainly taken my share of criticism for being as fair to this administration as I can possibly be. But this administration knows the rules up here—that when two home State Senators oppose a district court nominee, that district court nominee is not going to make it. That is the way it is. There is nothing I can do to change that because it is the correct rule. It is important that we work together and work with home State Senators in order to resolve this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the Judiciary Committee for that statement. I have just a word or two to say about the same subject.

The White House made a comment—Mr. Lockhart—that I was one of three Republican Senators who voted for Judge White in committee and then voted against him on the floor. It is inaccurate to say I voted for him in committee because I did not. What happened was, the Judiciary Committee had a very abbreviated session off the floor and I went there to see if there was a quorum. When there was a quorum, Justice White was voted out of committee on a voice vote, but I was not present for that voice vote.

I was especially sensitive to Judge White because Judge Massiah-Jackson came before the Senate last year and withdrew her nomination in the face of very considerable opposition by the State District Attorneys Association.

So I took a close look at the letters, and even had a brief conversation with the ranking Democrat before casting my vote, which I did at the tail end of the vote on Justice White.

But contrary to what Mr. Lockhart of the White House said, and contrary to what has appeared in a number of press accounts, I did not vote for Justice White in the committee.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that we turn to the Senator from——

Mr. REID. Mr. President, will the Senator yield?

Mr. SPECTER. Florida for 15 minutes.

Mr. REID. Mr. President, will the Senator yield for a brief statement?

Mr. SPECTER. Pardon me. I withdraw that because the Senators from New Mexico were here sequenced ahead of Senator GRAHAM.

Mr. REID. Mr. President, I appreciate the statements of the chairman of the Judiciary Committee and the statement of the Senator from Pennsylvania on the judicial controversy. I hope we can end all of that this afternoon and get this bill completed because now we have people on our side wanting to come and talk about this matter dealing with Judge White. I hope we can move and get this bill finished before we have further speeches on this judicial controversy.

Mr. SPECTER. Mr. President, I ask unanimous consent that the remainder

of the time on this bill be directed to the amendment of the Senators from New Mexico, then 15 minutes to Senator GRAHAM of Florida, then 10 minutes to be equally divided between the managers of the bill, and then go to final passage.

Mr. REID. Reserving the right to object, if the ranking member of the Judiciary Committee wants to come over and speak on the judicial controversy, I want him to have 15 minutes, the same amount of time the chairman of the Judiciary Committee had.

Mr. SPECTER. I incorporate that in the unanimous consent request.

Mr. KENNEDY. If I could have 2 minutes.

Mr. SPECTER. Two minutes for Senator KENNEDY.

Mr. INHOFE. Mr. President, reserving the right to object, for what purpose would the Senator be yielding to the Senator from Florida? Are we back on the judicial nominations?

Mr. SPECTER. He is speaking on the bill.

Mr. INHOFE. Is this on the nomination?

Mr. SPECTER. Unless Senator LEAHY comes and claims the time which Senator REID has asked for.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

Mr. SPECTER. We added 5 more minutes for Senator HARKIN: the managers, 15 minutes; Senator HARKIN, 10; myself, 5.

Mr. REID. And Senator KENNEDY for 2 minutes.

Mr. DOMENICI. I ask if Senator KENNEDY is on the bill or something else?

Mr. KENNEDY. All I want to do, indirectly on the bill, is just to announce that the House of Representatives passed the Patients' Bill of Rights 275–149.

This is a hard-won victory for millions of patients and families throughout America, and a well-deserved defeat for HMOs and the Republican extremists in the House who put managed care profits ahead of patients' health.

The Senate flunked this test in July, but the House has given us a new chance to do the right thing. The House-Senate conference should adopt the Norwood-Dingell provisions, without the costly and ineffective tax breaks added by House Republicans.

Mr. DOMENICI. The Senator did it. Does he still need the 2 minutes?

Mr. KENNEDY. No. I don't need the 2 minutes. I thank the Senator very much.

Mr. SPECTER. Mr. President, exclude Senator Kennedy from the unanimous consent request.

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

Mr. SPECTER. Mr. President, I ask that we turn to the Senators from New Mexico.

Mr. DOMENICI. Senator BINGAMAN has the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2272

(Purpose: To require the Secretary of Health and Human Services to conduct a study on the geographic adjustment factors used in determining the amount of payment for physicians' services under the medicare program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN), for himself, and Mr. DOMENICI, proposes an amendment numbered 2272.

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

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

The amendment is as follows:

At the end of title II, add the following:

SEC. 216. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural states, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

Mr. BINGAMAN. Mr. President, this is an amendment that Senator DOMENICI and I are offering to direct the Secretary of Health and Human Services to conduct a study of and the appropriateness of the geographic adjustment factor that is used in Medicare reimbursement calculations as it applies particularly to our State of New Mexico.

We have a very serious problem in our State today; many of our physicians are leaving the State. The reimbursement that is available under Medicare, and accordingly under many of the health care plans in our State, is less for physicians performing procedures and practicing medicine in our State than it is in all of our surrounding States. We believe this is traceable to this adjustment factor, this geographic adjustment factor.

This is a system that was put into place in 1992. It now operates, as I understand it, such that we have 89 geographic fee schedule payment areas in the country. We are not clear on the precise way in which our State has been so severely disadvantaged, but we believe it is a serious problem that needs attention.

Our amendment directs that the Secretary conclude this study within 90 days, or 3 months, report back, and make recommendations on how to solve the problem. We believe it is a very good amendment. We recommend that Senators support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I am pleased to say I am a cosponsor of this amendment. I have helped Senator BINGAMAN with it.

This is a good amendment. We aren't asking for any money. We are not asking that any law be changed. We are merely saying that something is not right for our State.

The reimbursement—or some aspect of how we are paying doctors under Medicare—is causing us to have much lower fees than the surrounding States, and as a result two things are happening: One, doctors are leaving. In a State such as ours, we can ill afford that. Second, we are being told it is harder and harder to get doctors to come to our State. That was not the case years ago. They loved New Mexico. They came for lots of reasons. But certainly we cannot be an underprivileged State in terms of what we pay our doctors—be a poor State in addition—and expect our citizens to get good health care.

We want to know what the real facts are: Why is this the case? Is it the result of the way the geographic evaluation is applied to our State because maybe rural communities aren't getting the right kind of emphasis in that formula?

Whatever it is, we want to know. When we know, fellow Senators, we can assure Members, if we find out it is not right and it is not fair, we will be on the floor to talk about some real changes. Until we have that, we ask Members for help in obtaining a study.

I yield the floor.

Mr. SPECTER. The managers have taken a look at this amendment and are prepared to accept it. It is a good amendment.

There is one concern, and that is a jurisdictional concern with respect to the Finance Committee. We have attempted to contact the chairman of the Finance Committee to see if there was any substantial reason we should not accept it. If it went to a vote, it would clearly be adopted. It merely asks for a report for a very good purpose. Therefore, the amendment is accepted.

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

The amendment (No. 2272) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am here today, as I was in July, to point out to my colleagues another stealth effort to kill competition within the Medicare program. Title I, section 214, buried in the middle of this long appropriations bill on page 49, carries the following statement:

None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2000 may be used to administer or implement in Arizona or in Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project operated by the Secretary of Health and Human Services under authority granted in the Balanced Budget Act of 1997.

If that statement sounds familiar, it is. Almost the same language was buried in the HMO Patients' Bill of Rights bill as it passed the Senate back in July. It passed then undebated and undiscussed as to its implications—just as we are about to do here tonight. July's action was outrageous. This action is even more so.

There is a certain irony here. We have just heard that the House of Representatives passed, by an overwhelming vote, a version of the HMO Patients' Bill of Rights which is very similar to the bipartisan bill offered but not considered in the Senate. Our bipartisan bill was strongly opposed by the HMO industry. Their basic argument is: let's keep government out of our business, let us operate based on a competitive model that will allow the consumer, the beneficiary of the HMO contract, to negotiate without government standards, without government sanctions for failure to deliver on those standards with the HMO industry. They wanted to have laissez-faire free enterprise; Adam Smith roams the land.

However, today we are about to pass a provision that says when the HMOs are dealing with their pocketbook and the question of how they will get reimbursed, how much money they are going to get paid from Medicare, they don't want to have a free market of competition; they don't want to have a means by which the taxpayers can be assured what they are paying for the HMO product is what the market says they should be paying.

There is a certain amount of irony there which I think underscores the motivations of a significant portion of this industry. There also is a procedural ploy here. If this provision I just quoted were to be offered as an amendment to this bill, it would be ruled out of order under rule XVI in part because it purports not only to control action in this act but in any other act that Congress might consider making in an appropriations bill. But this is not an amendment; this is in the bill itself as it has come out of the Appropriations Committee, and therefore rule XVI does not apply.

Normally under the procedures the Congress has followed traditionally, we would be dealing with a House bill because the House traditionally has led in the appropriations process; therefore, we would be amending a House bill. Thus, we could have excised this provision. However, because we are violating tradition and taking up a Senate bill first, we do not have the opportunity to remove it by a point of order.

I will state for the record that henceforth, when it is proposed we take up a Senate appropriations bill before a House bill, I am going to stand here and object. This is exactly the kind of procedural abuse we can expect in the future as is happening right now.

If that isn't bad enough, this is just plain bad policy. It stifles innovation by eliminating the competitive demonstration which hopefully would have led to a competitive process of compensating HMOs. It forces Medicare to pay more than necessary for some services in certain areas of the country while it denies managed care to other areas of the country.

This HMO pricing is not without its own history. The Balanced Budget Act of 1997 included the competitive pricing demonstration program for Medicare. That provision was fought in the committee and fought in the Senate in 1997 by the HMO industry and certain Members of this body, but it prevailed. One by one, the HMO industry has been able to kill or has attempted to kill demonstrations which have been scheduled in many communities across the country. Today it is Arizona and Kansas City.

The equation is pretty simple. It does not take rocket science to understand what is happening. Who benefits by continuing a system of paying Medicare HMOs that are not subject to competition? The HMOs benefit. Who loses when the same system is open to competition? The HMOs, because they no longer have the gravy train that exists today. Who gains by competition? Beneficiaries gain, particularly in rural areas which don't have managed care today. It would be the marketplace that would be establishing what the appropriate reimbursement level should be for an HMO in a currently unserved or underserved rural area—not a formula which underpays what the real cost of providing managed care would be in such an area. And the taxpayers lose because they do not get the benefit of the marketplace as a discipline of what the HMO's compensation should be.

It is curious that out of one side of their mouth, they are screaming the current system of reimbursement is putting them out of business and causing them to have to leave hundreds of thousands of former HMO beneficiaries high and dry and also to curtail benefits such as prescription drugs, but at the same time, they are saying out of the left side of their mouth they are doing everything they can to prevent the insertion of competitive bidding as a means of establishing what their HMO contracts are really worth and what they should be paid.

They cannot have it both ways.

It takes a certain degree of political courage to make this reform happen. Let me give an example. In my own State of Florida, we were part of this demonstration project. We were selected to have a demonstration for Part B services for what are referred to as durable medical equipment. Lakeland, FL, was selected as the place to demonstrate the potential savings for medical equipment such as oxygen supplies and equipment, hospital beds and accessories, surgical dressings, enteral nutrition, and urological supplies.

The savings that have been achieved in this project are impressive.

They are 18-percent savings for oxygen supplies. I know the Senator from Iowa has stood on this floor and at times has even wrapped himself in medical bandages to demonstrate how much more Medicare was paying than, for instance, the Veterans' Administration for the same items. This competitive bidding process is attempting to bring the forces of the market into Medicare, and an 18-percent savings by competitively bidding oxygen supplies and equipment over the old formula we used to use. There were 30-percent savings for hospital beds and accessories, 13-percent savings for surgical dressings, 31 percent for enteral nutrition products, and 20 percent for urological supplies. It has been estimated if that Lakeland, FL, project were to be applied on a nationwide basis, the savings over 10 years would be in excess of $1 billion. We are not talking about small change.

Beneficiaries have saved money from this demonstration, and access and quality have been preserved and protected.

I find it troubling we are again today, as we were in July, debating, at the end of a major piece of legislation, a silently, surreptitiously included item which has the effect of sheltering HMOs from the marketplace. We might find some HMOs cannot compete and others will thrive, but that is what the marketplace should determine. That is what competition is all about.

I urge my colleagues to examine this provision, to examine the implications of this provision in this kind of legislation and the restraints it imposes upon us, as Members of the Senate, to excise it as inappropriate legislative language on an appropriations bill.

I hope our conferees, as they meet with the House, will resist the inclusion of this in the final legislation we might be asked to vote upon when this measure comes back from conference. This disserves the beneficiaries of the Medicare program. It disserves the taxpayers of America. It disserves the standards of public policy development by the Senate. I hope we will not have a further repetition of this stealth attack on the Medicare program.

Mr. ASHCROFT. Mr. President, I took great interest in the statement that Senator from Florida (Mr. GRAHAM) made expressing his displeasure that this legislation contains

a provision—Section 214—halting implementation of the Medicare Prepaid Competitive Pricing Demonstration Project both in Arizona and in the Kansas City metropolitan area.

The Senator from Florida claimed that the inclusion of this provision was accomplished by HMOs. I would like to take this opportunity to point out to him that it was Medicare beneficiaries and doctors who alerted me to their grave concerns that the project would create huge patient disruption in the Kansas City area.

In fact, after the Senator from Florida made similar remarks during debate on the Patient's Bill of Rights legislation regarding a similar provision in that bill, the Metropolitan Medical Society of Greater Kansas City wrote him a letter conveying their concerns with the implementation of the demonstration project in Kansas City, and expressing support for congressional efforts to stop the demonstration in their area. I ask unanimous consent that a copy of this letter be inserted in the record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ASHCROFT. After hearing from a number of doctors and patients in my State over the past few months, I concluded that Kansas City is an inappropriate location for this project and that it will jeopardize the health care benefits that seniors currently enjoy in the area. I believe that halting this project is necessary to protect the health care of senior citizens and to assure that Medicare beneficiaries continue to have access to excellent health care at prices they can afford. HCFA's project is a clear and present danger to the health and well-being of my constituents.

The Balanced Budget Act of 1997 created the Medicare Prepaid Competitive Pricing Demonstration Project to use competitive bidding among Medicare HMOs. Through the appointment of a Competitive Pricing Advisory Committee, HCFA was to select demonstration sites around the nation. Kansas City was one of the selected cities.

As I understand it, the intent of the project was to bring greater competition to the Medicare managed care market, to address concerns that Medicare HMO reimbursement rates in some areas are too high, to expand benefits for Medicare HMO enrollees, and to restrain the cost of Medicare to the taxpayers. When considering these factors, it is clear that the Kansas City metropolitan area is not an appropriate choice for this demonstration.

First, managed care competition in the Kansas City market is already vigorous, with six managed care companies currently offering Medicare HMOs in the area. Participation in Medicare HMOs is also high: As of July 1 of this year, nearly 23% of Medicare recipients in the Kansas City metropolitan area were in Medicare+Choice plans—approximately 50,000 of 230,000 total beneficiaries. Nationally, only 17% of Medicare recipients are enrolled in such plans.

Second, Medicare managed care payments in the Kansas City area are below the national average. According to a recent analysis by the Congressional Research Service of the Library of Congress, 1999 payment rates per Medicare+Choice enrollee in Kansas City are $511, while the national rate is $541. Documents provided to me by HCFA also demonstrate that 75 other cities had a higher adjusted average per capita cost (AAPCC) rate for 1997 than Kansas City. I wonder why Kansas City was chosen for this experiment, when so many other cities have higher payment rates.

Third, I am concerned that this demonstration project will not provide expanded benefits to Medicare HMO enrollees, but will instead cause severe disruption of Medicare services. It is important to note that customer dissatisfaction is low in current Medicare managed care plans in the Kansas City area. Only one in twelve seniors disenrolls from Medicare HMOs each year.

Currently, 33,000, or 66% of the seniors in Medicare managed care plans in the Kansas City area do not pay any premium. Under the bidding process set up by CPAC for the demonstration, a plan that bids above the enrollment-weighted median—which becomes the reimbursement rate for all plans—will be forced to charge seniors a premium to make up the difference between the plan's bid and the reimbursement rate paid by the government. In essence, the penalty for a high bid will be imposed upon seniors. Under this scenario, it is virtually assured that some seniors who pay no premium today will be required to start paying one.

Moreover, seniors who cannot afford to pay a premium would be forced to abandon their regular doctor when it becomes necessary to change plans. Both individual doctors as well as the Metropolitan Medical Society of Greater Kansas City have warned that the demonstration could cause extreme disruption of beneficiaries away from current doctor-patient relationships.

I have also heard concerns that both health plans and physicians may withdraw from the Medicare program if reimbursements under the demonstration project prove financially untenable. As a result, Medicare beneficiaries may be left with fewer choices in care. This would be intolerable. I question why we should implement a project that will create more risk and uncertainty for my State's seniors, who are already satisfied with what they have.

Finally, I question how the demonstration project would be able to provide us with useful information on how to improve the Medicare program if fee-for-service plans—which are generally the most expensive Medicare option—are not included in the project. In its January 6, 1999 Design Report, the Competitive Pricing Advisory Committee expressed the judgment that the exclusion of fee-for-service might ''limit HCFA's ability (a) to measure the impact of competitive pricing and (b) to generalize demonstration results to the entire Medicare program.''

After studying this issue, I concluded that implementation of the Medicare Managed Care Demonstration Project in the Kansas City metropolitan area should be halted immediately. HCFA must not be allowed to risk the ability of my State's seniors to continue to receive high quality health care at affordable costs. I have been working closely with my Senate colleagues from Missouri and Kansas to protect our Kansas City area seniors from the dangers and uncertainty of a planned federal experiment with their health care arrangements.

So, I want to make clear to my colleague from Florida that patients and doctors speaking on behalf of their patients were the ones who approached me and asked for my assistance in stopping the Medicare managed care demonstration project in the Kansas City area. I heard from a number of individual doctors, as well as medical societies in the State, expressing grave concerns about the project. The President of the Metropolitan Medical Society of Greater Kansas City even made the prediction that the unintended risk of the demonstration ''could dictate 100% disruption of beneficiaries away from their current relationships'' with their doctors. Clearly, this is unacceptable.

Inclusion, Mr. President, I would like to quote from some of the letters I received from the seniors themselves, voicing their opposition to the Medicare managed care demonstration project coming to their area.

Elizabeth Weekley Sutton, of Independence, Missouri, wrote to me:

> DEAR SENATOR ASHCROFT: We need help. My husband, my friends, and I are very concerned and worried that our health care will be very limited by the end of the Competitive Pricing Demonstration that will be starting in January. Of all the HMO's in the U.S., only the entire K.C. area and Maricopa County in Arizona will be conducting this competition for the next 5 years!

And here are some excerpts from a letter sent by Edward Smith of Platte City, Missouri:

> I am totally opposed to the Health Care Financing Administration competitive pricing demonstration project to take place here in the Kansas City area. My health will not permit me to be a guinea pig for a total of five years when the rest of the country will have business as usual.

He continues:

> Instead of the Health Care Financing Administration determining what is best for the beneficiaries I would prefer to do that myself.

And finally, Mr. Smith says:

> If this plan is adopted my HMO could choose to leave the market. Then what is gained? Certainly not my health.

Mr. President, we need to listen to the voice of our seniors. We cannot afford to jeopardize their health with a

risky experiment that could raise costs, limit choices, and cause doctor-patient disruption. For this reason, I have continued—and will continue—to work to halt this project in its present form in the Kansas City area.

EXHIBIT 1

METROPOLITAN MEDICAL SOCIETY
OF GREATER KANSAS CITY,
July 21, 1999.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: I was concerned to read in the July 16, 1999, Congressional Record your dissatisfaction about the Senate's passage of the moratorium on the Medicare Prepaid Competitive Pricing Demonstration Project in Kansas City and Arizona. On behalf of the more than 2500 physicians of the Metropolitan Medical Society of Greater Kansas City and its affiliated organizations, I want to assure you that doctors strongly support the moratorium that was passed in the Senate Patient Bill of Rights legislation last week.

The physicians of Kansas City have expressed serious concerns about the demonstration project since April, and we continue to be concerned. We believe the experiment will bring unacceptable levels of disruption to our Medicare patients and the local health care market. Additionally, I worry that quality care, which is often more expensive, will be less available to Medicare patients. In Kansas City, the opposition to the project is widespread. Our senators acted on behalf of our entire health care community, including patients, doctors, hospitals, and health care plans.

The medical community has participated in the discussions about the demonstration with the Health Care Financing Administration (HCFA) and the local Area Advisory Committee for the demonstration project. Despite these discussions, problems with the experiment remain. We support congressional efforts to stop the demonstration project in the Kansas City area.

I remain concerned that under-funded HMOs place our most vulnerable Medicare recipients at risk of getting less attention to their health care needs. I expect to hear more cases of catastrophes to Medicare recipients when the care given is too little, too late. You may be aware that Jacksonville, Florida is another potential site for the demonstration.

Thank you for your consideration of my concerns. I hope I've helped to clarify the existence of broad based support in Kansas City for the moratorium on the competitive pricing demonstration.

Sincerely,

RICHARD HELLMAN, MD,
President-Elect and Chair, National Government Relations Committee.

AMENDMENT NO. 1845

(Purpose: To express the sense of the Senate regarding school infrastructure)

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Iowa.

Mr. HARKIN. Mr. President, Senator ROBB and I have an amendment at the desk. I call it up at this time, No. 1845.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. ROBB, proposes an amendment numbered 1845.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING SCHOOL INFRASTRUCTURE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life threatening safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct affect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, ''Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology.''.

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities.

Mr. HARKIN. Mr. President, Senator ROBB and I are going to take a few minutes. I know the time is late. I know people want to get to a final vote on this. I want to talk about how good this bill is and to urge people to vote for it.

This is a sense-of-the-Senate resolution. I will not go through the whole thing. It basically is a sense-of-the-Senate resolution saying Congress should appropriate at least $3.7 billion in Federal resources to help communities leverage funds to modernize public school facilities, otherwise known as public school construction.

What we have in this country is schools that are on the average 40 to 50 years old. We are getting great teachers, new methodologies, new math, new science, new reading programs, and the schools are crumbling down around us. They are getting older every day. Day after day, kids go to schools with leaky ceilings, inadequate heat, inadequate air conditioning for hot summer days and the fall when the school year is extended. They are finding a lot of these buildings still have asbestos in them, and it needs to be taken out. Yet we are shirking our responsibilities to refurbish, renovate, and rebuild the schools in this country. The General Accounting Office estimates 14 million American children attend classes in schools that are unsafe or inadequate. They estimate it will cost $112 billion to upgrade existing public schools to just ''good'' condition.

In addition, the GAO reports 46 percent of schools lack adequate electrical wiring to support the full-scale use of technology. We want to get computers in the classrooms, we want to hook them to the Internet, and yet almost 50 percent of the schools in this country are inadequate in their internal wiring so kids cannot hook up with the Internet.

The American Society of Civil Engineers reports public schools are in worse condition than any other sector of our national infrastructure. Think about that. According to the American Society of Civil Engineers—they are the ones who build our buildings, build our bridges and roads and highways and streets and sewers and water systems, and our schools—they say our schools are in the worst state of any part of the physical infrastructure of this country.

Mr. HARKIN. Mr. President, if the nicest things our kids ever see or go to

is shopping malls and sports arenas and movie theaters, and the most run-down places are their schools, what kind of signal are we sending them about the value we place on education and their future?

This is a sense-of-the-Senate resolution which simply outlines the terrible situation we have in this country and calls on the Senate and the Congress to respond by providing at least $3.7 billion, a small fraction of what is needed but a step in the right direction—$3.7 billion in Federal resources to modernize our Nation's schools.

I yield the floor to my distinguished colleague and cosponsor, Senator ROBB.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank my friend and colleague from Iowa. Senator HARKIN and I have offered a sense of the Senate amendment relating to school construction, as Senator HARKIN has just explained. The amendment is not unlike the amendment Senators LAUTENBERG, HARKIN, and I offered to the Budget Resolution earlier this year. That amendment assumed that given the levels in the budget resolution, Congress would enact ''legislation to allow States and school districts to issue at least $24.8 billion worth of zero-interest bonds to rebuild and modernize our nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments.'' The actual cost as it was scored was referred to by the Senator from Iowa. That amendment was accepted and put the entire Senate on record as supporting the concept of providing federal assistance in the area of school construction and renovation.

Understanding that Rule 16 prevents us from doing anything of significance at this time with respect to school construction, Senator HARKIN and I in just a moment will withdraw our amendment. But every day that passes, this Congress misses an opportunity to help our States and localities fix the leaky roofs, get rid of all the trailers, and install the wiring needed to bring technology to all of our children. These are real problems—problems that our nation's mayors, school boards, and families simply need some help in addressing.

While school infrastructure improvement is typically a local responsibility, it is now a national need. Our schools, as the Senator from Iowa has indicated, are over 40 years old, on average; our school-aged population is at record levels; and our States and localities can't keep up, despite their surpluses.

Abstract talk about State surpluses provides little solace to our nation's teachers and students who are forced to deal with wholly inadequate conditions. In Alabama, the roof of an elementary school collapsed. Fortunately, it occurred just after the children had left for the day. In Chicago, teachers place cheesecloth over air vents to filter out lead-based paint flecks. In Maine, teachers have to turn out the lights when it rains because their electrical wiring is exposed under their leaky roofs.

Mr. President, we are missing an opportunity to help our States and localities with a pressing need.

I will continue to work for and press forward on this issue because I think it's an area where the Federal Government can be extremely constructive. When our children are asked about ''Bleak House,'' they should refer to a novel by Dickens and not the place where they go to school.

In my own State of Virginia, there are over 3,000 trailers being used to educate students. And there are over $4 billion worth of unbudgeted, unmet needs for our schools. This is a problem that is not going to go away, and it's a problem that our nation's schools need our help to solve. And I regret that Rule 16 precludes us from considering legislation which would reaffirm the commitment that we made earlier this year.

I thank the distinguished Senator from Iowa for his continued work on the subject of school construction, and I yield the floor.

AMENDMENT NO. 1845 WITHDRAWN

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand this amendment is not acceptable to the other side. It is late in the day. I know people have to get on with other things, and we want to get to a final vote on the bill. I believe strongly in this. It is a sense-of-the-Senate amendment. Also, Senators KENNEDY, REID, MURRAY, and JOHNSON are added as cosponsors.

In the spirit of moving this bill along and trying to wrap this up as quickly as possible, I ask unanimous consent to withdraw the amendment at this time, but it will be revisited.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague. I am very sympathetic to the purpose of the sense-of-the-Senate amendment. He is correct; there would be objection, and I think it would not be adopted. I thank him for withdrawing the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENTS NOS. 2273 THROUGH 2289, 1852, 1869, AND 1882

Mr. SPECTER. Mr. President, I now submit the managers' package which has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes amendments numbered 2273 through 2289, 1852, 1869 and 1882.

The amendments are as follows:

AMENDMENT NO. 2273

At the appropriate place in the bill add the following:

SEC. . CONFOUNDING BIOLOGICAL AND PHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

(a) FINDINGS.—The Senate finds that—

(1) The use of polygraph tests as a screening tool for federal employees and contractor personnel is increasing.

(2) A 1983 study by the Office of Technology Assessment found little scientific evidence to support the validity of polygraph tests in such screening applications.

(3) The 1983 study further found that little or no scientific study had been undertaken on the effects of prescription and non-prescription drugs on the validity of polygraph tests, as well as differential responses to polygraph tests according to biological and physiological factors that may vary according to age, gender, or ethnic backgrounds, or other factors relating to natural variability in human populations.

(4) A scientific evaluation of these important influences on the potential validity of polygraph tests should be studied by a neutral agency with biomedical and physiological expertise in order to evaluate the further expansion of the use of polygraph tests on federal employees and contractor personnel.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Director of the National Institutes of Health should enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel, with particular reference to the validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 2274

(Purpose: To provide funding for a dental sealant demonstration program)

At the end of title II, add the following:

DENTAL SEALANT DEMONSTRATION PROGRAM

SEC. ___. From amounts appropriated under this title for the Health Resources and Services Administration, sufficient funds are available to the Maternal Child Health Bureau for the establishment of a multi-State preventive dentistry demonstration program to improve the oral health of low-income children and increase the access of children to dental sealants through community- and school-based activities.

AMENDMENT NO. 2275

(Purpose: To limit the withholding of substance abuse funds from certain States)

At the end of title II, add the following:

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

SEC. ___. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to one percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds

used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(d) The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (a) as late as July 31, 2000.

AMENDMENT NO. 2276

(Purpose: To express the sense of the Senate that funding for prostate cancer research should be increased substantially)

At the appropriate place add the following:

SEC. ____. (a) FINDINGS.—Congress makes the following findings:

(1) In 1999, prostate cancer is expected to kill more than 37,000 men in the United States and be diagnosed in over 180,000 new cases.

(2) Prostate cancer is the most diagnosed nonskin cancer in the United States.

(3) African Americans have the highest incidence of prostate cancer in the world.

(4) Considering the devastating impact of the disease among men and their families, prostate cancer research remains underfunded.

(5) More resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment and ultimately a cure for prostate cancer.

(6) The Congressionally Directed Department of Defense Prostate Cancer Research Program is making important strides in innovative prostate cancer research, and this Program presented to Congress in April of 1998 a full investment strategy for prostate cancer research at the Department of Defense.

(7) The Senate expressed itself unanimously in 1998 that the Federal commitment to biomedical research should be doubled over the next 5 years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority;

(2) significant increases in prostate cancer research funding, commensurate with the impact of the disease, should be made available at the National Institutes of Health and to the Department of Defense Prostate Cancer Research Program; and

(3) these agencies should prioritize prostate cancer research that is directed toward innovative clinical and translational research projects in order that treatment breakthroughs can be more rapidly offered to patients.

AMENDMENT NO. 2277

On page 59, line 25, strike ''$1,404,631,000'' and insert ''$1,406,631,000'' in lieu thereof.

On page 60, before the period on line 10, insert the following: '': *Provided further*, That $2,000,000 shall be for carrying out Part C of Title VIII of the Higher Education Amendments of 1998.''

On page 62, line 23, decrease the figure by $2,000,000.

AMENDMENT NO. 2278

(Purpose: To clarify provisions relating to the United States-Mexico Border Health Commission)

At the appropriate place, insert the following:

SEC. . The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

''SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

AMENDMENT NO. 2279

On page 50, line 17, strike ''$459,000,000'' and insert in lieu thereof ''$494,000,000''.

AMENDMENT NO. 2280

On page 66, line 24, strike out all after the colon up to the period on line 18 of page 67.

AMENDMENT NO. 2281

On page 42, before the period on line 8, insert the following: '': *Provided further*, That sufficient funds shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health''.

AMENDMENT NO. 2282

(Purpose: To provide for a report on promoting a legal domestic workforce and improving the compensation and working conditions of agricultural workers)

On page 19, line 6, insert before the period the following: '': *Provided further*, That funds made available under this heading shall be used to report to Congress, pursuant to section 9 of the Act entitled 'An Act to create a Department of Labor' approved March 4, 1913 (29 U.S.C. 560), with options that will promote a legal domestic work force in the agricultural sector, and provide for improved compensation, longer and more consistent work periods, improved benefits, improved living conditions and better housing quality, and transportation assistance between agricultural jobs for agricultural workers, and address other issues related to agricultural labor that the Secretary of Labor determines to be necessary''.

AMENDMENT NO. 2283

(Purpose: To express the sense of the Senate concerning women's access to obstetric and gynecological services)

Beginning on page 1 of the amendment, strike all after the first word and insert the following:

____. SENSE OF THE SENATE ON WOMEN'S ACCESS TO OBSTETRICAND GYNECOLOGICAL SERVICES.

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

(1) In the 1st session of the 106th Congress, 23 bills have been introduced to allow women direct access to their ob-gyn provider for obstetric and gynecologic services covered by their health plans.

(2) Direct access to ob-gyn care is a protection that has been established by Executive Order for enrollees in medicare, medicaid, and Federal Employee Health Benefit Programs.

(3) American women overwhelmingly support passage of federal legislation requiring health plans to allow women to see their ob-gyn providers without first having to obtain a referral. A 1998 survey by the Kaiser Family Foundation and Harvard University found that 82 percent of Americans support passage of a direct access law.

(4) While 39 States have acted to promote residents' access to ob- gyn providers, patients in other State- or in Federally-governed health plans are not protected from access restrictions or limitations.

(5) In May of 1999 the Commonwealth Fund issued a survey on women's health, determining that 1 of 4 women (23 percent) need to first receive permission from their primary care physician before they can go and see their ob-gyn provider for covered obstetric or gynecologic care.

(6) Sixty percent of all office visits to ob-gyn providers are for preventive care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact legislation that requires health plans to provide women with direct access to a participating health provider who specializes in obstetrics and gynecological services, and that such direct access should be provided for all obstetric and gynecologic care covered by their health plans, without first having to obtain a referral from a primary care provider or the health plan.

Mrs. MURRAY. Mr. President, included in the Manager's amendment is an important provision relating to women's health and access to reproductive health care services. I am pleased to have worked with the managers of this bill to send a strong message on the importance of direct access for women to their OB/GYN.

I was disappointed that we were unable to address the rule XVI concerns with the amendment I had originally filed. My original amendment would simply allow women and their OB/GYNs to make important health care decisions without barriers or obstacles erected by insurance company policies. My amendment would have required that health plans give women direct access to their OB/GYN for all gynecological and obstetrical care and would have prohibited insurance companies from standing between a woman and her OB/GYN.

However, it has been determined that my amendment would violate rule XVI. As a result of the announcement by the chairman of the Senate Appropriations Committee that he will make a point of order against all amendments that may violate rule XVI, I have modified my amendment. The modification still allows Members of the Senate to be on record in support of women's health or in opposition to removing barriers that hinder access for women to critical reproductive health care services.

I am offering a sense-of-the-Senate that puts this question to each Member. I realize that this amendment is not binding, but due to opposition to my original amendment, I have been forced to offer this sense-of-the-Senate.

I am disappointed that we could not act to provide this important protection to women, but I do believe this amendment will send an important message that the U.S. Senate does support greater access for women to quality health care benefits.

I have offered this amendment due to my frustration and disappointment with managed care reform. I have become frustrated by stalling tactics and empty promises. The managed care reform bill that passed the Senate has

been referred to as an empty promise for women. I can assure my colleagues that women are much smarter than they may expect and will not be fooled by empty promises or arguments of procedural discipline. When a woman is denied direct access to the care provided by her OB/GYN, she will not be interested in a discussion on ERISA or rule XVI. She wants direct access to her OB/GYN. She needs direct access, and she should have direct access.

My amendment also reiterates the importance of ensuring that the OB/GYN remains the coordinating physician. Any test or additional referral would be treated as if made by the primary care physician. This amendment does not call for the designation of an OB/GYN as a primary care physician, it simply says that if the OB/GYN decides additional care is necessary, the patient is not forced to seek approval from a primary care physician, who may not be familiar with her overall health care status.

Why is this amendment important? The number one reason most women enter the health care system is to seek gynecological or obstetric care. This is the primary point of entry for women into the health care system. For most women, including myself, we consider our OB/GYN our primary care physician—maybe not as an insurance company defines it—but, in practice, that's the reality.

Does a woman go to her OB/GYN for an ear infection? No. But, does a pregnant woman consult with her OB/GYN prior to taking any antibiotic for the treatment of an ear infection? Yes, most women do.

I know the policy endorsed in this amendment has in the past enjoyed bipartisan support. The requirements are similiar to S. 836, legislation introduced by Senator SPECTER and cosponsored by several Senators both Republican and Democrat. This amendment is similar to language that was adopted during committee consideration in the House of the fiscal year 1999 Labor, HHS appropriations bill. A similar directive is contained in the bipartisan House Patients' Bill of Rights legislation. It has the strong support of the American College of Obstetricians and Gynecologists and I know I have heard from several OB/GYNs in my own state testifying to the importance of direct access to the full range of care provided, not just routine care.

I would also like to point out to my colleagues, that 39 states have similar requirements and that as participants in the Federal Employees Health Benefit Plan, all of us—as Senators—have this same guarantee as well as our family members. If we can guarantee this protection for ourselves and our families, we should do the same for women participating in a manager care plan.

I realize that this appropriations bill may not be the best vehicle for offering this amendment. However, I have waited for final action on a Patients' Bill of Rights for too long. I have watched as patient protection bills have been stalled or delayed. Last year we were told that we would finish action on a good Patients' Bill of Rights package prior to adjournment.

Well, here we sit—almost 12 months later—with little hope of finishing a good, comprehensive managed care reform bill prior to our scheduled adjournment this year.

I also want to remind my colleagues that we have in the past used appropriations bills to address deficiencies in current law or to address an urgent need for action. I believe that addressing an urgent need in women's health care qualifies as a priority that we must address. I realize that the authorizing committee has objected to the original amendment I filed. As a member of the authorizing committee as well, I can understand this objection. But, again I have little choice but to proceed on this appropriations bill.

We all know that it was only recently on the fiscal year 1999 supplemental appropriations bill that we authorized a significant change in Medicaid recoupment provisions despite strong objections from the Finance Committee.

In last year's omnibus appropriations bill, we authorized a requirement that insurance companies must cover breast reconstruction surgery following a mastectomy. I can assure my colleagues that this provision never went through the authorizing committee. I would also point out that there are several antichoice riders contained in this appropriations bill that represent a major authorization.

As these examples show, when we have to address these types issues through appropriations bills—we can do it. We have done it in the past, and we should do it today to meet this need.

I urge my colleagues to support this amendment. We all talk about the need to ensure access for women to health care. I applaud Chairman SPECTER's efforts in this appropriations bill regarding women's health care. Adopting this amendment gives us the opportunity to do something that does ensure greater access for women. This is what women want. This is the chance for Senators to show their commitment to this critical benefit.

I would like to quote a statement made by our subcommittee chairman that I believe more eloquently explains why I am urging this amendment. ''I believe it is clear that access to women's health care cuts across the intricacies of the complicated and often divisive managed care debate.'' I could not agree more.

We know from the current state requirement and the Federal Employee Health Benefit Program requirement, this provision does not have a significant impact on costs of health care. We also know from experience that it has a positive impact on health care benefits. Since 60 percent of office visits to OB/GYNs are for preventive care, we could make the argument that adoption of this policy would reduce the overall costs of health care.

I urge my colleagues to support this amendment and ask that we do more than simply make empty promises to women. We need an honest and fair debate on this policy.

I would ask my colleagues to seek further education or advice from women as to the importance of direct access and ask their female constituents about the relationship they have with their own OB/GYN. Let women speak for themselves. If you listen, you will hear why this policy is so important and why women trust their OB/GYN far more than their insurance company or their Member of Congress.

Mr. ROBB. Mr. President, I want to discuss my support for an amendment Senator MURRAY and I offered which puts the entire Senate on record in favor of removing one of the greatest obstacles to quality care that women face in our insurance system today: inadequate access to obstetricians and gynecologists.

I understand that our provision will be included in the manager's amendment to this bill, and I want to thank the chairman of the Senate Appropriations Subcommittee on Labor, HHS and Education, Senator SPECTER, for his work both in including our amendment in his bill, as well as his leadership on this issue. He has been one of the most outspoken members in this body in favor of helping women have better access to women's health services.

We know today that for many women, their OB/GYN is the only physician they see regularly. While they have a special focus on women's reproductive health, obstetricians and gynecologists provide a full range of preventative health services to women, and many women consider their OB/GYN to be their primary care physician.

Unfortunately, some insurers have failed to recognize the ways which women access health care services. Some managed care companies require a woman to first visit a primary care doctor before she is granted permission to see an obstetrician or gynecologist. Others will allow a woman to obtain treatment directly from her OB/GYN, but then prohibit her from obtaining any follow-up care that her OB/GYN recommends without first visiting a primary care physician who serves as a ''gatekeeper''.

This isn't just cumbersome for women, it's bad for their health. According to a survey by the Commonwealth Fund, women who regularly see an OB/GYN are more likely to have had a complete physical exam and other important preventative services like mammograms, cholesterol tests and Pap smears. At a time when we need to direct our health care dollars more toward prevention, allowing insurers to

restrict access to the health professionals most likely to offer women preventative care only increases the possibility that greater complications—and greater expenditures—will arise down the road. We ought to grant women the right to access medical care from obstetricians and gynecologists without any interference from remote insurance company representatives.

Earlier this year, Senator MURRAY and I offered an amendment which would do just that. Unfortunately, a number of my colleagues from the other side of the aisle objected to some of the specific wording in our bill, and the amendment was defeated.

Since that vote, we have reworked our amendment to address these concerns. We had hoped to offer an amendment which was identical to language included in a patient protection bill crafted by a Republican Congressman, CHARLIE NORWOOD, and that was approved by the House earlier today by an overwhelming vote of 275–151.

Yet despite this consensus on this issue by Republicans and Democrats on the House side, my colleagues from the other side of the aisle threatened to challenge our amendment under Senate Rule 16. Senator MURRAY and I are cognizant of the problem this created, and we've opted to offer a Sense of the Senate resolution in place of the amendment we had hoped to see approved.

This Sense of the Senate, which has been accepted by both sides, puts the entire Senate on record in favor of legislation which requires health plans to provide women with direct access to obstetrical and gynecological services, without first having to obtain a referral from a primary care provider or their health plan. It is a strong step forward in our efforts to improve women's access to the type of health care they need.

To my Republican colleagues who objected, I say: your party joined with Democrats to hammer out this compromise language on the House side. Now that the Senate is on record as well, let's get behind this same amendment at the earliest available opportunity in the Senate and pass a provision which will help all women in this country get better care.

AMENDMENT NO. 2284

(Purpose: To extend filing deadline for compensation of worker exposed to mustard gas during World War II)

At the appropriate place, insert the following:

SEC. . The applicable time limitations with respect to the giving of notice of injury and the filing of a claim for compensation for disability or death by an individual under the Federal Employees' Compensation Act, as amended, for injuries sustained as a result of the persons exposure to a nitrogen or sulfur mustard agent in the performance of official duities as an employee at the Department of the Army's Edgewood Arsenal before March 20, 1944, shall not begin to run until the date of enactment of this Act.

AMENDMENT NO. 2285

(Purpose: To correct a definition error in the Workforce Investment Act of 1998)

At the appropriate place in TITLE V—GENERAL PROVISIONS of the bill insert the following new section:

SEC. 5 . Section 169(d)(2)(B) of P.L. 105–220, the Workforce Investment Act of 1998, is amended by striking ''or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).'', and inserting in lieu thereof,'' or Alaska Natives.''

AMENDMENT NO. 2286

(Purpose: To increase funds for the Centers for Disease Control and Prevention to provide grants regarding childhood asthma)

At the end of title II, add the following:

CHILDHOOD ASTHMA

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, 8.7 in addition to the $1 million already provided for asthma prevention programs which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

Mr. DURBIN. Mr. President, I rise today to offer this amendment regarding childhood asthma. For the next 15 minutes imagine breathing through a tiny straw the size of a coffee stirrer, never getting enough air. Now imagine suffering through this process three to six times a day. This is asthma.

Today, asthma is considered the worst chronic health problem plaguing this nation's children, affecting nearly 15 million Americans. That figure includes more than 700,000 Illinoisans, of whom 213,000 are children under the age of 18. Illinois has the nation's highest asthma-related death rate for African-American males, and Chicago has one of the highest rates of childhood asthma in the country.

During a recent visit to Children's Memorial Hospital in Chicago, I met a wonderful little boy whose life is a daily fight against asthma. He told me he can't always participate in gym class or even join his friends on the playground. Fortunately, Nicholas is receiving the medical attention necessary to manage his asthma. Yet for millions of children, this is not the case. Their asthma goes undiagnosed and untreated, making trips to the emergency room as common as trips to the grocery store.

In an effort to help the millions of children who live every day with undiagnosed or untreated asthma, I am offering this amendment with my colleague Sen. MIKE DEWINE. It would provide $50 million in grants through the Center for Disease Control, for community-based organizations including hospitals, community health centers, school-based programs, foster care programs, childhood nutrition programs to support asthma screening, treatment, education and prevention programs.

Despite the best efforts of the health community, childhood asthma is becoming more common, more deadly and more expensive. In the past 20 years, childhood asthma cases have increased by 160 percent and asthma-related deaths have tripled despite improved treatments.

Chicago has the dubious distinction of having the second highest rate of childhood asthma in the country. Only New York City has higher rates. According to a study published by the Annals of Allergy, Asthma & Immunology, of inner-city school children in Chicago, researchers found that the prevalence of diagnosed asthma was 10.8 per cent, or twice the 5.8 per cent the federal Centers for Disease Control and Prevention estimates in that age group nationally. The study also found that most of the children with diagnosed asthma were receiving medical care, but it may not be consistent with what asthma care guidelines recommend. Researchers questioned parents of kindergartners and found 10.8 per cent of the children had been found to have asthma. The researchers estimated an additional 6 to 7 percent had undiagnosed asthma. By comparison, the nationwide asthma rate for children 5 to 14 is 7.4 per cent. Moreover, many of the asthma cases were severe: 42 per cent had trouble sleeping once or twice a week because of wheezing, and 87 per cent had emergency room visits during the previous year.

Asthma disproportionately attacks many of society's most vulnerable those least able to fight back, children and minorities. A recent New York Times article described a study in the Brooklyn area where it was found that a staggering 38 per cent of homeless children suffer from asthma.

Some of the factors known to contribute to asthma such as poor living circumstances, exposure to cockroach feces, stress, exposure to dampness and mold are all experienced by homeless children. They are also experienced by children living in poor housing or exposed to urban violence. There are other factors such as exposure to second hand smoke and smog that also exacerbate or trigger asthma attacks.

For minorities, asthma is particularly deadly. The Asthma death rate for African-Americans is more than twice as high as it is for other segments of the population. Illinois has the highest asthma-related death rate in the country for African-American males. The death rate is 3 times higher than the asthma-related death rate for whites in Illinois. Nationwide, the childhood asthma-related death rate in 1993, was 3 to 4 times higher for African Americans compared to Caucasian Americans. The hospitalization rate for asthma is almost three times as high among African-American children under the age of 5 compared to their white counterparts The increased disparity between death rates compared to prevalence rates has been partially explained by decreased access to health care services for minority children.

Even though asthma rates are particularly high for children in poverty,

they are also rising substantially for suburban children. Overall, the rates are increasing. Every one of us knows of a child whether our own, a relative's or a friend's who suffers from asthma.

Asthma-related death rates have tripled in the last two decades. My state of Illinois has the highest asthma-related deaths in the country for African American men.

The effects of asthma on society are widespread. Many of you may be surprised to learn that asthma is the single most common reason for school absenteeism. Parents miss work while caring for children with asthma. Beyond those days missed at school and parents missing work, there is the huge emotional stress suffered by asthmatic children. It is a very frightening event for a small child to be unable to breathe. A recent US News article quoted an 8-yr old Virginian farm girl, Madison Benner who described her experience with asthma. She said ''It feels like something was standing on my chest when I have an asthma attack.'' This little girl had drawn a picture of a floppy-eared, big footed elephant crushing a frowning girl into her bed.

In many urban centers, over 60 per cent of childhood admissions to the emergency room are for asthma. There are 1.8 million emergency room visits each year for asthma. Yet the emergency room is hardly a place where a child and the child's parents can be educated in managing their asthma. In 1994, 466,000 Americans were hospitalized with asthma, up from 386,000 in 1979.

Asthma is one of the most common and costly diseases in the US. In contrast to most other chronic diseases, the health burden of asthma is increasing rapidly. The financial burden of asthma was $6.2 billion in 1990 and is estimated to increase to more than $15 billion in 2000.

Most children who have asthma develop it in their first year, but it often goes undiagnosed or as the study I mentioned earlier, the children may not receive the best treatment. The National Institutes of Health is home to the National Asthma Education and Prevention board. This is a large group of experts from all across the fields involved in health care and asthma. They have developed guidelines on both treating asthma and educating children and their parents in prevention. It is very important that when we spend money on developing such guidelines that they actually get out to communities so that they can take advantage of this research.

CDC has been working in collaboration with NIH to make sure that health professionals and others get the most up to date information. My amendment could further help this effort by providing grantees with this information.

We do have treatments that work for most people. Early diagnosis, treatment and management are key to preventing serious illness and death. There are several wonderful models for success already available to some communities. Take for example the ''breathmobile'' program in Los Angeles that was started 2 years ago. This program provides a van that is equipped with medical personnel, asthma education materials, and asthma treatment supplies. It goes out to areas that are known to have a high incidence of childhood asthma and screens children in those areas. This ''Breathmobile'' program has reduced trips to the emergency room by 17 per cent in the first year of operation. This program is being expanded to sites in Phoenix, Atlanta, and Baltimore. I hope that we can be as successful in Illinois and other parts of the country. Children in these Breathmobile programs are also enrolled in the Children's Health Program if they are income eligible. We have all heard of how slow enrollment in the children's health program has been and anything that we can do to speed enrollment up is vitally important.

In West Virginia, a Medicaid ''disease management'' program which seeks to coordinate children with asthma's care so that they get the very best care has been found to be very cost effective. It has reduced trips to the emergency room by 30 per cent.

In Illinois, the Mobile CARE Foundation is setting up a program in Chicago based on the Los Angeles initiative. In addition, the American Association of Chest Physicians has joined with other groups to form the Chicago Asthma Consortium to provide asthma screening and treatment. Efforts like these need our amendment. This Childhood Asthma Amendment would expand these programs to help ensure that no child goes undiagnosed and every asthmatic child gets the treatment he or she needs.

I am offering this amendment here today with my colleague from Ohio, so that we can expand these programs to other areas of the country. It is a very simple amendment. It adds $10 million to the Centers for Disease Control's appropriations for local community grants to screen children for asthma and if they are found to have it, to provide them with treatment and education into how to manage their asthma.

CDC has current authority to carry out such programs and as the Bill Report already notes on page 93 of the report: ''The Committee is pleased with the work that CDC has done to address the increasing prevalence of asthma. However the increase in asthma among children, particularly among inner-city minorities, remains alarming. The Committee urges CDC to expand its outreach aimed at increasing public awareness of asthma control and prevention strategies, particularly among at risk minority populations in underserved communities.'' I couldn't agree more. We do need to do more in this area.

No child should die from asthma. We need to make sure that people understand the signs of asthma and that all asthmatic children have access to treatment and information on how to lessen their exposure to things that trigger asthma attacks.

My amendment responses to the alarming increase in childhood asthma cases and asthma-related deaths. It would provide funds to community and state organizations that serve areas with the largest number of children who are at risk of developing asthma and areas with the highest asthma-related death rates. The grantees could use the funds to develop programs to best meet the needs of their residents. The funds could be targeted to those communities where there are the highest number of children with asthma or where there is the highest number of asthma-related deaths.

This amendment is a small step toward addressing this the single greatest chronic health illness of children today. $10 million is a pretty small sum. I am glad that this amendment has been accepted.

The Amendment is supported by the American Lung Association, the National Association for Children's Hospitals and Research Institutions, the Academy of Pediatrics, the Asthma and Allergy Foundation of America and others who support children's health.

I thank my colleagues on behalf of the 5 million children who suffer from asthma today in America for accepting this amendment that can make some progress to combat this the most preventable childhood illness.

Mr. DEWINE. Mr. President, today I rise to support the Durbin-DeWine pediatric asthma amendment. This amendment would appropriate $10 million for the Centers for Disease Control and Prevention, CDC, to award grants to local communities for screening, treatment, and education relating to childhood asthma.

On May 5th of this year, the Allergy and Asthma Network's Mothers of Asthmatics organized an asthma awareness day to educate everyone about asthma. As most of you probably know, asthma is a chronic lung disease caused by inflammation of the lower airways. During an asthma attack, these airways narrow—making it difficult and sometimes impossible to breathe. Fortunately, we have the ''tools'' to handle asthma attacks once they occur. The most common way, of course, is to use an asthma inhaler that millions of us use every day. We also know a lot about how to prevent asthma attacks in the first place—through drug therapy and by avoiding many well-known asthma triggers.

With asthma prevalence rates—and asthma death rates—on the rise, especially in inner-city populations, it is important for us to raise national awareness, so we can educate families on how to detect, treat, and manage asthma symptoms. Of the more than 15 million Americans who suffer from asthma, over five million are children.

The American Lung Association estimates that in my home state of Ohio, 212,895 children under the age of 18 suffer from asthma. That's about two percent of the entire population in Ohio. Asthma is the most common chronic illness affecting children and is the leading cause of missed school days due to chronic illness.

Asthma is hitting the youngest the hardest. Nationwide, the most substantial prevalence rate increase for asthma occurred among children 4 years-old and younger. Hospitalization rates due to asthma were also highest in this young age group, rising 74 percent between 1979 and 1992. These increases in hospitalization rates are especially affecting the inner city populations, where asthma triggers, like air pollutants, are more concentrated.

An August 29 Akron Beacon Journal article cites statistics from the CDC that show the ratio of children under age four with asthma increased from one in forty-five in 1980 to one in seventeen in 1994. Every year, more than 5,000 Americans die from this disease—these are PREVENTABLE deaths. A July 27 New York Times article described the results of a study performed by a team at the Center for Children's Health and the Environment at Mount Sinai School of Medicine. This study found that hospitalization rates were as much as 21 times higher in poor, minority areas than in the hardest-hit areas of wealthier communities. The article quotes Dr. Claudio, an assistant professor in the division of neuropathology at Mount Sinai, who said, ''The outcomes in the poor Latino and African-American areas, especially among children, are tragic.'' This Mount Sinai report cited previous studies that suggest that poor African-American and Latino children are suffering at higher rates because the poor often rely on care in emergency rooms, where doctors have little time to educate families on how to control the disease and where there is little follow-up care. Without receiving adequate care and medication, the asthma victims eventually suffer such severe attacks that they need immediate hospitalization.

Those are some of the reasons why I joined my colleague, Senator DURBIN, in introducing S.805, the ''Children's Asthma Relief Act.'' This bill will help ensure that children with asthma receive the care they need to live normal lives. It provides grants that will be used to develop and expand asthma services to children, equip mobile health care clinics that provide diagnosis and asthma-related health care services, educate families on asthma management, and identify and enroll uninsured children who are eligible for, but not receiving, health coverage under Medicaid or the State Children's Health Insurance Program. By requiring coordination with current children's health programs, this bill will help us identify children—in programs such as supplemental nutrition programs, Maternal and Child Health Programs, child welfare and foster care and adoption assistance programs—who are asthmatic, but might otherwise remain undiagnosed and untreated.

By increasing local asthma surveillance activities through legislation, such as S.805, and by better educating the public on the importance of asthma awareness and management through events like Asthma Awareness Day, we can help reverse the distressing increase in hospitalization rates and mortality rates due to asthma. As a person with asthma, and as the father of 3 children with asthma, I know first-hand how important diagnosis, treatment, and management are to ensuring that this manageable disease will not prevent children and adults from carrying on normal lives. We can make a big difference.

Asthma is a serious health concern that simply must be addressed.

I commend my colleague, Senator FRIST, for the outstanding children's health hearing that his Public Health Subcommittee held on September 16. A very articulate 13-year old named Robert Jackson from South Euclid, OH, testified at that hearing. He described how important early diagnosis and treatment plans are for children who suffer from asthma. According to Robert, doctors at Rainbow Babies and Children's Hospital in Cleveland explained to him how he could avoid asthma ''triggers''—like cigarette smoke and strong odors like bleach—to avoid having serious asthma attacks. By learning how to manage his asthma through an asthma treatment plan, Robert now plays sports, attends school regularly, and maintains a newspaper route.

At a time when States, like Ohio, finally are passing laws that allow students to take their asthma inhalers to school, we need to provide the federal public health dollars to the CDC for childhood asthma screening, treatment, and education. The states gradually are realizing the severity of this disease and the need for children to access their inhalers to manage their asthma. It is now time for the Federal Government to help local communities stem the rising prevalence of the worst chronic health problem affecting children.

I commend my colleagues for supporting this very important amendment as it will help the nearly 5 million children who have been diagnosed with asthma, as well as those children who suffer from asthma, but remain undiagnosed and—sadly—untreated.

AMENDMENT NO. 2287

(Purpose: To rename the Centers for Disease Control and Prevention as the Thomas R. Harkin Centers for Disease Control and Prevention)

At the appropriate place, insert the following:

SEC. (a) The Centers for Disease Control and Prevention shall hereafter be known and designated as the ''Thomas R. Harkin Centers for Disease Control and Prevention''.

(b) Effective upon the date of enactment of this Act, any reference in a law, document, record, or other paper of the United States to the ''Centers for Disease Control and Prevention'' shall be deemed to be a reference to the ''Thomas R. Harkin Centers for Disease Control and Prevention''.

(c) Nothing in this section shall be construed as prohibiting the Director of the Thomas R. Harkin Centers for Disease Control and Prevention from utilizing for official purposes the term ''CDC'' as an acronym for such Centers.

AMENDMENT NO. 2288

(Purpose: To designate the National Library of Medicine building in Bethesda, Maryland, as the ''Arlen Specter National Library of Medicine'')

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF ARLEN SPECTER NATIONAL LIBRARY OF MEDICINE.

(a) IN GENERAL.—The National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the ''Arlen Specter National Library of Medicine''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

AMENDMENT NO. 2289

(Purpose: To increase funding for senior nutrition programs and rural community facilities, offset with administrative reductions)

On page 39, line 8, strike ''$6,682,635,000'' and insert ''$6,684,635,000''.

On page 40, line 20, strike ''$928,055,000'' and insert ''$942,355,000''.

On page 41, line 14, reduce the figure by $10,300,000.

On page 62, line 23, strike ''$378,184,000'' and insert ''$372,184,000''.

AMENDMENT NO. 1852

(Purpose: To express the sense of the Senate concerning needlestick injury prevention)

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report more than 800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

Mr. ENZI. Mr. President, I rise in opposition to Senator REID's amendment No. 1852 as offered to S. 1650. As chairman of the Senate Subcommittee on Employment, Safety and Training, I have had the opportunity to follow this issue first-hand. Make no mistake, ensuring the safety of our Nation's health

care workers is a priority—as it is for all of our Nation's workforce. How we can best capitalize on occupational safety, however, is the basis for my opposition to this amendment. I do not feel that this amendment is appropriate on a spending bill. Nor is our agreeing to future legislation—sight unseen. Moreover, the Occupational Safety and Health Administration is already examining this matter and has not commented to my request as to why legislation is now warranted.

''Sharp'' injuries by exposed needles have a long history. Not only has Senator REID been interested in occupational injuries caused by unprotected syringes, but Senator BOXER has also shared her concerns as well. As chairman of the subcommittee with jurisdiction, I am a bit disappointed that my colleagues have yet to approach me on this issue. I am always eager to discuss occupational safety with members of this body. Instead, I first learned of this issue when the San Francisco Chronicle ran a series of articles in April, 1998. One article depicted a nurse practitioner who tried to catch three blood-collection tubes as they rolled toward a counter's edge. At the same time, she held a syringe in her right hand that had just drawn blood from a patient infected with HIV. The exposed needle pierced the side of her left index finger. Working with HIV infected patients is dangerous business, but the risk compounds when medical devices designed to improve health care end up doing just the opposite.

At the request of the Service Employees International Union (SEIU) and other interested groups representing health care workers, federal OSHA announced last year that it was issuing a formal request for information pertaining to injuries caused by unprotected syringes. Senators JEFFORDS, FRIST and I wrote to Secretary Herman. We sought answers concerning potential enforcement action by OSHA with regard to medical devices that could conflict with FDA's traditional and statutory jurisdiction. The FDA is statutorily charged with the nationwide regulation of medical devices. All syringes are defined as Class II medical devices in Section 513(a)(1) of the Federal Food, Drug and Cosmetic Act. According to Sections 510(k), 519(e) and 705(a), the FDA has the statutory jurisdiction to review, approve and recall medical devices as well as to disseminate information regarding the potential health dangers caused by any medical device.

FDA's jurisdiction over medical devices pertains to the patient. Since OSHA's jurisdiction covers workers, the agency is already moving forward to modify its Bloodborne Pathogens Standard to include regulation of medical ''sharp'' devices. In terms of worker safety, we are talking about nurses, doctors and other health care professionals and workers that regularly use or handle these medical devices. The regulatory lines between the two agencies are difficult to define in this setting. Moreover, the question of reusing medical devices designed for one-time use only is also a matter that requires careful consideration. Generally speaking, safer devices cost more money—raising the potential for re-use by providers. The FDA has not yet indicated that it will begin to examine this issue, but it is certainly a matter of importance that includes the very medical devices we're debating in this amendment.

A medical device that has been determined by the FDA to meet the ''reasonable assurance of safety and efficacy'' standard of the Federal Food, Drug and Cosmetic Act can be lawfully marketed. Nonetheless, it is conceivable, given its authority over the domain of worker safety and health that OSHA might prevent the use of that medical device in the workplace, thereby creating an environment of confusion for the regulated public. This confusion could result in diminished worker safety and health and jeopardize patient safety as well. At the very least, this duplication of effort promises to waste the scarce resources of both the FDA and OSHA.

I recognize Section 4(b) of the Occupational Safety and Health Act of 1970 and the problems inherent in conflicting regulations which are promulgated by different federal agencies and affect occupational safety and health. Although OSHA arguably might have sufficient jurisdiction to proceed in the indirect regulation of the aforementioned medical devices, I feel that it would be the best course for OSHA and the FDA to delineate boundaries of jurisdiction and coordinate efforts pertaining to the regulation and use of these medical devices. This is of particular importance because the FDA has the specific scientific expertise in the evaluation of medial devices—not OSHA and not the National Institute for Occupational Safety and Health (NIOSH). Despite Secretary Herman's assurances that agency cooperation is ongoing, I am not convinced that these boundaries have been properly addressed at this time. This amendment does nothing to address the lack of communication between these agencies.

There are currently two manufacturers that are actively marketing protected syringes. If OSHA is instructed to regulate this matter by statutory instruction, I am concerned that a shortage of supply could occur. Not only does this raise questions of antitrust, it also places providers in the difficult position of being held liable for using medical devices that are short in supply. The market and what it can currently sustain would not be a matter of consideration if this amendment passes. Moreover, providers (hospitals) could be put in a position to determine what devices are safe and effective if their participation is not adequately included in this process.

As OSHA moves forward on its own accord in a fashion that could lead to its regulation of medical devices, Senator JEFFORDS and I continue to wait for a formal explanation from the agency as to how legislation would impact their current efforts to flush out many of the concerns I have raised. We are still waiting for that response. Moreover, Chairman JEFFORDS has voiced his interest in examining this issue within the authorizing committee. In doing so, we would be better positioned to address this emotional and complex issue rather than haphazardly legislating on an appropriations bill.

I am committed to finding ways to enhance worker safety. If I thought legislating through the appropriations process was such a wonderful option, I have a few bills that I wouldn't mind spending a little time debating on the floor of the Senate. In terms of improving occupational safety, I respect the role of our committee to examine these complex issues. Last Congress, I had the opportunity to amend the Occupational Safety and Health Act of 1970 three separate times. That was the first time the Act had been amended in 28 years. All of the bills were carefully considered prior to passage and not one of them were tagged to an appropriations bill. I ask that this issue be handled by its authorizing committee and not be attached to the underlying bill. I am committed to doing just that.

AMENDMENT NO. 1869

(Purpose: To increase funding for the leveraging educational assistance partnership program)

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407 of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) shall be increased by $50,000,000, and these additional funds shall become available on October 1, 2000.

Mr. REED. Mr. President, I am pleased that Chairman SPECTER and Ranking Member HARKIN as part of the managers amendment have included an additional $50 million for the Leveraging Educational Assistance Partnership (LEAP) program.

I had offered an amendment to provide this level of funding along with Senators COLLINS, GORDON SMITH, SNOWE, JEFFORDS, KENNEDY, MURRAY, LEVIN, CONRAD, HUTCHINSON, DEWINE, CHAFEE, BINGAMAN, KERRY, FEINGOLD, and LAUTENBERG.

Since 1972, the Federal-State partnership now embodied by LEAP, with modest federal support, has helped states leverage grant aid to needy undergraduate and graduate students.

When this program was funded at greater than $25 million, nearly 700,000 students across the nation, including almost 12,000 students from my home state of Rhode Island, benefitted from LEAP grants. At $25 million, the amount included in the Committee's

original bill, we estimate that many of these students lose their grants.

Without this important federal incentive, many states would not have established or maintained their need-based financial aid programs, and many students would not have attended or completed college.

Indeed, as my colleagues, students, parents, and those involved in higher education know, the purchasing power of our main need-based aid program—the Pell Grant, created by and named for my predecessor, Senator Claiborne Pell—has fallen drastically in comparison to inflation and skyrocketing education costs.

Students have searched for other sources of need-based higher education grants and have come to rely on LEAP.

Two years ago, this program was on the brink of elimination. But it was this body which recognized the importance of LEAP and overwhelmingly voted—84 to 4—for an amendment I offered with my colleague from Maine, Senator COLLINS, to save it from elimination.

Then, just last year, the Senate reaffirmed its support for LEAP by approving the Higher Education Act Amendments of 1998, which updated and added several key reforms to this program to leverage additional state dollars for grant aid.

Prior to the reforms, federal funding for LEAP was matched by the states only on a dollar for dollar basis. Now, every dollar appropriated over the $30 million level leverages two new state dollars.

States in turn gain new flexibility to use these funds to provide a broader array of higher education assistance to needy students, such as increasing grant amounts or carrying out community service work-study activities; early intervention, mentorship, and career education programs; secondary to postsecondary education transition programs; scholarship programs for students wishing to enter the teaching profession; and financial aid programs for students wishing to enter careers in information technology or other fields of study determined by the state to be critical to the state's workforce needs.

The $25 million included in the Committee's bill falls far short of the funding level necessary to increase student aid and trigger the reforms included in the Higher Education Act Amendments of 1998.

In fact, LEAP, if funded at $75 million, as called for in our amendment, would leverage at least $120 million in new state funding—thereby securing almost $200 million in grant aid for our nation's neediest students.

Let me emphasize, LEAP is the only federal aid program that contains this leveraging component. It is the only program for needy college students that is a state-federal partnership.

The bill does provide increased funding for many of the other student aid programs, but without providing additional funding for LEAP, the Senate will miss an opportunity to expand access to college and make higher education more affordable for some of our neediest students.

LEAP is a vital part of our student aid package, which includes Pell Grants, Work Study, and SEOG, that make it possible for deserving students to achieve their higher education goals. All of the student aid programs must be well-funded if they are truly going to help students.

Moreover, since there are no federal administrative costs connected with LEAP, all grant funds go directly to students, making it one of the most efficient federal financial aid programs.

All higher education and student groups support $75 million in funding for LEAP, including the American Council on Education (ACE), the National Association of Independent Colleges and Universities (NAICU), the National Association of State Student Grant and Aid Programs (NASSGAP), the United States Student Association (USSA), and the U.S. Public Interest Research Group (USPIRG).

By providing $75 million for LEAP, the Senate has an opportunity to help states leverage even more dollars to help students go to college. As college costs continue to grow, and as the grant-loan imbalance continues to widen—just 25 years ago, 80% of student aid came in the form of grants and 20% in the form of loans; now the opposite is true—funding for LEAP is more important than ever.

I thank Chairman SPECTER and ranking member HARKIN for their willingness to accept this amendment. I look forward to working with them during the Conference to retain this level of funding, which is critical to providing greater access to higher education for our Nation's neediest students.

Mr. JEFFORDS. Mr. President, I express my appreciation to Senators SPECTER and HARKIN for including in the manager's package an amendment cosponsored by my colleague from Rhode Island, Senator REED, myself and others increasing funding for the LEAP program.

LEAP is an extraordinarily program that provides grant aid to needy undergraduate and graduate students. This federal program can be credited in large part with encouraging States to create, maintain and grow their own need-based financial aid programs. It is a program that relies on a partnership for its strength by matching the federal investment in grant aid with State dollars. The end result is a good one: increasing the pool of funds available to assist low income students who are struggling to pay for college.

As part of the 1998 Higher Education Amendments, we made significant changes to the LEAP program with the goal of making additional grant aid and a greater array of services available to post-secondary students. We challenged States to increase the match that they contribute by offering $2 for every one federal dollar that we make available for this program. With the additional funds, States will have greater flexibility to provide more services to meet the diverse needs of low income students who are working to make the dream of a higher education degree a reality.

I am proud to stand with the National Association of State Student Grant Aid, NASSGAP; the National Association of Independent Colleges and Universities, NAICU, the American Council on Education, ACE, the American Association of State Colleges and Universities, AASCU; the United States Public Interest Research Group, USPIRG; and the United States Student Association, USSA in support of this amendment that I believe will provide significant assistance to the students of this nation.

AMENDMENT NO. 1882

(Purpose: To express the sense of the Senate regarding comprehensive education reform)

At the appropriate place, insert:

SEC. , SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

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

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of six results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training that the principals need in management skills to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but one in four new teachers do not meet state certification requirements; each year more than 50,000 under-prepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(4) Public school choice is a driving force behind reform and is vital to increasing accountability and improving low-performing schools.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should support state and local educational agencies engaged in comprehensive reform of their public education system and that any education reform should include at least the following principals:

(A) that every child should begin school ready to learn by providing the resources to expand existing programs, such as Even Start and Head Start;

(B) that training and development for principals and teachers should be a priority;

(C) that public school choice should be encouraged to increase options for students; and

(D) that support should be given to communities to develop additional counseling opportunities for at-risk students.

(E) school boards, administrators, principals, parents, teachers, and students must be accountable for the success of the public education system and corrective action in underachieving schools must be taken.

Mr. KERRY. Mr. President, I thank my distinguished colleagues, Mr. SPECTER from the State of Pennsylvania and Mr. HARKIN from the State of Iowa, for accepting in the manager's amendment of S. 1650 the sense of the Senate that my friend from Oregon, Mr. SMITH

and I offered on comprehensive education reform. Our amendment expresses the sense of the Senate that the federal government should support state and local efforts to reform and improve our nation's public schools, and further, that every child should begin school ready to learn; that training and development for principals and teachers should be a priority; that public school choice should be encouraged to increase options for students; that support should be given to communities to develop additional counseling opportunities for at-risk students; and that school boards, administrators, principals, parents, teachers, and students must be accountable for the success of the public education system.

I appreciate that my distinguished colleagues have acknowledged the importance of a bipartisan, comprehensive approach to reforming the public education system that emphasizes the principles enumerated above. If education reform is to succeed in America's public schools, we must demand nothing less than a comprehensive reform effort. We cannot address only one challenge in education and ignore the rest. We must make available the tools for real comprehensive reform so that every aspect of public education functions better and every element of our system is stronger. We must empower low-performing schools to adopt all the best practices of our nation's best schools—public, private, charter or parochial. We must give every school the chance to quickly and easily put in place the best of what works in any other school—and with decentralized control, site-based management, parental engagement, and real accountability. Numerous high-performance school designs have been created such as the Modern Red Schoolhouse program and the Success for All program. The results of extensive evaluations of these programs have shown that these designs are successful in raising student achievement.

We must also restore accountability in public education—demanding that each school embracing comprehensive reform set tangible, measurable results to gauge their success in raising student achievement. We must reward schools which meet high standards and demand that those which fall short of their goals take immediate corrective action—but the setting of high standards must undergird comprehensive reform.

In order to do this, we must break out of the ideological bind we have put ourselves in. We cannot only talk about education—it's more than an issue for an election—we must do something about it. We have the opportunity to implement comprehensive education reform at a time when the American people are telling us that—for their families, for their futures—in every poll of public opinion, in every survey of national priorities, one issue matters most, and it's education. That is good news for all of us who care about education, who care about our kids. But the bad news is, the American people are not so sure that we know how to meet their needs anymore. They are not even sure we know how to listen. Every morning, more and more parents—rich, middle class, and even the poor—are driving their sons and daughters to parochial and private schools where they believe there will be more discipline, more standards, and more opportunity. Families are enrolling their children in Charter schools, paying for private schools when they can afford them, or even resorting to home schooling—the largest growth area in American education.

Earlier in this debate, I supported two amendments offered by the distinguished Senator and my senior colleague from the State of Massachusetts, Mr. KENNEDY. I am deeply disappointed that neither of these worthy amendments were adopted by the Senate. Mr. KENNEDY's amendments would have exempted education from the across the board cuts in discretionary spending that Republicans have proposed and provided increased funding for teacher quality. We know the American people are willing to spend more on public education. Yet the Senate voted to allow cuts. And we know that the American people want qualified teachers in their children's schools. Yet the Senate did not appropriate the fully authorized level of the Teacher Quality Enhancement Grants program.

I am also distressed that an amendment offered by my distinguished colleagues, Mr. BINGAMAN and Mr. REED, and myself was not adopted by this body. Our amendment would have, for the first time, provided real accountability to poor children and ensure they attend successful schools. The American people have said time and again that education is their top policy concern. And we have heard time and again that the American people want their public schools held accountable. Yet we rejected this important amendment, that would have appropriated no new funding and would have ensured low-performing schools would be turned around, was rejected.

Given our inability to pass these important amendments, I am particularly pleased that Mr. SMITH and I could come together and offer this bipartisan amendment. The sense of the Senate we offered is the essence of our bill, S. 824, the ''Comprehensive School Improvement and Accountability Act.'' Our bill emphasizes the principles embodied in this sense of the Senate, such as early childhood development programs, challenge grants for professional development of principals, second chance schools for violent and disruptive students, and increased funding for the Title I program. We contend that these and other tenets are fundamental to the comprehensive reform of public schools.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 2273 through 2289, 1852, 1869, and 1882) were agreed to.

INDIAN-CHICANO HEALTH CENTER

Mr. KERREY. I thank the Chairman and Ranking Member of the Subcommittee for their continued support for community health centers and other programs within the consolidated health centers account. I firmly believe that these centers represent the best investment the Federal government can make in health care for under-served populations and under-served areas. These centers provide an invaluable service to our communities and our citizens—they provide comprehensive primary and preventive services to a broad spectrum of persons without health insurance and members of under-served populations. I note that the bill before us increases funding for these centers by nearly $100 million, and exceeds the President's request by $79 million.

It is my hope that the Department of Health and Human Services will use at least part of this new funding to establish new community health centers to address the needs of under-served populations. I am particularly interested in guaranteeing that a proposal from the Indian-Chicano Health Center of Omaha, Nebraska, be fully and fairly considered during any review of new health center applications. This organization has made an extraordinary effort to serve a unique community of low-income, uninsured Nebraskans who otherwise would go without health care.

Mr. SPECTER. The Labor/HHS/Education Subcommittee made a particular effort within the constraints of this bill to increase funding for the consolidated health centers account. The Subcommittee strongly supports the provision of comprehensive health services to persons without health insurance through these important providers. I am pleased that we were able to increase funding for these critical services, and I encourage HHS to consider the proposal from the Indian-Chicano Health Center.

Mr. HARKIN. I have long supported the work of the Iowa-Nebraska Primary Care Association and specific community health centers in the Midwest. These providers serve as models for effectively and efficiently providing access and quality care to under-served populations. I will also support full and fair consideration of the Indian-Chicano Health Center proposal.

THE MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. SARBANES. Mr. President, as the Senate continues its consideration of the Labor-HHS Appropriations bill today, I rise to discuss a problem the State of Maryland is struggling to overcome as it seeks to extend health care coverage to the 158,000 uninsured children in our State. This issue is particularly timely in light of the Census

Bureau report issued earlier this week which shows that the ranks of the uninsured grew by approximately 1 million in 1998 to a total of 44.3 million. The Census report also shows that the number of uninsured children has not decreased despite the establishment of a new Federal program designed to encourage States to expand health insurance coverage to more low-income children. Moreover, Maryland experienced one of the highest increases in uninsured people last year bringing the total number of uninsured to 837,000 or one-sixth of the population. A quarter of these uninsured Marylanders are children.

To address the growing number of uninsured children throughout the United States, Congress enacted the Children's Health Insurance Program (CHIP) in 1997, and Maryland eagerly applied to participate in this new Federal-State partnership. However, over the past couple of years, Maryland has been penalized under this program for having previously extended partial Medicaid coverage under a five year demonstration program to a class of low-income children who would not otherwise have qualified for Medicaid. These children should now be eligible for CHIP funding, but the Department of Health and Human Services (HHS) is blocking Maryland from accessing its CHIP funds for the benefit of these kids.

The law establishing the CHIP program prohibits the States from enrolling children into the State's CHIP program if those children were previously covered by the State's Medicaid program. HHS has made the decision to treat all children once eligible for the Maryland demonstration program, called the Maryland Kids Count program, as though they were covered under Medicaid. As a result of this discretionary decision by HHS, the majority of Maryland's uninsured children are ineligible for CHIP funding. In addition, Maryland has been unable to access most of the CHIP funding allocated to it.

The Maryland demonstration program should not be used to disqualify the State from accessing its CHIP funds because this demonstration cannot be equated with covering this group of children with full Medicaid coverage. The Maryland demonstration offered only partial Medicaid benefits (primary and preventive care). Hospitalization as well as dental and medical equipment were not covered. Thus, for each child in the demonstration program, Maryland spent less than half the amount it would have spent had Medicaid been extended to these children.

In addition, this demonstration program was conducted under a time-limited waiver which was scheduled to expire at about the same time the CHIP program was launched. In fact, HHS informed Maryland that it would not renew the waiver because Congress was establishing a more comprehensive children's insurance program and also because the Maryland demonstration had been rather unsuccessful. Only 5,000 children were enrolled, largely because the benefits offered were so limited.

HHS has used its discretionary authority in implementing the CHIP program to equate the Maryland demonstration program with full Medicaid coverage. Since they used discretionary authority to make this erroneous determination, HHS clearly has the authority to reverse this decision administratively. Would the Senator from Delaware, the Chairman of the Finance Committee, agree that the Department of Health and Human Services has authority to allow Maryland to access its CHIP funds to extend health insurance coverage to those low-income children previously eligible for the Maryland Kids Count demonstration program without additional legislative action?

Mr. ROTH. I understand the Senator from Maryland's concerns. It is my view that the Secretary of Health and Human Services has authority, without additional legislative direction, to determine that children who had been covered under Maryland's expired, limited-benefit demonstration program were not receiving true Title XIX coverage, and could therefore be considered uninsured for the purposes of CHIP eligibility.

Mr. SARBANES. I thank the Chairman for that clarification. Do you agree that HHS may use its section 1115 waiver authority to allow Maryland to use its CHIP funds to cover those children previously eligible for the Maryland Kids Count program?

Mr. ROTH. I concur with the Senior Senator from Maryland that HHS could use its section 1115 waiver authority to address Maryland's concerns.

Mr. SARBANES. Thank you, Mr. Chairman.

DANIEL J. EVANS SCHOOL OF PUBLIC AFFAIRS

Mr. GORTON. Mr. President, the current political climate in our society is becoming increasingly disillusioned and thus less involved in public life and civil discourse. More than ever, we need public servants who combine vision, integrity, compassion, analytic rigor and practicality. As the first school of public affairs at a public university, the Graduate School of Public Affairs at the University of Washington has trained public servants and leaders in the Northwest for 37 years. The school's mission is motivating a new generation towards excellence in public and non-profit service and restoring the confidence, involvement and investment in public service.

Recently, the school was renamed for Daniel J. Evans, a longtime public servant for the people of Washington state who embodies the Graduate School of Public Affairs focus and values. As a governor, U.S. Senator and regent for the University of Washington, Dan Evans has stood for effective, responsible, balanced leadership. His public service legacy has touched so many citizens and has greatly impacted the state of Washington. Dan Evans' involvement in the Graduate School of Public Affairs will provide students the opportunity to learn from someone who represents effective, responsible and balanced leadership and who embodies the school's ideals.

The Graduate School of Public Affairs at the University of Washington has played a vital role in public policy and management and is now positioned to become the region's primary source of expertise and outreach on public issues. I have strongly endorsed these efforts and believe it is worthy of our support and investment.

Mr. SPECTER. There certainly is a need for additional leaders in public service. I appreciate the opportunity to learn about the work at the University of Washington and will take a close look at this worthwhile project during the conference with the House.

Mr. GORTON. I appreciate your commitment to developing highly skilled, principled individuals dedicated to service and leadership.

MEDICARE CONTRACTORS

Mr. CRAIG. I am concerned about the funding level for Medicare contractors. The Senate Committee mark reduced the FY 2000 funding level by $30 million below the President's Budget recommendation. I want to be sure that this funding reduction will not adversely impact fee-for-service claims processing activities or the ability of contractors to provide critical beneficiary and providers services.

In the recent past, we have seen the effect that inadequate funding levels can have on services. In 1998 payments were slowed down, and beneficiaries and providers were forced to deal with more voice mail rather than human beings when they called their contractors with questions about claims.

Looking only at numbers, I see funding $21 million less than FY 1999 and $30 million less than the President's request. However, I understand this funding level reflects $30 million in savings from changes in the processing of dates. Therefore, am I correct in saying this would reflect efficiency and technological improvement, not a policy change in fee-for-service claims processing or beneficiaries and provider services? Furthermore, this $30 million in savings should not result in decreased funding to services for beneficiaries or providers, should it?

Mr. DORGAN. I want to make it clear that funding to assure the timely and accurate processing of Medicare claims also is a high priority for me and the beneficiaries in my state.

I also would like a reassurance that the mark will not affect access to health care services in rural America.

Mr. SPECTER. The Senators have correctly described the Committee's intent. These savings would be realized as a result of a change in direction by HCFA for a managed care related project, and is not at all related to fee-

for-service Medicare. I understand the Senators' concerns and want to assure them Medicare contractor services will not be harmed. These savings of $30 million for HCFA's managed care project will not result in any related funding cut to the Medicare contractor budget.

I understand the issues both Senators are raising and the importance of adequately funding the Medicare contractor program. Let me assure my colleagues that the savings reflected in this bill will not hamper Medicare contractors' ability to fulfill their responsibilities as Medicare administrators.

PARKINSON'S RESEARCH

Mr. COCHRAN. Mr. President, I want to thank the Chairman for his strong leadership and support for the medical research in our nation. I strongly support his efforts to double funding for the National Institutes of Health, and I am heartened by the increases in this bill. I also want to thank him for his leadership in increasing funding for Parkinson's research and holding the September 28, 1999, hearing on the promise of Parkinson's research and the need for increased funding. Michael J. Fox put it best when he said that ''this is a winnable war'' as long as the funding is there to match the scientific promise.

Mr. SPECTER. Mr. President, that's right. Dr. Fischbach testified that he sincerely believes that we are close to solving Parkinson's. The scientific research community believes that it is realistic to think that we will conquer Parkinson's in 5 to 10 years. Dr. William Langston, President of the Parkinson's Institute told the Subcommittee at the hearing that we have an historic opportunity with Parkinson's because the research is at a point where a focused, adequately funded effort will produce a cure. He also testified that once we understand and unravel Parkinson's, we will have answers to many other neurodegenerative diseases such as Alzheimer's and Lou Gehrig's disease.

Mr. WELLSTONE. Mr. President, the Parkinson's hearing was great news for all those who suffer from this disease. The advocacy community was well-represented by actor Michael J. Fox, Joan Samuelson—President of the Parkinson's Action Network, and Jim Cordy—a Parkinson's advocate from Pennsylvania. Their personal stories underscore the need for Congress to ensure that there is increased funding for Parkinson's research. Parkinson's is the most curable neurological disorder and the one most likely to produce a breakthrough. Congress passed the Morris K. Udall Research Act, making clear that Parkinson's should receive the funding it needs to eradicate this truly dreadful disease. Now it is time to fulfill that promise.

Mr. COCHRAN. Mr. President, I agree. At the hearing, we were asked to increase funding for Parkinson's research $75 million over current funding levels by increasing funding levels at two institutes, the National Institute of Neurological Disorders and Stroke (NINDS) and the National Institute of Environmental Health Sciences (NIEHS), at $50 million and $25 million respectively. The research community thinks that this will provide enough funding to quicken seriously the pace of research on Parkinson's—a down payment, if you will—on a fully funded Parkinson's research agenda that scientific experts in the community conservatively estimate to be over $200 million. I believe NIH should be able to do this from the funds provided in our bill.

Mr. SPECTER. Mr. President, as I said at the hearing, I think the scientific community can find a cure in even less time, as few as 2 to 4 years, if they have the resources. With the overall $2 billion increase in NIH funding provided in this bill, those institutes will have sufficient funds to provide the increases to Parkinson's focused research.

Mr. HARKIN. As Ranking Member of the Subcommittee I want to express my strong support for substantially increasing NIH support for Parkinson's research. We have a tremendous opportunity for real break through in the fight against this horrible disease and we cannot pass that up.

YOUTH LEADERSHIP INITIATIVE

Mr. WARNER. Mr. President, I have a second degree amendment to Senator DEWINE's amendment on higher education, amendment No. 1847.

Senator SPECTER, Senator HARKIN and my other distinguished colleagues on the Labor, Health and Human Services, Education Subcommittee certainly have your work cut out in crafting S. 1650, the Labor-HHS appropriations bill. The subcommittee was faced with a difficult task of appropriating limited funds to hundreds of programs.

I commend the subcommittee for its hard work and for its dedication to education funding. This bill provides $37.6 billion for the Department of Education. This amount is more than $2 billion above fiscal year 1999 levels and $537 million above the Administration's request.

Of this $37.6 billion, the committee bill provides over $139.5 million for the fund for the improvement of education. This amount is $500,000 over fiscal year 1999 appropriations. These funds are provided to support significant programs and projects to improve the quality of education, help students meet high academic standards and contribute to the achievement of educational goals.

During the appropriations process, Senator SPECTER, I submitted a letter requesting that the subcommittee provide $1.5 million in funds for an innovative educational program known as the Youth Leadership Initiative (''YLI'') at the University of Virginia. I am thankful for the subcommittee's consideration of my request and am grateful that the subcommittee recognized the importance of YLI by including report language on this invaluable educational program.

The goal of YLI is to work with America's middle and high school students to prepare them for a lifetime of political participation. YLI seeks to transform the way students view their role in our democracy, develop their trust in and awareness of our system, and instill in our students the core values of good citizenship and democracy.

To achieve its goal, YLI teaches students in the functional components of America's political process. Among other things, YLI students will learn how to run student-forged mock campaigns, organize political events, conduct election analysis, and hold mock elections.

Senator SPECTER, these lessons need to be taught and are of paramount importance. In 1998, voter participation during the mid-term Congressional elections was the lowest since 1942. Almost every survey of public opinion shows growing disinterest in the American electoral process, and disinterest is strongest among our young people.

Thomas Jefferson once warned Americans about the ramifications of such disinterest in our political system, stating, ''Lethargy is the forerunner of death to other public liberty.'' America's form of government is uniquely dependent upon the active participation of its citizens. Therefore, if voter participation continues to decrease, then our democracy will suffer.

By combining academic excellence with hands-on civic activity, YLI will help turn our schools and communities into hotbeds for the rejuvenation of our democracy. Since its launch last spring, YLI has attracted national attention for its unique approach to teaching our young people about democracy. In a pilot program currently in progress in several Virginia communities, thousands of students in hundreds of classrooms are experiencing the wonders of this pioneering program. Students and teachers have participated in YLI training sessions and members of the inaugural class of youth leaders are already hard at work organizing public debates between actual legislative candidates which they will host in the coming weeks.

On Tuesday, October 26, 1999, nearly 35,000 middle and high school students will be eligible to participate in the largest internet ballot ever conducted. On this day, YLI students will be voting on-line using a secure, encrypted state-of-the-art ''cyber-ballot'' that is specifically tailored to each student's voting precinct.

These achievements are only the beginning. YLI is a national crusade. This year's pilot program in Virginia is laying the foundation for next year's expansion throughout Virginia. Plans are already underway to make this program available to every middle and high school in the United States soon after the 2000 elections.

YLI already has the financial support of the Commonwealth of Virginia and

many of America's leading corporations, foundations and individuals. YLI is a model public-private partnership that will make available to all Americans students a program which will increase participation in our democracy for future generations. Senator SPECTER, a small investment today will pay dividends for many generations to come.

Again, I say to the Senator from Pennsylvania, I certainly understand the difficult task facing your subcommittee in crafting a bipartisan, fiscally responsible appropriations bill. I know you recognize the importance of YLI and that's why report language was included in the Committee's report. I ask my distinguished colleague, however, to ensure that YLI receives the requested funding in the eventual bill that emerges from conference.

Mr. SPECTER. I thank my distinguished colleague for his kind remarks and for his strong statement in support of the Youth Leadership Initiative. The Youth Leadership Initiative is certainly an innovative program designed to enhance public participation in our democracy. I share the goal of enhancing participation in our democracy, and I recognize that this is a priority for the senior senator from Virginia. As we conference with the House, I will keep in mind that this project helps us achieve our mutual goal of increasing voter participation in our democracy.

Mr. WARNER. Thank you Senator SPECTER for your support of YLI.

STAR SCHOOLS GRANTS

Mr. BENNETT. Mr. President, there has been some uncertainty in my state about the continuation of Star School grants. For my colleagues who are not familiar with Star Schools, it is a grant program that has helped distance learning move forward in many parts of the country. The beneficiaries in my state include many students in the San Juan school district, a small, rural, and remote school district in southeastern Utah. Many Star School grants have been awarded to the winners of a competition. Often these grants are multi-year grants. Some recipients are fearful about losing funding for the continuation of their grants if new projects are funded. Is it the intent of the chairman that continuing grants will receive a high priority in funding allocations?

Mr. SPECTER. It was my intent to include enough funding in this bill to continue grants that have been awarded if at all possible. I believe the amount recommended by the Senate will provide the means to do so. While I do not know what the conference committee's final recommendation will be for Star Schools, it is my desire that there be enough dollars allocated to fund ongoing grants as planned.

Mr. BENNETT. I thank the chairman for clarifying his intent, and for his efforts to provide adequate funding for these projects.

HEARTLAND MANOR

Mr. LEVIN. Mr. President, Senator ABRAHAM and I have come to the floor to seek assurance from Senator ROTH and Senator SPECTER that they will include our amendment concerning Heartland Manor in any Medicare BBA fix bill that is taken up by the Finance Committee.

Mr. SPECTER. I understand the Finance Committee will be working on a Medicare BBA repair bill and will review this amendment for possible inclusion in any such legislation and I believe he will give you such assurance directly.

Mr. LEVIN. I appreciate the assurance that the Senator from Pennsylvania has given on this issue. I would like to ask the Chairman of the Finance Committee, Senator ROTH, will he review our amendment for possible inclusion in any Medicare BBA legislation that he takes up this year?

Mr. ROTH. Yes, we will review the amendment through the committee process to determine inclusion in any Medicare BBA package that the Finance Committee takes up this year. I recognize how important this amendment is to the Senators from Michigan.

Mr. LEVIN. I thank Senators ROTH and SPECTER for their help in this matter and I look forward to working with Senator ROTH as we move forward with this amendment.

Mr. ABRAHAM. I also thank Senators ROTH and SPECTER for their help and appreciate their assurances.

Mr. LEVIN. I would like to describe this amendment and why it is so necessary. Our amendment concerns Heartland Manor, a nursing home located in Flint, Michigan, that provides care to an underserved population. Heartland Manor is not out to make money—it is owned by the Hurley Foundation which is not for profit 501(c)(3) subsidiary of Hurley Medical Center. Hurley Medical Center is a not for profit public hospital with an excellent reputation. Hurley Medical Center is one of the few city owned hospitals left in the country, and it is the largest hospital in Flint, Michigan.

On July 27, 1989, Chateau Gardens, a privately owned nursing home facility, was terminated from the Medicare program. On January 1, 1994, Hurley Foundation, a not for profit 501(c)(3) subsidiary of Hurley Medical Center, purchased Chateau Gardens at the request of the state. In 1994 Heartland Manor applied for certification into the Medicare program as a new or prospective provider. Heartland Manor had never before entered into a Medicare participation agreement and had never been issued a provider number. However, HCFA treated Heartland as a re-entry provider and Heartland was subsequently denied participation into the Medicare program based in large part on violations which HCFA carried over from Chateau Gardens, the previous owner. If Heartland Manor had been treated as a new provider, it would have been approved and would presently be in the Medicare program.

This amendment would allow the facility to come into the Medicare program as a prospective provider which is exactly how the facility should be treated.

Heartland Manor has the backing of Citizens for Better Care, a nonprofit agency, funded by the United Way, which monitors nursing home care in Michigan. Moreover, the Mayor of Flint, Woodrow Stanley, the Congressman representing Flint, Representative DALE KILDEE, and State Senator BOB EMERSON all want to keep this nursing home open. These organizations and I wouldn't all be supportive of the facility if this nursing home were not meeting the needs of the Flint community.

I have visited Heartland manor and I believe that it should not be closed. I would not make such a bold assertion if I could not honestly say that this is a nursing home that has made great strides in recent years and which is now providing an important service to the Flint community.

Mr. President, I look forward to working with my colleagues to ensure that this amendment is part of any Medicare BBA package.

DENTAL SEALANTS

Mr. BINGAMAN. I rise today in strong support of the use of dental sealants for children for purposes of oral health promotion and disease prevention. They have been proven to be safe and effective in the prevention of dental caries in children, and when coupled with fluoridated water systems can virtually eliminate dental decay and reduce tooth loss. I believe that the most successful dental sealant programs for our children covered in the EPSDT programs in Medicaid could be those that are school linked and community based. Analyses show that an amount of $1,000,000 is a reasonable amount to begin a demonstration project such as this.

Mr. HARKIN. I am pleased that the Labor HHS Appropriations bill contains language to provide for a multistate dental sealant demonstration project. I feel that the Maternal Child Health Bureau of the Health Resources and Services Administration will be the most appropriate entity to conduct a quality demonstration program. I concur with the Senator from New Mexico that this amount seems reasonable.

Mr. SPECTER. I thank my colleague from New Mexico for raising this important public health matter. Prevention is a high priority for our subcommittee as we have invested significant amounts of resources in bolstering the agencies of the U.S. Public Health Service. The amount the Senator suggests is reasonable for a demonstration project and I concur that the Maternal Child Health Bureau of the Health Resources and Services Administration is an appropriate agency to conduct a quality demonstration program.

Mr. BINGAMAN. I thank the Senators from Pennsylvania and Iowa and urge the department to conduct the demonstration project in an expeditious manner. Despite the fact that

dental sealants have been available for over 25 years, their use remains low and children deserve this preventive service.

PEDIATRIC RESEARCH INITIATIVE

Mr. DEWINE. Mr. President, I rise to thank my colleague from Pennsylvania, Senator SPECTER, and his subcommittee, for the tremendous job they have done in putting together this $312 billion bill. It is not easy to work within tight budget caps and fund so many agencies and institutes at levels that will make all members—and constituents—happy. I'd like to take this opportunity to especially thank Senator SPECTER for his hard work and dedication in providing start-up funding for the Ricky Ray Fund. Even though we would have all liked to have seen full funding, I realize that Senator SPECTER and his subcommittee performed a monumental task in funding $50 million to make the Ricky Ray Fund a reality. I look forward to working with my colleagues next year to finish the job we are beginning in this appropriations bill and fund the remaining amounts for the Ricky Ray Fund that we authorized last year.

As for the appropriations bill that is before us, I would like to ask my colleague from Pennsylvania, Senator SPECTER, to clarify the ''Pediatric Research Initiative'' provision that is on page 138 of the Committee Report. It is my understanding that the Report should state that the ''Committee further encourages the Director of NIH to expand extramural research directly related to the illnesses and conditions affecting children.'' The Report currently states that the National Institute of Child Health and Human Development (NICHD) should expand extramural research, but it should state that the Committee encourages the Director of NIH to expand extramural pediatric research—is that correct?

Mr. SPECTER. Yes, that is correct. The Office of the Director currently funds the Pediatric Research Initiative at NIH, and we are encouraging the Director to expand extramural pediatric research.

Mr. DEWINE. The Committee Report also currently states that the Committee also encourages the Institute to provide additional support for institutional and individual research training grants for medical schools' departments of pediatrics. It is my sense that the Report should state that the Committee encourages the NICHD to provide additional support for institutional and individual research training grants for medical schools' departments of pediatrics. Is that correct?

Mr. SPECTER. Yes, my colleague is correct. The NICHD supports such pediatric research training grants, and the Committee is encouraging NICHD to expand its support for such pediatric research training grants. I will work to ensure that the Conference Report for this bill accurately reflects these clarifications, which my colleague from Ohio and I have just discussed.

Mr. DEWINE. Again, I thank my friend from Pennsylvania for his clarifications and for his tremendous effort in increasing the funds for NIH to ensure that medical research, including pediatric research, remains a top priority for our country.

TREATMENT OF CHILD AND ADOLESCENT VIOLENCE RELATED TRAUMA

Mr. KENNEDY. As you know, it is well documented that domestic, school, and community violence survived or witnessed by children and adolescents causes psychological trauma with very real and serious consequences. These consequences can be physical (changes in the brain, delayed development), psychological (anxiety, depression, learning difficulty), or interpersonal (aggressive and violent behavior, affected individuals passing on the problems to their children). Fortunately, there is a growing body of knowledge that attests to the effectiveness of treating this psychological trauma. While the course of treatment may vary depending on the type of trauma, the length of exposure, and the age of the child, it undoubtedly requires staff with the specialized training needed to identify the signs and symptoms of trauma, and to provide the appropriate therapeutic interventions. In the wake of the violent tragedies in schools, community centers, churches, and increasingly in communities and homes across this country, the desperate need to develop this specialized expertise and to make it more widely available could not be clearer.

Mr. STEVENS. I could not agree more with my friend from Massachusetts and I have been pleased to work with him on this vitally important issue. Research has shown that children exposed to negative brain stimulation in the form of physical abuse or community violence causes the brain to be miswired making it difficult for the child to learn, develop healthy family relationships, reduce peer pressure, and to control violent impulses. Early intervention and treatment is much more successful than adult rehabilitation. This certainly points to a need for more early intervention and treatment programs for children and adolescents who suffer from violence related trauma. It also highlights the need for more professional training in the best practices for treating this psychological trauma.

Mr. KENNEDY. I appreciate the remarks from my friend from Alaska and thank him for his interest in children and in child development. I would also like to thank my friend from Pennsylvania, the Chairman of the Labor-HHS-Education Sub-Committee, for his longstanding commitment to children. I understand that bill before us includes $10 million for the creation of national centers of excellence on youth violence. I also understand that a key aspect of these centers is going to be the development of effective treatments for violence related psychological trauma in children, youth, and families, and the provision of training and technical assistance needed to make these best practices more widely available. Is that the Sub-Committee Chairman's understanding.

Mr. SPECTER. Yes it is. My friend from Massachusetts has identified a critically important need and this activity is intended to be an integral function of these centers of excellence.

Mr. STEVENS. I have worked closely on this with both the Sub-Committee Chairman and Senator from Massachusetts, and this is certainly my understanding as well.

Mr. KENNEDY. I thank both the Full Committee Chairman and the Sub-Committee Chairman for that clarification, and I hope that as we move forward with this process, should additional funding become available, that it could be targeted to this effort. I thank my colleagues and I yield the floor.

GENDER-BASED DIGESTIVE DISEASES

Mr. REID. I rise today to address an issue of great concern to me. I was recently made aware of the findings contained in a recent report from the Office of Research on Women's Health (ORWH) regarding gender-based differences in digestive diseases. The report identifies irritable bowel syndrome, functional bowel disorder and colorectal cancer treatment and detection as serious health problems that disproportionately affect women.

Mr. SPECTER. I am aware of this report and also am very concerned about gender based differences in digestive diseases.

Mr. REID. The ORWH report recommends that Federal research efforts focus on the need to: (1) develop a better understanding of the mechanisms of gastrointestinal motility and altered sensitivity to sensory dysfunction that will help explain why irritable bowel syndrome so disproportionately affects women more than men; (2) examine the relationship between hereditary colon cancer and gynecologic malignancy in women; and (3) determine the relationship between functional bowel diseases and pelvic floor dysfunction. As a result of these findings and recommendations, I hope that the Office on Women's Health will work with NIDDK to address these digestive diseases that so disproportionately affect women.

Mr. HARKIN. I strongly believe that NIH should respond to the recommendations in this ORWH report and examine this problem as soon as possible.

CDC FUNDING

Mr. CLELAND. Mr. President, I would like to engage the distinguished Ranking Member of the Labor/HHS/Education Subcommittee on funding for the Centers for Disease Control (CDC) and Prevention's building and facilities project. The CDC's physical plant facilities are in dire need of expansion and renovation. The lack of adequate laboratory and research facilities is crippling one of the nation's

critical resources. Some of the infectious disease laboratories which conduct research on deadly organisms are 60-year old temporary wooden structures. This raises serious concerns regarding safety for employees and the public. The existing CDC's buildings and facilities threatens the United States' position as the world's last line of defense for protecting the health of the public.

Mr. SPECTER. Mr. President. I concur with Senator CLELAND's concerns and share in his support of the CDC and its vital role in research and public safety. The Senate Labor/HHS/Education Appropriations Subcommittee had one of its most challenging years developing the FY 2000 budget. The Subcommittee recommended a total of $60 million for CDC, $40 million in regular line item building and facilities construction and an additional $20 million in emergency funding. This represents a significant portion of the funding needed by the CDC.

Mr. CLELAND. I commend the Chairman and Ranking Member and the Labor/HHS/Education Appropriations Subcommittee for the FY 2000 appropriations bill. Under the circumstances, The Subcommittee has done a more than adequate job than others in addressing CDC's needs. The Administration's FY 2000 budget request was $39.8 million for all of CDC's buildings and facilities activities, including the repair and improvement of existing structures. The House Labor/HHS/Education Subcommittee mark was for $40 million for buildings and facilities. The Ranking Member is correct in stating that the Senate Subcommittee exceeded the Administration and marks by $20 million. I want to state for the record that, given the need, the initial funding request was set far too low. The CDC needs $141 million or an additional $81 million to modernize the substandard existing buildings and laboratories. I would request that Senate conferees examine all possible sources to obtain additional funding for CDC, and at the very least, hold firm behind the Senate's funding level in conference.

Mr. HARKIN. I thank you Senator CLELAND for clarifying the funding needs for the CDC building infrastructure. We will continue to seek ways to provide funding to adequately bring the CDC physical plant to not only meet standard safety levels, but to exceed those levels. We have an obligation to maintain this world renowned institution and to facilitate its ability to attract highly skilled scientists, provide a safe environment for the research of highly pathogenic organisms and to fulfill its intended objectives.

Mr. CLELAND. I thank the Senator. One last point: does the Chairman and Ranking Member believe that it would be appropriate for the Administration to submit a more adequate proposal for CDC buildings and facilities in its FY 2001 budget?

Mr. SPECTER. The Senator is correct. I would hope that the FY 2001 Administration budget will appropriately address CDC's need for facilities expansion and renovation.

Mr. HARKIN. I too agree that the FY 2001 budget will address this issue.

VOCATIONAL EDUCATION

Mr. DORGAN. I am concerned about the funding level in the Senate bill for vocational education. While the Senate bill generally increases our investment in education, unfortunately funding for vocational education basic state grants would remain at the President's request of $1,030,650,000.

Funding for vocational education basic state grants has been virtually frozen over the last several years by both the Congress and the President. Consequently funding for vocational, career, and technical programs has not kept pace either with inflation or with funding for other education programs. In fact, if vocational education funding had simply kept pace with inflation over the last eight years, it would be $220 million greater than is being proposed for FY2000. I would suggest an additional $100 million in funding for basic state grants, which represents about a 10 percent increase, but realistically, I believe $50 million would represent a reasonable step in the correct direction.

Mr. DEWINE. I share the concerns of the Senator from North Dakota about the proposed funding level for vocational education. As the Chairman of the Senate Subcommittee that had the responsibility for reauthorizing the Perkins Act, I can assure my colleagues that the reauthorization of this law, which Congress enacted last year with strong bipartisan support updated the Perkins programs. The authorized funding level for the Perkins Act was increased by $10 million from $1.14 billion to $1.15 billion. Now that this work is done, now is the appropriate time to increase funding for vocational education.

Mr. DORGAN. I appreciate the Senator from Ohio's leadership on this issue and the Senator from Alaska's comments in support of vocational education funding at the Appropriations Committee mark-up. I wonder if the Senator from Alaska would give his assurance that he will work to secure additional funding for vocational education as the Labor-HHS-Education appropriations bill moves forward?

Mr. STEVENS. I share the concerns that the Senators are raising and join in their support of vocational education. I want to assure them that I am committed to work with the senior Senator from Pennsylvania to try to find additional funds for vocational education during Conference. I also want to encourage the Administration to request an increase in funds for vocational education in its FY2001 budget submission.

Mr. HARKIN. I want to add my support to the comments that have been made here. I, too, feel strongly that additional funding for vocational education is urgently warranted, and I will do what I can as the ranking member on the Labor-HHS-Education Appropriations Subcommittee to direct more resources to basic state grants in this area. Will the Chairman of the Subcommittee also join me in this effort?

Mr. SPECTER. I recognize that funding for vocational education has not kept up with inflation or with funding for other education programs. I will work with Chairman STEVENS, Senator DORGAN, Senator DEWINE, and Senator HARKIN to try to obtain additional funding for vocational education.

THE UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY'S CHILD HEALTH INSTITUTE

Mr. TORRICELLI. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request I have concerning the conference. Knowing the great difficulty they faced in reporting a bill that would not exceed this year's stringent budget restrictions, I understand why they were not able to provide funding for the University of Medicine and Dentistry of New Jersey's (UMDNJ) Child Health Institute. However, I hope that funding for the Children's Health Institute can be found in conference.

The increased attention to childhood disease clusters in various communities throughout New Jersey and other states require molecular studies for an explanation and solution. In that regard, UMDNJ of the Robert Wood Johnson Medical School developed the Child Health Institute of New Jersey as a comprehensive biomedical research center focused on the development, growth and maturation of children.

The mission of the Institute is to improve child health and quality of life by fostering scientific research that will produce new discoveries about the causes of many childhood diseases and new treatments for these diseases. Researchers will direct their efforts toward the prevention and cure of environmental, genetic and cellular diseases of infants and children. The Institute will work closely with both the Cancer Institute of New Jersey and the Environmental and Occupational Health Science Institute—two NIH-designated centers of excellence. Organizations which also played a part in developing the Child Health Institute.

The Institute is seeking funds to develop three components: a program in Molecular Genetics and Development; (2) a program in Development and Behavior; and (3) a program in Environment and Development. These programs will study human development and its disorders, noting the changing environmental conditions which alter gene function during development, maturation and aging. Institute scientists will also study human growth and development and the emergence of cognition, motion, consciousness and individuality.

The hospitals in central New Jersey birth nearly 20,000 babies each year. The founding of the Child Health Institute has created an extraordinary

health care resource for those hospitals and the patients they serve. The new Children's Hospital at Robert Wood Johnson University Hospital is scheduled to open in 2000 and the Child Health Institute in 2001. Together these institutions will provide state of the art clinical and scientific research and treatment complex to serve children and their families, not only in New Jersey, but throughout the nation with cutting edge care and the latest scientific developments.

Mr. LAUTENBERG. Indeed, New Jersey is poised to become a regional and national resource for research into the genetic and environmental influences on child development and childhood disease. Working in close partnership with the pharmaceutical and biotechnology industries, the Child Health Institute of New Jersey will become a force for healthy children nationwide. I thank my fellow Senator from the State of New Jersey and join him in giving my highest recommendation for this project.

Mr. TORRICELLI. I thank the Senator from New Jersey for his efforts on this project. I believe that the work of the Institute is an appropriate focus for the committee because the research focus will be of enormous value for the nation as a whole. Indeed, the Child Health Institute will be one of the world's only research centers to examine not only the biological and chemical effects on childhood, but also the effects of behavioral and societal influences as well.

The Child Health Institute's request is for $10 million in one time funding from the federal government for the construction of the Institute building. Total building costs are estimated at $27 million. The Institute has already raised more than $13 million from private sources including $5.5 million from the Robert Wood Johnson Foundation and $5.5 million from Johnson and Johnson. Also, the Robert Wood Johnson University Hospital has made a $2 million in-kind contribution of the land on which the Institute will be built. At maturity, the Child Health is expected to attract $7 to $9 million in new research funding annually, as well as provide $52 million in revenue for the local economy.

Mr. President, funding for the Child Health Institute in this bill would be entirely appropriate under Health Resources and Services Administration (HRSA) account. Indeed, it would be money well spent.

Senator LAUTENBERG and I simply ask that when the bill goes to conference the managers remember this request for funding the UMDNJ Child Health Institute.

Mr. SPECTER. We have received numerous requests for funding of health facilities. In the past, we have faced difficult choices in making a determination of funding priorities and this year promises to be no exception. We are aware of the request by the Child Health Institute and commend its efforts toward enhancing its research and service capacity. In conference, we will keep in mind its request as well as those with similar meritorious characteristics and goals.

Mr. HARKIN. I, too, am aware of the Child Health Institute request for assistance and share Senator SPECTER's views on this matter.

Mr. TORRICELLI. I thank both my distinguished colleagues for their assistance with this matter.

Mr. LAUTENBERG. I also would like to thank my colleagues for their help.

MEDICARE INTEGRITY PROGRAM

Mr. HARKIN. I am very concerned about the proposed $70 million funding cut to the Medicare Integrity Program (MIP) approved by the House Appropriations Committee. The Senate has recommended that MIP be funded at $630 million, the amount authorized in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

In 1998, Medicare contractors saved the Medicare Trust Fund nearly $9 billion in inappropriate payments—about $17 for every dollar invested. Any funding cut to MIP is tantamount to the government throwing money out the window. In fact, I believe, because of the tremendous need to reduce an estimated $13 billion in Medicare waste, we should increase MIP funding. Therefore, I will work hard to ensure that the Senate funding level for this important program is not compromised.

Mr. ROTH. I've long been committed to the effective and efficient management of the Medicare program, specifically the detection of fraud and abuse. I supported the creation of the MIP program, established under HIPAA, to provide a stable and increasing funding source for fraud and abuse detection efforts. Prior to MIP, Medicare contractor funding for anti-fraud and abuse activities was often reduced because of other spending priorities in the annual appropriations process. MIP was created to prevent that from happening again. The House Appropriations Committee recommendation is in clear disregard of congressional intent.

Mr. SPECTER. I understand the importance of the MIP program to the integrity of the Medicare Trust Fund, and I will work to ensure that MIP is funded at the Senate recommended level of $630 million.

PREVENTION AND TREATMENT OF FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECTS

Mr. DASCHLE. Mr. President, I have worked closely with my colleagues Senator STEVENS, Senator SPECTER and Senator HARKIN to make treatment and prevention of fetal alcohol syndrome (FAS) and fetal alcohol effect (FAE) more of a federal priority and to place language in the report accompanying the Fiscal Year 2000 Labor, Health and Human Services and Education Appropriations bill to underscore this commitment. I appreciate their efforts to support programs that will prevent and address this important public health problem and their commitment to continuing those efforts as they serve on the conference committee.

There is a dramatic need for an additional infusion of resources to address alcohol-related birth defects, which are the leading known cause of mental retardation. These funds are needed for the development of public awareness and education programs, health and human service provider training, standardized diagnostic criteria and other strategies called for in the competitive grant program authorized under the Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act. These resources will complement the excellent work that has been started by grass-roots organizations like the National Organization for Fetal Alcohol Syndrome and the Family Resource Institute.

I look forward to working with Senator STEVENS, Senator SPECTER and Senator HARKIN to promote treatment and prevention of FAS and FAE. It should be a priority for the Fiscal Year 2000 conference committee to fund these much-needed programs, and I am hopeful that the conferees will be able to find additional resources for this purpose. I believe it is critical that we provide line item funding for the competitive program that this Congress authorized last year. I look forward to working with the Administration and my colleagues in the Senate toward that end as they begin to draft the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill.

Mr. STEVENS. Mr. President, I share the sentiments expressed by my colleague from South Dakota. I have witnessed first hand the devastating effects of FAS and FAE in Alaska, which has the highest rate of FAS/FAE in the nation. Our Alaska Native people are especially at risk for these entirely preventable conditions. It has been estimated that the lifetime cost of treating and providing necessary services for a single victim of FAS/FAE is in excess of $1 million. I am pleased that the bill before us contains language encouraging the Department of Health and Human Services to provide necessary resources to fund comprehensive FAS/FAE prevention, education and treatment programs for Alaska and for a four-state region including South Dakota and will work with the conference committee to ensure that funds are available for these programs. I also support language in the report mandating development of a nationwide, comprehensive FAS/FAE research, prevention and treatment plan. I know that federal support can make a difference. In Alaska, federal assistance has allowed two residential treatment programs for pregnant women and their children—the Dena A Coy program in Anchorage and the Lifegivers program in Fairbanks—to make a positive difference in the lives of numerous Alaska Native women and their children. I look forward to working with my colleague to find real solutions to

the problems of alcohol-related birth defects.

Mr. SPECTER. Mr. President, I have worked closely with my colleagues to find creative ways to address FAS and FAE at the federal level while drafting the Fiscal Year 2000 Labor, Health and Human Services and Education Appropriations bill. I agree that it is critical to continue that effort during the conference with members from the House of Representatives in order to further improve the federal commitment to individuals with FAS and FAE and their families.

Mr. HARKIN. Mr. President, I would like to add my voice in support of the comments expressed by my colleagues from South Dakota, Alaska and Pennsylvania. FAS and FAE are 100 percent preventable. Our country should be doing everything it can to put an end to alcohol-related birth defects and help individuals and families trying to copy with the disease.

IDEA FUNDING AT NIH

Mr. NICKLES. I would like to address a question to my friend from Pennsylvania regarding the Institutional Development Awards (IDeA) Program funding within the National Institutes of Health (NIH) budget. I am joined by my colleagues Senators LOTT, DASCHLE, and REID in support of the House level of funding for IDeA in the Labor, Health and Human Services, and Education, and related agencies Appropriations bill. It is my understanding that the Senate level is $20,000,000 while the House level is $40,000,000.

Mr. LOTT. It is my understanding that movement to the House level is not an increase in the NIH budget, is that correct? As I understand it, this would reallocate money within the NIH budget and that this would not be additional funding. This would set aside a portion of NIH research money for those states, Mississippi included, to more fully exploit the opportunities to develop a competitive biomedical research base.

Mr. NICKLES. The distinguished Majority Leader is correct. The point of this inquiry is to ask the chairman if he would reserve some resources for those IDeA states that receive the least among of research money.

Mr. DASCHLE. I agree with my colleagues that this program is of tremendous benefit to rural states and to our nation's ability to produce top quality research. In recent years, five states have received 48 percent of the NIH research money. We need to broaden this distribution. In my state of South Dakota, universities have benefitted from this program in the past, but we need to continue this investment so that they may compete for research monies on an equal footing. Increasing IDeA funding would help to meet this goal.

Mr. REID. I would also like to point out that according to the NIH's own figures, an average IDeA state, such as Nevada, receives $67 per person in research money while the other states receive, on average, $258 per person. This program helps to disburse this vital research money to those states who traditionally do not fair well but can perform this research for much lower overhead and indirect costs.

Mr. NICKLES. I would also add that Oklahoma only receives, an average, $45 per person of research money.

Mr. SPECTER. Mr. President, I would agree with Senators LOTT, DASCHLE, and REID on the value of the IDeA program. As Senator NICKLES mentioned before, we did increase this allocation from fiscal year 1999 in order to broaden the geographic distribution of NIH funding of biomedical research by enhancing the competitiveness of biomedical and behavioral research institutions which historically have had low rates of success in obtaining funding. With their concern in mind, I would therefore like to assure my fellow Senators that when we conference, we will take a very close look at the House funding level of $40,000,000 for IDeA.

Mr. NICKLES. I would like to thank the Chairman for his assistance.

Ms. MIKULSKI. Mr. President, I rise to speak on the Fiscal Year 2000 Appropriations bill funding the Departments of Labor, Health and Human Services and Education. I would like to thank Senator SPECTER and Senator HARKIN for the tremendous job they and their staffs have done on an extremely large, complex, and vitally important appropriations bill. This bill is important because it meets the day-to-day needs of Americans as well as the long-range needs of our country.

However, I am concerned that the Senate has had to resort to gimmicks and tricks such as ''forward funding'' and ''emergency spending.'' When Congress resorts to these tricks, it means we're not doing our job right. The GM worker in Baltimore can't ''forward fund'' or declare his next trip to the grocery store ''emergency spending.'' If a mother can't pay for her children's health care using such devices, then Congress should not be able to resort to them to pay for our children's education, health care for the underserved, or job training.

I am pleased with a number of funding levels in this bill. I know that Senators SPECTER and HARKIN had a difficult task in funding so many programs that meet compelling human needs. As the Senator for and from the National Institutes of Health, I am very glad to see the $2 billion increase in NIH funding, which keeps us on pace to double NIH's budget over five years. I am particularly pleased with the $680.3 million for the National Institute on Aging (NIA). This is an increase of more than $80 million over last year. As we double NIH's budget, I believe that it is especially important to double NIA's budget. Our population is aging; by 2030 there will be about 70 million Americans age 65 and older, more than twice their number in 1997. This is clearly an investment in the future health of our nation.

Many of the day-to-day needs of our nation's seniors are met by the Older Americans Act (OAA). It is heartening to see the $35 million increase in funding for home delivered meals because it is greatly needed. We are seeing an increased demand for home delivered meals which assist more older persons in remaining in their homes and communities. The Committee has also provided a $1 million increase for the ombudsman program and an $8 million increase to $26 million for state and local innovations/projects of national significance (Title IV).

I am disappointed that other programs under the Older Americans Act did not see needed increases in funding. OAA programs have been level funded and losing ground for too long. I am also deeply concerned that there is no provision to fund the National Family Caregiver Support Program. This program would offer valuable services to assist our nation's caregivers by providing respite care, counseling, information, and assistance among other services. This program has strong bipartisan support. I would urge that we look at ways to provide the necessary resources for this program in Fiscal Year 2000 so that it can be funded once it is authorized. As the Ranking Member of the Subcommittee on Aging, I will continue to work with my colleagues on the HELP Committee to reauthorize the OAA during Fiscal Year 2000.

In addition, I was distressed by the drastic cut of almost $860 million to the Social Services Block Grant. However, I'm pleased that the Senate has restored these funds. The Social Services Block Grant provides help to those who practice self help. In Maryland, this program funds adoption, case management, day care, foster care, home based services, information and referral, prevention and protective services to more than 200,000 people.

I must also mention the importance of funding for the Centers for Disease Control and Prevention (CDC). I am very aware of the funding constraints the we have been operating under and believe that the $30 million increase for CDC is a step in the right direction. However, it is below the President's budget request and does not go far enough. While I am appreciative of the efforts to increase funding to modernize CDC's facilities and improve public health infrastructure, CDC has been revenue starved for too long. Improving public health in our country requires investments in NIH, CDC, and FDA. I am thrilled with our support of NIH, but I believe that if we do not provide sufficient resources to CDC and FDA we are only doing part of the job. I would urge that we consider this as we move to conference on this bill and when we look at funding for these agencies next year.

I am also pleased at the funding levels of many of our national education programs and this bill is certainly better than the one that passed the House.

I am very concerned that the funding level for the bill overall has been reduced to pay for other programs. The spending caps put us in a tough position. And it is education that always suffers the most.

Like I said, even though the Senate funding levels are much better than the House, there are at least two major problems with the Senate bill. There is no funding in this bill for school construction and there is no funding in this bill for lowering class size and hiring 100,000 new teachers. Last year, we passed a bipartisan bill, and we all agreed to lower class size. We agreed that this is one of the most important things we can do for our kids and our classrooms. Yet this bill contains no money for class size.

There is also no funding for school construction. What happened to our commitment to make sure our kids are not attending classes in crumbling schools? I see there is $1.2 billion in the bill for something called ''Teacher Assistance Initiative.'' As far as I know, no one knows what this means exactly. Like Senator MURRAY said on the floor of the Senate last week, it clearly isn't class size reduction.

I have serious reservations about this bill. It does not live up to the commitment we made here in the Senate to reduce class size and hire 100,000 teachers. It does nothing to fix our broken down schools. And the House bill is even worse.

The House bill cuts $2.8 billion out of the President's education agenda to improve public schools. It denies 42,000 additional children the opportunity to participate in Head Start. It repeals last year's bipartisan agreement to fund 100,000 new teachers to create smaller classes. It combines Class Size Reduction, Eisenhower Teacher Training and Goals 2000 into a block grant funded at $200 million less than the authorized level and $396 million less than the President's request for comparable programs.

Given our recent tragedies in our schools, it is a shame that the House bill denies after school services to an additional 850,000 ''latch key'' children in 3,300 communities during the critical 2–6 p.m. hours when children are most likely to get into trouble. The bill also freezes federal funding to help schools to create safer learning environments and denies funding for an additional 400 drug and school violence coordinators serving 2,000 middle schools.

We need to work hard in conference. We are going to have to fight to keep our stand behind our kids. We cannot allow the House to gut these important programs. We cannot let the Senate ignore class size and school construction. I look forward to working with my colleagues to make sure we increase the Federal investment in education.

Mrs. MURRAY. Mr. President, this evening we will vote on what is arguably the most important of our 13 appropriations bills, the Labor, Health and Human Services and Education Appropriations Act. When it comes to funding for education, the Congress has fundamentally ignored the messages of the American people. In this bill, education spending remains in the neighborhood of 1.6 percent of overall federal spending, a very poor neighborhood indeed. The American people cannot understand why, if education is their first priority, it is the last bill passed and the lowest funding priority of their Congress. They cannot fathom why, in a year when school districts across the country are hiring highly-qualified teachers to reduce class size, the Congress is walking away from its commitment.

The House, regrettably, has done far worse by education than any of us could have imagined. The drastic cuts to education that would take effect under the House bill would send America back into the 19th century, not forward into the 21st. The House bill would cause 142,000 fewer children to be served in Head Start, would keep 50,000 students out of after-school programs, and would deprive 2.1 million children in high-poverty communities of extra help in mastering the basics of reading and math.

The Senate has done better by our schools, but only through smoke-and-mirrors budgeteering that should give our school communities no long-term confidence. Advance funding is not without effect on the local school budget, which demands consistency and predictability.

The numbers in the Senate bill are a better level from which to negotiate in the conference committee, but even these funding levels ignore the grim reality that our schools face a fundamentally tougher job than they did even five years ago, with skyrocketing enrollment, of students who are more expensive to educate, and who have less support at home and in the community.

Despite all this, at least the Senate provides current funding for most educational services, makes some effort toward meeting the higher needs in others, and does a good job of providing new investments in a few areas. Funding for the Individuals with Disabilities in Education Act is increased by more than $900 million, a good start toward meeting our national commitment to fund forty percent of a local school district's costs of educating a disabled child.

The $200 per student increase for Pell grants is a good investment, but only about half of what is needed this year. I'm particularly proud that we were able to increase funding for adult and family literacy, by increasing the adult basic education program by more than $100 million. This means that thousands more adults and their families will be able to take the first steps toward increased viability in our changing economy.

The failures in this bill are many, however. As an example, let's look at funding for vocational and technical education. Current funding or freezes in funding are not sufficient in a world where the economy changes as rapidly as ours is changing. Young people need the skills not only to survive but to thrive. All young people need access to applied skills as well as theoretical ones, in order for them to succeed in the workplace, the classroom, and in life. And yet, we do not make the significant investments needed.

The largest failure of all, of course, is the backward step the majority is taking on class size reduction. Reducing class size by helping school districts hire 100,000 high-quality teachers nationwide is an investment in our schools that is paying dividends right now. The first 30,000 teachers are in the classroom, and what a classroom it is. To walk from a class with 25 or 28 first graders into one of the smaller classes I've been visiting this fall is a stark contrast. Improved achievement, increased time on task, more individual attention, and a lack of discipline problems are obvious in the smaller class. The teacher in the larger class looks as if he is running to catch up, and the student must keep her hand in the air for too long a time. This is a very real, tangible investment we have made in our schools. The Senate and the House, on a completely partisan basis, are reneging on the most common-sense investment in school improvement made in recent history. The reason that the Republicans are so afraid of these 30,000 teachers is that this program is actually working.

Pili Wolfe, Principal at Lyon Elementary School in Tacoma, Washington, where federal class size funds are being used to dramatically reduce class size in first grade, and to provide high-quality professional development for teachers through a program called Great Start, says: ''Children in our first-grade Great Start classrooms have shown more growth within the first month of school than any previous first-grade class.''

Andrea Holzapfel, a first-grade teacher at Lyon, says: ''Smaller numbers allow me to spend significantly more time in individual and small-group instruction. Having fewer children allows more participation by the kids in discussion and classroom activities.''

The program works. The one-page, on-line application form means no paperwork, no bureaucracy. Two-hundred and sixty-one of Washington state's two-hundred and ninety-six school districts have already put class size reduction and teacher professional development into effect in their schools. The accountability is to the local community, through a school report card describing how many teachers were hired and in which grades. Improved student achievement will be the ultimate measure of the success of this year's investment.

But the investment cannot stop here.

The President has said that this bill is headed for a veto, because of the

lack of continued investment in class size reduction, and other key education efforts.

One such effort is GEAR UP, which enables low-income schools and their neighboring colleges to form partnerships to get mentors to help students study hard, stay in school, and go on to college. Funding for this program is only $180 million, not the $240 necessary to get this important investment to the communities where it is needed most.

Increased funding for after-school programs was given short shrift, despite what the research shows about the link between young people having no positive pursuits in the afternoon and evening, and the related increase in crime.

Education technology has been cut by the House, and the Senate numbers are not sufficient to meet the growing need in an area where the federal government is the primary funding source in most schools and communities, far beyond the investments made by states and localities.

When it comes to education, this Congress has not stepped up to the very challenge we are asking the educators, students, families and communities across America to meet. When the expectations on Congress increased, the level of commitment and vision decreased.

I am voting for this bill to move the process along. If class size funding and other key investments are not restored, the conference report will be vetoed. If it is vetoed, I and many of my colleagues will vote to sustain that veto. This bill in its current form is only a vehicle through which we may negotiate higher numbers in conference.

The American people have a stake in this battle. We need to hear their voices now.

This has been a difficult vote for me. While the bill does provide a significant investment in public health and safety, it does so on the backs of our children and retreating from our commitment to improve class size. This bill cannot survive in its current form.

I do want to point out what I believe are positive aspects of this bill. I applaud the efforts of Chairman SPECTER and Senator HARKIN in preparing an appropriations bill that meets important public health priorities. I know how difficult this appropriations process has been and know their job was not easy. As a member of the Labor, Health & Human Services & Education Subcommittee, I am pleased that our product does maintain our commitment and investment in public health.

The additional $2 billion investment for NIH alone will bring us that much closer to finding a cure for diseases like cancer, Parkinson's, cardiovascular, Alzheimer's, MS and AIDS. Every dollar invested in NIH reaps greater savings in health care dollars as well as greater savings in human lives. This additional investment will ensure that we remain on a course to double NIH funding. I know how important this funding is and am proud to represent outstanding research institutions like the University of Washington and the Fred Hutchinson Cancer Research Center who receive significant research funding from NIH.

I am also pleased that we have provided funding for trauma care planning and development for the states. This is an essential program that assists the states in efforts to effectively develop trauma care strategies. We have neglected trauma care and we have lost ground in life saving delivery of critical care. I was pleased that the Subcommittee recognized the importance of trauma care planning.

As many of my colleagues know, I have been pushing for federal funding to establish a national poison control plan. My allegiance to ''Mr. Yuk'' is well known within this chamber, as well as within the HELP Committee. It was only two years ago that I offered an amendment during FDA reform to protect voluntary poison control labeling like Mr. Yuk from possible elimination. I have used my position on the Appropriations Committee to push for funding for poison control centers and for a national 1–800 hotline. I am pleased that this legislation includes $3 million for poison control efforts. This line-item within HRSA is a major victory for children and their parents. We have taken a huge step forward in developing a national poison control plan that builds on successful efforts in all of the states, like those made in Washington state.

As one of the most vocal women's health care advocates in the Senate, I am pleased that the Committee report to accompany this Appropriations bill addresses several women's health issues and enhances programs to eliminate gender bias or discrimination. I want to thank the Chairman for his support of funding for the CDC Breast and Cervical Cancer Screening Program for low income women. This continued commitment will save lives and improve survival rates for women who often have little or no access to cancer screening. We know that early dedication offers the greatest hope of survival.

I am pleased that we have been able to provide additional funding to expand the WISE WOMEN program to screen for cardiovascular disease as well as breast and cervical cancer. Cardiovascular disease is the number one killer of American women. Twice as many women die from cardiovascular disease than breast and cervical cancers combined. I was disappointed that we could not find additional monies to expand this program in all 50 states, and will continue to work to secure additional funding for FY2000.

There are many reasons why I consider the Labor, HHS Appropriations bill one of the most important appropriations bills and the one piece of legislation that truly effects all Americans and offers hope to the most vulnerable. But, perhaps one of the most critical programs funded in this appropriations bill is funding for battered women's shelters. This funding does save lives. This funding is the life line for battered and abused women and children. I am proud to have worked with the Chairman of the Subcommittee to increase our investment in battered women's shelters. I am working for the day when we need no more battered women's shelters. Unfortunately, we have a long way to go. But, by increasing the funds available by $13.5 million for FY2000, we have offered communities more resources to assist victims of domestic violence find a vital, life-saving safe shelter.

I am hopeful that these important public health investments will survive what will likely be a difficult conference with the House.

Mrs. FEINSTEIN. Mr. President, I am pleased today to support the FY 2000 Labor-HHS-Education Appropriations bill, H. R. 1650, because it addresses important priorities of the American people.

Among other increases, this bill increases funding for the National Institutes of Health (NIH) by $2 billion, including a $384 million increase for the National Cancer Institute. This will continue us on the path of doubling the funding of NIH over five years. The President requested only a 2.1 percent increase over FY 1999, which does not keep pace with medical research inflation, projected to be 3.5 percent next year.

The National Institutes of Health—often called the ''crown jewel'' of the federal government—offers hope to millions of Americans who suffer from diseases like diabetes, arthritis, Alzheimers, Tourette's Syndrome, Parkinson's and on and on. Sadly, NIH can now only fund 31 percent of applications. Under the Presidents's FY 2000 proposal, it could have fallen to 28 percent, a 10 percent drop. This is the wrong direction, especially at a time when research is opening many new scientific doors.

Federal support for curing diseases and finding new treatments is not a partisan issue. Federal spending on health research is only 1 percent of the federal budget. Sixty eight percent of Americans support doubling medical research over five years; 61 percent of Americans support spending part of the surplus on medical research. Fifty five percent of Californians said they would pay more in taxes for more medical research, in a Research America poll.

NIH is especially important to my state where some of the nation's leading research is conducted. The University of California received $1.7 billion in NIH funds in 1998. The federal government supports over 55 percent of UC's research.

I am pleased that the bill includes $ 3.28 billion for the National Cancer Institute. This is an increase of $384 million or 13 percent over last year. With

this, NCI will be able to fund at least 10 percent more grants. If we had gone along with the President proposed 2 percent increase for cancer research, NCI would have been able to fund 10 percent fewer grants. That is the wrong direction, at a time when cancer incidence and deaths are about to explode.

Today, one in every four deaths is due to cancer. Cancer costs over $100 billion a year. Because of the aging of the population, the incidence of cancer will explode by 2010, with a 29 percent increase in incidence and a 25 percent increase in deaths, at a cost of over $200 billion per year. The cancer burden will hit America the hardest in the next 10 to 25 years as the country's demographics change. (These are the findings of the September 1999 Cancer March Research Task Force.) Cancer deaths can be reduced from 25 to 40 percent over the next 20 year period, saving 150,000 to 225,000 lives each year if we do the right thing.

I want to thank the chairman of the subcommittee for including in the committee report language indicating that we need to increase cancer research funding consistent with the recommendations of the Research Task Force of the Cancer March. The Cancer March called for increasing the National Cancer Institute budget by 20 percent each year for four years, to get to $10 billion by 2005. This bill with its 12 to 13% increase in funds is a step on the way.

The National Cancer Dialogue, a national group representing leaders of the entire cancer community and over 120 cancer organizations, recommended that NCI be funded at $5 billion in FY 2000 and CDC cancer activities at $516 million.

What can be accomplished with $5 billion for research?

More drugs: NCI could bring 40 new cancer drugs from the laboratory to clinical trials. In NIH's entire history, only 70 drugs have been approved for treating cancer.

Cancer Genetics: Continuing to identify genes involved in cancer. Improving our understanding of the interaction between genes and environmental exposures.

Imaging: Finding new ways to detect cancers earlier when they are small, not invasive and more easily treated.

Clinical Trials: Increase participation from 2 percent currently. Medicare beneficiaries account for more than 50 percent of all cancer diagnoses and 60 percent of all cancer death.

Prevention: 70 percent of all cancers are preventable says the American Cancer Society. By expanding the CDC's efforts to provide cancer screening, cancer registries and other measures to help people prevent cancer screening, cancer registries and other measures to help people prevent cancer. For example, tobacco-related deaths are the single most preventable cause of death and disability and account for 30 percent of all US cancer death.

I am also pleased to see an increase of $200 million over last year and $100 million over the President's request for Ryan White AIDS, as well as a 12 percent increase for AIDS research at NIH.

California has the second highest incidence of HIV/AIDS in the US. While the AIDS death rate has declined it is still too high. Over 40,000 new infections develop each year. In California, 100,000 people are living with HIV/AIDS. Half of all HIV-infected people do not receive regular medical care according to the Rand study, December 1998.

We face serious challenges. We must find a cure. We must find new treatments. HIV lingers in cells so long that the ''virus cannot be eradicated at all with current treatments * * * it remains tucked away longer than though,'' according to the New England Journal of Medicine, May 1999.

This funding bill also includes important funding for education at all levels. There is hardly a more important function of government than providing a solid education for our youngsters.

The bill raises education by $2 billion over last year. This is important in light of the decline in the federal share of total education funding from 14 percent in 1980 to six percent in 1998, according to the Office of Management and Budget.

No doubt we need to do more. Our nation's schools face unprecedented challenges. My state is fraught with problems: California has 6 million students, more students than 36 states have in total population and one of the highest projected enrollments in the country, California will need 210,000 new teachers by 2008. We have about 30,000 teachers on emergency credentials. We have the most diverse student body in the county. In some schools, over 50 languages are spoken. While this diversity is one of my state's great strengths, in the classroom, it places huge responsibilities on teachers.

Buildings: We need to build 6 new classrooms per day, $809 million per year. Some elementary schools have over 5,000 students. Our schools are too big.

In higher education, California is preparing for ''Tidal Wave II,'' the demographic bulge created by children of the baby boomers which will inundate our colleges and universities between 2000 and 2010.

And so our needs are huge. Our challenges are great.

I am disappointed that the Senate did not adopt the Murray amendment that would have ensured that $1.4 billion be used to hire teachers and reduce class size. By adding $200 million and raising the allocation from $1.2 billion to $1.4 billion and specifying that it be used to hire teachers and reduce class sizes, California could have hired 1,100 new teachers, on top of the 3,322 that will provide funding for last year. I hope the conference will see the importance of this.

One area of this bill that I have given my attention to is ESEA Title I, the program that provides over $8 billion for educating poor children. Unfortunately, despite my efforts in the Appropriations Committee, I was unable to delete what is known as the ''hold harmless'' provisions. Also, the committee would not accept my amendment to clarify and insure that any new or additional funds, over last year, go to states that are hurt by the hold harmless provision.

The Title I hold harmless provisions (there are two in the bill, for basic grants and for concentration grants) hold states and districts ''harmless.'' They say in essence that no state or district will receive less than it did the previous year despite changes in the number of poor children. In the bill, these apply to the Title I basic grants and the concentration grants. These provisions freeze funding in place despite the number of poor children, despite their eligibility.

I tried to delete these provisions in the committee, but because, frankly, there are more low-growth states than high-growth states like mine, in the Senate, did not have the votes to completely eliminate them.

Here is why the hold harmless provisions are wrong: One, they violate the purpose of the program since 1965, to target funds on poor children, two, they contravene the census update requirement. The authorizing law requires the Department to update child poverty data every year so that each state will receive funds according to the number of poor children. The hold harmless renders that requirement virtually meaningless.

Secretary Riley wrote, April 29, 1999: ''I do share your concern that the 100 percent hold-harmless provision undermines the apparent statutory intent that allocations for Title I and other programs be based on the most recent census data.''

Three, a poor child is a poor child. Congress recognized that poor children need extra help, wherever that child may be. A poor child in California is as worthy as a poor child in Mississippi and should not be deprived of funding.

A July 1999 study found that students in poor school districts (West Fresno, Mendota, Farmersville) ranked at or near the bottom of California's achievement tests. ''Most of the lowest-scoring school districts * * * are in rural areas with high unemployment and poverty and have many children from migrant farm worker families who speak little English and have little education.'' (Fresno Bee, 7/25/99)

Four, hold harmless provisions disproportionately hurt states with high growth rates in poor children, states like California, Arizona, New Mexico, Texas, Hawaii, South Carolina, Maryland, Nevada, Virginia, Georgia, Florida, New York, North Carolina, Oklahoma.

Here are some examples of losses of Title I Funds under FY 1999 hold harmless: California $36 million; Florida $32

million; New Mexico $4.5 million; New York $48 million; North Carolina $8 million; Texas $32 million.

Last year, under the bill's Title I hold harmless, California lost $32 million. California has 14 percent of all Title I children and gets 11 percent of Title I funds. (US Dept of Education). California has a 22 percent poverty rate for children; The US rate is 18.7 percent. (9 states exceed California's). California's number of poor students grew 53 percent from 1990 to 1995; nationally, it grew 22 percent. In total federal dollars, California pays 12.5 percent of federal taxes but gets back only 11.2 percent.

California receives $656 in Title I funds per poor child. The national average is $745. Some states receive as much as $1,289, according to the US Department of Education. California has almost 40 percent of the nation's immigrants. The poverty rate for immigrants grew by 123 percent from 1979 to 1997. (Center for Immigration Studies, 9/2/99). Income inequality is growing in California faster than the rest of the country (Public Policy Institute of California, 2/9/99)

Five, the hold harmlesses freeze in the status quo, even for those not eligible. The hold harmless provision gives funds to states and districts that may not even be eligible for funds, merely because they got funds in the past. What good are eligibility rules if we ignore them, override them willy-nilly. We either have eligibility rules or we don't.

If Congress believes the formula is not properly structured or targeted, Congress should change it in the authorizing statute. Congress will have that opportunity next year when ESEA is reauthorized.

I am grateful that the committee agreed, at my request, to modify the bill so that the Title I hold harmless will not apply in FY 2000 to the eight federal programs have funding formulas based in whole or in part on the Title I formula. Those programs are: Safe and Drug-free Schools; Even Start Family Literacy; Comprehensive School Reform; Eisenhower Professional Development (Teacher training); Technology Literacy; Class Size Reduction; Goals 2000, Title III; and McKinney Homeless Education.

This amendment was needed because, in FY 1998 and 1999, the Department of Education applied the 100 percent hold harmless to 8 other education programs, thus compounding the harm of the Title I hold harmless provision and the cuts that result from it.

I believe in the current bill, Congress is giving the Department clear guidance that the Title I hold harmless provision should not be applied to other programs.

Because last year the Department applied the hold harmless to other programs, my state lost funds under the following programs: Teacher Training $40,000; School Reform $700,000; Technology Literacy $5.4 million; Goals 2000 $3 million; EvenStart/Literacy $1 million.

I thank the committee for remedying this inequity.

I am disappointed that the Committee did not provide funding for the President's English Language and Civics Education Initiative, under the Adult Education program. This is an effort to help states and local communities provide instruction to adults who want to learn English as a Second Language (ESL) programs, as well as instruction in civics and life skills. If adequately funded, this initiative would help ensure that those who seek to become American citizens learn not only the words of the citizenship oath, but also the broader language of our civic life. Simply put, this initiative would help our nation's newcomers become full participants in American life.

In 1990, there were about 25.5 million U.S. adults age 18 and older who spoke a language other than English at home. Many of these non-English speakers were new immigrants. Some immigrants have lived here for many years. Still, other non-English speakers were born in the United States but grew up without mastering the English language. Many of these adults reported that they have difficulty speaking English, but were highly motivated to learn the language, especially to obtain jobs and gain access to educational opportunities.

As the number of non-English speaking residents has increased, so has the demand for placement in English-as-a Second-Language (ESL) classes. In the last five years, enrollment for ESL classes has jumped from 1.2 million in 1994 to nearly 2 million in 1998. In the state of California, more than 1.2 million adult students enrolled in these classes in 1998, accounting for 38.2 percent of the adult education students in the state.

The increased demand for ESL classes have resulted in long waiting lists for ESL classes in many parts of the country. For example, Los Angeles has a waiting list of 50,000 people for ESL classes. Chicago's ESL programs are filled to capacity as soon as they open their doors. And, New York State has resorted to a lottery system to select individuals who wish to learn English.

I have visited several immigrant communities throughout California and have been impressed by the high work force participation rates, the strong sense of family, and a tireless commitment to their community. However, during these visits and in letters from my constituents, I have been often told about the lack of opportunities to participate in adult English education courses. This is particularly troublesome, given the large number of people in my state seeking to become American citizens, and to otherwise more fully participate in our civic life.

More support for programs like English Language and Civics Education Initiative would help states and communities throughout California and the rest of the nation that are struggling to keep up with this demand. Providing $70 million requested by the Administration would not merely be an expenditure, but an investment in our nation's future.

While this bill cannot address all the health and education needs of our nation or even those that are a federal responsibility, allocations are good—$2 billion more for education and $3 billion more for health (for the discretionary programs). It does not do all I wish it would do. For example, it does not adequately fund afterschool programs, health professions training, or educational technology as much as I would like, but it does address many important needs and I will vote for it.

I urge my colleagues to give it their strong support.

Mr. SPECTER. Mr. President, we are under very heavy time constraints because some of our Members are about to depart. On two personal notes, I had said earlier that I had recused myself from consideration of the funding for the National Constitution Center because my wife is the director of development there. I want to repeat that and include, again, a copy of a letter to Senator COCHRAN who took over on that issue as the next senior ranking Republican.

I have one other item on a personal note. Senator INOUYE for some time has urged the naming of a building for me, which I had resisted. After my wife heard about it and the grandchildren, I have succumbed to the majority vote on the naming of the building the National Library of Medicine.

In conclusion, I hope we will have a very strong vote in favor of this bill. This bill stretches about as far as it can and is about as low cost as it can be with the chance of getting the President's signature. This is only one step along the way toward conference, and we need a very strong vote in favor of this bill if we are to take care of the important funding, especially for not only worker safety but health and education.

I yield to my colleague.

Mr. REID. Will the Senator yield to this Senator?

Mr. HARKIN. Are we in our 10 minutes of time on which we had a unanimous consent agreement?

Mr. SPECTER. That time might have already been used. Why don't we proceed with Senator HARKIN's closing statement until Senators, who have planes to catch, arrive.

Mr. HARKIN. I yield such time as he may want to the majority whip.

Mr. REID. Mr. President, I state for the Record that the issue of class size reduction is of vital importance to everyone on this side of the aisle, as the case has been made very clear. There are going to be enough votes to pass this bill by virtue of the Democrats voting in favor of it, but we want to at this time alert the conferees that if they fail to adequately address this

matter, it will be extremely difficult to support this Labor-HHS conference report.

Further, the two managers of this bill have worked very hard. They have shown compassion, courage, and expertise in getting the bill to this point, and I congratulate and commend both of them for their diligent work.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank Senator REID for all of his support and his help and great work in moving this bill along. We appreciate it very much.

We have had a good debate, a long debate, a good exchange of amendments on this bill. We have had amendments that have been approved and rejected on both sides of the aisle.

I thank and commend my chairman, Senator SPECTER, for his leadership, his skill, and his persistence, his dogged persistence in managing this bill and getting it through. Senator SPECTER had tried time and time again during the long, hot, dog days of summer and coming into this fall, never giving up, always pushing us to get this bill up and get it through. Again, I commend him and thank him for his leadership and also thank Senator SPECTER and his staff for always working closely with us. I can honestly say that at no time were we ever surprised about anything. We have had a very good working relationship. We may not have always agreed on everything—that is the nature of things around here—but we always had a good, open, fair, and thoughtful relationship. I appreciate that very much on the part of my chairman.

This is always the toughest appropriations bill to get through. It was tough when I was chairman and Senator SPECTER was ranking member. Things have not changed a bit. This year was a greater challenge than ever. But I say to my colleagues on this side of the aisle, we have produced a very good bill—not just a good bill, a very good bill. It is not perfect. Maybe there are some things I would like to have seen different. Perhaps we can improve it a little bit in conference. But it is a very good bill.

Let me just give a few of the highlights of what we were able to accomplish in this bill:

First of all, an overall increase of $4 billion over last year; a $2.2 billion increase for education programs. That is $500 million more than the President asked for. So if anyone says we did not take care of education, they do not know what they are talking about, and I say that in all candor; $500 million more than what the President asked for.

A $2 billion increase for the National Institutes of Health—$2 billion last year, $2 billion this year, keeping our promised goal of doubling NIH funding in 5 years.

We have had a very important increase for community health centers, a $100 million increase for community health centers. Community health centers in rural areas and in some of our poorer areas of this country are the health care system for a lot of poor people in our country, and they are doing a great job. This bill has a $100 million increase for community health centers.

We maintain the funding for all the job training and worker protection provisions in the Department of Labor. We have over a $600 million increase for Head Start. Maybe I would like to see a little bit more, but it is good progress. We are moving in the right direction towards getting all 4-year-olds covered in Head Start programs.

The Dodd amendment almost doubles the child care development block grant to $2 billion for child care. That is very important.

We double the funding for afterschool programs. Again, I know how strongly Senator SPECTER feels about this. He authored a bill, the youth antiviolence bill, of which I am a cosponsor, taking care of these kids after school. We doubled from $200 million to $400 million the afterschool programs.

We raised the maximum Pell grant from $3,150 to $3,325, the highest it has ever been.

Let me cut to the quick. I know many of my colleagues on this side of the aisle have signed a letter expressing their concern over the lack of authorization of reducing class size. We have the money in there for it, but we do not have the authorization.

As I have said repeatedly, reducing class size is critical. I am personally disappointed that Senator MURRAY's amendment was not adopted. But I want to be very clear, though, that there is absolutely no inconsistency with signing that letter and voting for passage of this bill.

We vote to send bills with problematic issues to conference all the time around here. Maybe there is one little thing we do not agree with, but overall we agree with the major thrust of the bill, and we send it to conference.

Do not let the perfect be the enemy of the good. This is a good bill. We should send it to conference. If you are concerned about class size, the best and quickest way to have those concerns resolved is to vote the bill out and send it to conference. We will have a chance there to make improvements. If you still have problems after that, you can vote against the conference report.

But this bill is too important to the health, the well-being, and the education of the American people to kill it on the Senate floor. Everyone who votes for this bill can be proud of their vote, proud of the investments that we have made in the human infrastructure of this country.

Lastly, people have said there are a lot of gimmicks in this bill. There are no gimmicks in this bill. We advance funds because of the unique way that education is funded in this country. We do not pay it out until the next year anyway. So there are no gimmicks in this bill. This is straightforward. This is a sound bill. I strongly urge my colleagues to vote for this bill.

Again, I thank Senator SPECTER, his staff: Bettilou Taylor, Jim Sourwine, Mary Dietrich, Kevin Johnson, Mark Laisch, Jack Chow, and Aura Dunn for all of their hard work. I also thank my minority staff: Ellen Murray and Jane Daye; also my personal staff: Bev Schroeder on education; Chani Wiggins on labor; Sabrina Corlette on health; Katie Corrigan on disabilities; Rosemary Gutierrez on child labor; and, of course, my outstanding leader, legislative director, Peter Reinecke, for all of his hard work.

So again I urge my colleagues on this side of the aisle to give this bill their ''yes'' vote and send it to conference resoundingly because it is a good bill, and it is good for America.

I ask unanimous consent that several letters in support of passage of this bill be printed in the RECORD.

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

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE AND REFERRAL AGENCIES,
Washington, DC, October 7, 1999.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the Board of Directors and the more than 700 members of the National Association of Child Care Resource and Referral Agencies (NACCRRA), this letter urges the U.S. Senate to pass the FY2000 budget bill. NACCRRA appreciates the inclusion of a set-aside for child care resource and referral and school-age child care in the Child Care and Development Block Grant (CCDBG), even though we sought an increase in the CCDBG to provide more and improved services to children and families throughout the country.

NACCRRA especially thanks the Senate for including language for the Child Care Aware service in the budget bill. Child Care Aware is the only national hot-line for parents, families and community persons interested and involved in child care and early education to get connected to the CCR&R in their community. We continue to request inclusion of a funding amount for CCA: $500,000.

Thank you once again.

Sincerely,

YASMINA VINCI,
Executive Director.
EDNA RANCK,
Director of Public Policy and Research.

STUDENT AID ALLIANCE,
Washington, DC, October 7, 1999.

Hon. TOM HARKIN,
Ranking Member, Labor, Health and Human Services Subcommittee, Washington, DC.

DEAR SENATOR HARKIN: We write on behalf of the Student Aid Alliance—a coalition of 60 organizations representing colleges and universities, students, and parents—to thank you for your leadership in crafting a Labor-HHS-Education appropriations bill for FY 2000 that recognizes the need for increased investment in student aid programs.

Despite the constraints of a woefully inadequate 302(b) allocation and stringent budget caps, your bill will help maintain access to postsecondary education for low-income students. It clearly recognizes the need for sustained federal investment in proven student

aid programs. We appreciate the central role you have played in bringing about increases for student aid programs in FY 2000.

At the outset of this year's appropriations process, the Student Aid Alliance set important goals for student aid funding. As you will recall, we have advocated for a $400 increase in the maximum Pell Grant, substantial increases in campus-based aid (SEOG, Perkins Loans, and Work-Study), LEAP, TRIO, and graduate education programs. Your bill takes a step in the right direction toward achieving our funding goals.

During the final weeks of the Congressional session, we will continue to seek additional opportunities to help achieve the funding recommendations of the Student Aid Alliance. We hope that by working together we can build upon your good work to make even more funding available for your subcommittee's priorities.

Again, thank you for your work on behalf of all college students. We look forward to working with you as the appropriations process continues.

Sincerely,

STANLEY O. IKENBERRY,
Co-Chair.
DAVID L. WARREN,
Co-Chair.

MEMBERS OF THE STUDENT AID ALLIANCE

American Association for Higher Education
American Association of Colleges for Teacher Education
American Association of Colleges of Nursing
American Association of Colleges of Pharmacy
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of Dental Schools
American Association of State Colleges and Universities
American Association of University Professors
American College Personnel Association
American College Testing
American Council on Education
American Psychological Association
American Society for Engineering Education
American Student Association of Community Colleges
APPA: The Association of Higher Education Facilities Officers
Association of Academic Health Centers
Association of Advanced Rabbinical and Talmudic Schools
Association of American Colleges and Universities
Association of American Law Schools
Association of American Medical Colleges
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Career College Association
Council for Christian Colleges and Universities
Coalition of Higher Education Assistance Organizations
College and University Personnel Association
College Board
College Fund/UNCF
College Parents of America
Council for Advancement and Support of Education
Council for Higher Education Accreditation
Council of Graduate Schools
Council of Independent Colleges
Educational Testing Service
Hispanic Association of Colleges and Universities
Lutheran Educational Conference of North America
NAFSA: Association of International Educators
National Association for Equal Opportunity in Higher Education
National Association for College Admission Counseling
National Association of College and University Attorneys
National Association of College and University Business Officers
National Association of Graduate-Professional Students
National Association of Independent Colleges and Universities
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Association of Student Personnel Administrators
National Collegiate Athletic Association
National Council of University Research Administrators
NAWE: Advancing Women in Higher Education
National Education Association
The Council on Government Relations
The Council for Opportunity in Education
United States Public Interest Research Group
United States Student Association
University Continuing Education Association
Women's College Coalition

NATIONAL COALITION FOR CANCER RESEARCH,
Washington, DC, October 7, 1999.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Coalition for Cancer Research, a coalition of 25 national organizations of cancer researchers, patients, and research advocates dedicated to eradicating cancer through a vigorous publicly and privately-supported research effort; I want to thank you and your colleagues on the Labor-HHS Appropriations Committee for your strong support of the National Institutes of Health (NIH) with regard to the FY 2000 appropriations.

It is very important that the Senate make a strong statement regarding the continued commitment to double the budget of the NIH in order to sustain the momentum of this historic initiative. It is vitally important that the Senate pass this legislation in order to provide the necessary leverage to maintain the Senate's position in conference negotiations and to move this important legislation to the next process. Thank you for your strong support and consideration of this important issue.

Sincerely,

CAROLYN R. ALDIGE,
President.

NATIONAL ALLIANCE FOR EYE AND VISION RESEARCH,
Washington, DC, October 7, 1999.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: Thank you for your continued strong commitment to biomedical research demonstrated by the $2 billion increase provided for the NIH in the Fiscal Year 2000 spending bill moving through the Senate.

On behalf of the National Alliance for Eye and Vision Research (NAEVR), I urge you and your colleagues to hold firm to your commitment through the conclusion of the budget process in order to stay on track towards doubling the NIH budget by 2003. Your efforts have given renewed hope to millions of Americans afflicted with disease and disabling conditions that improved treatments and cures may be close at hand.

It is critical that the Senate pass the Labor-HHS-Education spending bill in order that the nation's commitment to biomedical research is not weakened in the negotiations to determine the final funding outcome for NIH.

Once again, thank you for your strong support and for your consideration of this important issue.

Sincerely,

STEPHEN J. RYAN, MD,
President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I will be brief because I know we need to go to final passage.

I must say that, amazingly, in a moment we are going to be voting on final passage of the Labor-HHS appropriations bill. I think this is the first time in 3 years that we have done that. I know we did not have one last year. I cannot recall for sure about 1997. I know we did in 1996. Regardless, this is the 13th and last of the appropriations bills. We are going to get to final passage. I hope it will pass.

I have to extend my congratulations to the chairman of the subcommittee, the Senator from Pennsylvania, and the Senator from Iowa. A lot of people thought we could not get it done, but here we are. I want to say a special thanks to PAUL COVERDELL, who acted as one of my assistants on this matter, working with the whip on our side, and HARRY REID, who did a great job. In fact, I had asked Senator COVERDELL if he would do this every week, and he has respectfully declined.

Having said that, following this bill—the last appropriations bill—there will be no further votes this evening, and no votes will occur on Friday of this week. In addition, the Senate will not be in session on Monday, in light of the Columbus Day holiday.

On Friday, the Senate will begin consideration of the Comprehensive Test Ban Treaty at 9:30 a.m. Obviously, this is a very important treaty, a very important matter, so I urge my colleagues to participate in the debate tomorrow. I think we have somewhere between 10 and 20 speakers who are going to speak on this tomorrow. I hope the Senators will watch it from their offices or review the debate that occurs on Friday.

This evening, the Senate will shortly begin the Agriculture appropriations conference report. Additional debate on that issue will occur this evening. Several votes will occur on Tuesday, October 12, beginning at 5:30. There could be one vote or more. I think it is very possible there could be a couple votes at that time on Tuesday dealing with the Agriculture appropriations conference report and possibly with the Comprehensive Test Ban Treaty.

So I thank all my colleagues for their cooperation. We have had a very successful week. We passed the FAA reauthorization, confirmed two judicial nominations, passed the foreign operations conference report. Now we are hopefully fixed to pass the Labor-HHS appropriations bill, and we will file cloture tonight, since it seems it is necessary, on the Agriculture appropriations conference report.

The bottom line: No further votes tonight; the next vote, 5:30 on Tuesday.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I have a good bit to say, but since colleagues want to get to the airport, I shall say it after the final vote takes place.

I yield the floor.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

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

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—73

Abraham	Gorton	Mikulski
Akaka	Grassley	Moynihan
Baucus	Gregg	Murkowski
Bennett	Harkin	Murray
Biden	Hatch	Reed
Bingaman	Hollings	Reid
Bond	Hutchinson	Robb
Boxer	Hutchison	Roberts
Breaux	Inouye	Rockefeller
Bryan	Jeffords	Roth
Burns	Johnson	Santorum
Byrd	Kennedy	Sarbanes
Campbell	Kerrey	Shelby
Chafee	Kerry	Smith (OR)
Cleland	Kohl	Snowe
Cochran	Landrieu	Specter
Collins	Lautenberg	Stevens
Coverdell	Leahy	Thompson
Daschle	Levin	Thurmond
DeWine	Lieberman	Torricelli
Domenici	Lincoln	Warner
Dorgan	Lott	Wellstone
Durbin	Lugar	Wyden
Feinstein	Mack	
Frist	McConnell	

NAYS—25

Allard	Brownback	Craig
Ashcroft	Bunning	Crapo
Bayh	Conrad	Edwards
Enzi	Hagel	Sessions
Feingold	Helms	Smith (NH)
Fitzgerald	Inhofe	Thomas
Graham	Kyl	Voinovich
Gramm	McCain	
Grams	Nickles	

NOT VOTING—2

Dodd	Schumer

The bill (S. 1650), as amended, was passed.

The text of the bill will be printed in a future edition of the RECORD.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I thank my colleagues on both sides of the aisle.

I ask unanimous consent when the Senate completes all action on S. 1650, it not be engrossed and be held at the desk.

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

Mr. SPECTER. Mr. President, I thank my colleagues on both sides of the aisle for the very strong vote in support of this bill. I thank my distinguished colleague, Senator HARKIN, ranking member, for his cooperation, for his leadership, and for his extraordinary diligence. We have had an extraordinary process in moving through this bill.

It is very difficult to structure funding for the Department of Education, the Department of Health and Human Services, and the Department of Labor which can get concurrence on both sides of this aisle. The bill came in at $91.7 billion. There have been some additions. It is hard to have enough spending for some, and it is hard not to have too much spending for others. I think in its total we have a reasonably good bill to go to conference.

The metaphor that I think is most apt is running through the raindrops in a hurricane. We are only partway through. We are now headed, hopefully, for conference. I urge our colleagues in the House of Representatives to complete action on the counterpart bill so we may go to conference.

We have already started discussions with the executive branch. I had a brief conversation with the President about the bill. He said his priorities were not recognized to the extent he wanted. I remind Senators that the Constitution gives extensive authority to the Congress on the appropriations process. We have to have the President's signature, but we have the constitutional primacy upon establishing the appropriations process at least to work our priorities. I am hopeful we can come to an accommodation with the President.

We have had extraordinarily diligent work done by the staff: Bettilou Taylor, to whom I refer as ''Senator Taylor,'' has done an extraordinary job in shepherding this bill through and taking thousands of letters of requests from Senators; Jim Sourwine has been at her side and at my side; I acknowledge the tremendous help of Dr. Jack Chow, as well as Mary Dietrich, Kevin Johnson, Mark Laisch, and Aura Dunn. On the minority staff, Ellen Murray has been tremendous, as has Jane Daye.

There is a lot more that could be said, but there is a great deal of additional business for the Senate to transact. I thank my colleagues for passing this bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask consent that the Senate proceed to the conference report to accompany the Agriculture appropriations bill, the conference report be considered as read, and immediately following the reporting by the clerk and granting of this consent, Senator JEFFORDS be recognized.

Mr. JEFFORDS. I object.

Mr. LOTT. In light of the objection, I now move to proceed to the conference report of the committee of conference on the bill (H.R. 1906) an act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1906), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

The motion was agreed to.

(The conference report is printed in the House proceedings of the RECORD on September, 30, 1999.)

Mr. LOTT. Mr. President, I ask consent following my remarks, Senator JEFFORDS be recognized.

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

Mr. LOTT. I say to the membership, if an agreement cannot be reached for a total time limitation that is reasonable, I will file a motion for cloture on the Agriculture conference report, and that a cloture vote will occur on Tuesday of next week at 5:30 unless a consent can be worked out to conduct the vote at an earlier time or unless something can be worked out to just have the vote on final passage.

I ask the Senator from Vermont if he is in a position to agree to a time limitation for debate at this time on the pending Agriculture conference report?

Mr. JEFFORDS. I believe I can't make that agreement at this time.

Mr. LOTT. I thank my colleague for his frankness. I understand his feeling about it. I know there are Senators on both sides of the aisle who have some

reservations about going forward with this bill. I know they can understand the need to move this very important bill on through the conference process and to the President for his signature.

CLOTURE MOTION

I send now a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 1906, the Agriculture appropriations bill.

Trent Lott, Thad Cochran, Tim Hutchinson, Conrad Burns, Christopher S. Bond, Ben Nighthorse Campbell, Robert F. Bennett, Craig Thomas, Pat Roberts, Paul Coverdell, Larry E. Craig, Michael B. Enzi, Mike Crapo, Frank H. Murkowski, Don Nickles, and Pete Domenici.

Mr. LOTT. I ask consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I ask consent that the cloture vote occur at 5:30 p.m. on Tuesday.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is now recognized.

Mr. JEFFORDS. Mr. President, it is with great disappointment and reluctance that I stand before the Senate to express my reasoning for opposing the fiscal year 2000 Agriculture appropriations bill. This bill provides funding for agricultural programs, research, and services for American agriculture. In addition, it provides billions of dollars of aid for farmers and ranchers throughout America who have endured natural and market disasters.

However, and most unfortunately, it neglects our Nation's dairy farmers. I understand the importance of funding these programs and the need to provide for farmers. However, dairy farmers throughout the country, drought-stricken farmers in the Northeast, have been ignored in this bill. Congress is willing to provide billions of dollars in assistance to needy farmers across the country. Dairy farmers in States are not asking for Federal dollars but for a fair price structure for how their products are priced.

Vermonters are generally men and women of few words. Given that the State's heritage is so intertwined with agriculture and the farmer's work ethic, whether fighting the rocky soil or the harsh elements, Vermonters have developed a thick skin. If Vermonters want advice, they will ask it. Until then, it is best to keep one's mouth shut.

Indeed, a Vermonter will rarely meet a problem with a lot of discussion but, rather, with a wry grin and perhaps a shrug. If there is a blizzard and the temperature is below zero, the Vermonter will most likely put on his boots and grab a shovel. Talking isn't going to make the snow melt, but hard work will clear a path so the mailman can get to the door.

A Vermonter will always speak his or her mind with the fewest words possible. President Calvin Coolidge was a native Vermonter to the core. A woman told Calvin Coolidge, that taciturn 30th President who hailed from Vermont, she bet she could get him to say more than two words. Coolidge thought a moment and then replied, ''You lose.''

Vermonters know I must speak my mind about the importance of protecting the farm families in our State. They expect me to be generous with my thoughts and expressions on just how critical the Northeast Dairy Compact is to Vermont. I will not let them down. The clock is ticking on the dairy compact and Federal order reform. Every moment is valuable.

As Governor Aiken, a true Vermonter, said:

People ask what's the best time of the year for pruning apple trees. I say, when the saw is sharp.

In other words, procrastination has no place in a Vermonter's mindset. Assuming every Vermonter owns a sharp saw, the best time to get to work pruning an apple tree is right about now.

America's dairy farmers need our help. Now is the time to help them. Congress has the tools and the means, so let us not procrastinate on protecting the future of one of our most important resources. The farmers in New England have a program that works. It is called the Northeast Dairy Compact. Because the dairy pilot program has worked so well, no fewer than 25 States have approved compacts and are now asking Congress for approval.

Unlike other commodities such as wheat, cotton, or soybeans, milk cannot be stored to leverage a better price from the market. Milk must be bottled and shipped to the grocery store as soon as it is taken from the cow. Because of the unique situation milk is in compared to other commodities and ensuring there is a fresh local supply of milk in every region of the country, Congress established a pricing structure to protect farmers and consumers. There have been several modifications of the 1937 Agricultural Marketing Adjustment Act over the years to comply with changes at the marketplace, but the structure of the Federal milk marketing orders is as solid and important both to farmers and consumers today as in 1937.

The Federal milk marketing orders have assisted dairy farmers in surviving the economy and weathering prices. The Federal milk marketing orders over the last 60 years have been, and continue to be, supplying the Nation with sufficient supplies of a wholesome product and at very reasonable prices. You ought to compare the prices over time with other things such as soft drinks and things such as that and you will realize what a deal you have. To those who say they do not understand them, who make fun of their seeming complexity, I can only reply: They work. Because they work, dairy is not looking for a bailout in the form of disaster relief; no.

But dairy farmers do need relief of a different kind. There is no need for the expenditure of money. The compact we need to have does not cost the Government money; it saves the Government money. It also brings about a calm structure to the pricing aspects. It protects the producers, protects also the manufacturers, and has worked out especially well for consumers, giving them an average price for their milk which is lower than the average in the country. Where commodity farmers are asking their Government for relief from natural and market disasters, dairy farmers are asking for relief from the promised Government disaster in the form of a fair pricing structure from the Secretary of Agriculture.

This chart, which I will have here in a moment, will demonstrate so those who can see it will understand better what I am talking about. What we are here about today is that, basically, we have a very reasonable request for the continuation of a compact which has worked for many years now, and is so good that, first of all, it has 25 States that have passed laws to have another compact. But, most importantly, it also, unfortunately I should say at the same time, is keeping farmers in business. For some reason or other, those up in the Midwest, who have this compulsion to believe they can provide the milk for the whole Nation if they just had the chance, they don't like it. Why? It is keeping the farmers in business and they want them out of business so they can take away their markets.

Second, you have people who do not like it—although those in the area who are using it like it very much—but others outside the area are very concerned about it; that is, those who buy the milk are concerned because they no longer have a monopoly or they are at the mercy of the market. Because when dairy sits there, it spoils, so you have to get it right away. If nobody takes it, it is not worth much. So the processors do not like this because they do not set the price. They do not have a monopoly.

How does it work? We put together a system for the dairy farmer up in northeastern Vermont. They worked out this arrangement. That is why Massachusetts, which has very few farms, and Rhode Island, agreed to join together, because they found out it would work out for their processors, it would work out for the consumers, and it would work out for the farmers. But dairy farmers do need relief of a different kind.

There is no need for an expenditure of money where commodity farmers

are asking for relief from natural and market forces. They are asking for relief in the form of a fair pricing structure from the Secretary of Agriculture. This chart says it all. I hope my colleagues remember, I had this chart before this body some time ago. It helps us get the necessary votes to show a majority understood. From this chart, which is the revenue loss resulting from the Federal USDA order proposed—that is 1–B—you can see why we are having such conflict and why we are having a difficult time getting the dairy bill through.

On this chart, those States in red are the ones that will lose under 1–B. The States in green are the ones that will gain. Guess where those are that will gain. They are in the upper Midwest. Everybody else in the country, with a few exceptions, loses. So what does the Secretary do? He sets up this scam way of approving the order by saying it is 1–B or disaster. How would you vote? Would you vote for 1–B or would you vote for disaster? Guess what. 1–B won, but was that the preference of the farmers? No. We have gone to court on that and the court agreed and said that was a farce. So there is a restraining order to stop the imposition of 1–B. But remember that chart because it shows why and what this is all about.

Unless relief is granted by correcting the Secretary's final rule and extending the Northeast Dairy Compact, dairy farmers in every single State will sustain substantial losses, not because of Mother Nature or poor market conditions but because of the Clinton administration and the few in Congress who have prevented this Nation's dairy farmers from receiving a fair deal.

Unfortunately, Secretary Glickman's informal rulemaking process developed pricing formulas that are fatally flawed and contrary to the will of Congress. The Nation's dairy farmers are counting on this Congress to prevent the dairy industry from being placed at risk, and to instead secure a sound future.

Secretary Glickman's final pricing order, known as option 1–B, which I just talked about, was scheduled to be implemented on October 1 of this year. However, the U.S. district court has prevented the flawed pricing system from being implemented by issuing a 30-day temporary restraining order on the Secretary's final rule. That will expire at the end of this month. Hopefully, it will be extended.

The court found the Secretary's final order and decision violates Congress' mandate under the Agriculture Marketing Agreement Act of 1937, and the plaintiffs who represent the dairy farmers would suffer immediate and irreparable injury from implementation of the Secretary's final decision.

The court finds the plaintiffs have a likelihood of success in their claim that the Secretary's final order and decision violates the AMAA by failing adequately to consider economic factors regarding the marketing of milk in the regional orders across the country.

Again, this chart shows why the court said we had better take another look at this. If this is what is going to happen with this order by the Secretary of Agriculture, that does not seem to be consistent with talking about the regions, making sure the regions are handled fairly.

The temporary restraining order issued by the U.S. district court has given Congress valuable additional time to correct Secretary Glickman's rule. We must act now. With the help of the court, Congress can now bring fairness to America's dairy farmers and consumers. Instead of costing dairy farmers millions of dollars in lost income, Congress should take immediate action by extending the dairy compact and choosing option 1–A for the Secretary.

The Agriculture appropriations bill, which includes billions of dollars in disaster aid, seems to be a logical place to include provisions that would help one of this country's most important agricultural resources without any cost to the Federal Government. Again, I repeat that over and over again—without any cost to the Federal Government. Giving farmers and consumers a reliable pricing structure and giving the States the right to work together, at no cost to the Federal Government—again, at no cost to the Federal Government—to maintain a fresh supply of local milk is a novel idea.

If you learn about agricultural problems in this country, you will realize much of the aid in this bill does not go for disasters of the kind of weather or whatever. It is low prices. So what is going to happen? The Federal Government is going to put up billions of dollars because the farmers did not get the price that they thought was fair. That is fine, but why in the world could you, then, deny the area of New England an order which helps them to keep their farmers in business and doesn't cost any money to the Federal Government?

That sounds like a convoluted way of running a system, but we may be getting used to it.

It is an idea towards which Congress should be working. Instead, a few Members in both the House and Senate continue to block the progress and the interest of both consumers and dairy farmers.

The October 1, 1999, deadline for the implementation of the Secretary's rule has come and gone, but with the help of a U.S. Federal district court, Congress still has time to act. We must seize this opportunity to correct the Secretary of Agriculture's flawed pricing rules and at the same time maintain the ability of the States to help protect their farmers without additional costs to the Federal Government.

Federal dairy policy is difficult to explain at best. I have been here 24, 25 years. When I was in the House, I was fortunate enough, or unfortunate as you might say, to be the ranking member on a subcommittee dealing with dairy. I point back to that time because that was the Watergate years. The reason I got that job was because there were not many Republicans left, and all of us received ranking jobs of some sort.

At that time, we had problems, and we have had problems every year I have been here. We finally have come across a program that works that will prevent the travesties we have witnessed over the years. I have seen it for 24, 25 years now, and I finally see there are programs that will work, programs that will keep us out of disasters, programs that will make us proud of agriculture and protect the consumers' costs and protect all the others who work with it. Why do we want to do away with it?

Federal dairy policy is difficult to explain at best. As a Member who has served many years, and during my years in the House, I worked very closely with dairy programs that impacted dairy farmers and consumers. The Federal Milk Marketing Program may be difficult to explain, but its intent is simple. The Federal milk marketing orders, which are administered by USDA, were instituted in the 1930s to promote orderly regional marketing conditions by, among other things, establishing a regional system of uniform classified pricing throughout the country's milk markets. Milk marketing policy is defined by the fact that milk is a unique commodity. It is not something such as grain which is put in a storage bin or put in a freeze locker or canned. When you want it, you want it fresh and you want to be able to drink it.

Fluid milk is perishable and must be worked quickly through the marketing chain and reach consumers within days of its production. That is why if a farmer goes to the person from whom he normally purchases milk and he says we don't want it, they are at their mercy: ''Well, we'll take it up $2, $3 less a hundredweight if you really want to get rid of it.''

Unlike other commodities, this means that dairy farmers are in a poor bargaining position with respect to the price they can obtain from milk handlers. In addition, persistent price instability, particularly when prices are depressed, serves to drive producers from the market and damage the market's ability to provide a dependable supply of quality milk to consumers.

We get this up and down. If there is too much, farmers go out of business; if there is too little, then farmers either come back or they put more cows out. The interesting thing is, if you look at the charts—consumers should be very interested in this—you will see a ratchet effect. Every time the price to the farmer goes down, the retail price stays up there because the processors keep it up there. The farmers lose and the consumers lose. That price should

go down if the demand goes down, but that does not happen. That is another reason why this compact has worked so well because it takes that ratchet situation out of the system.

Based on the Agriculture Marketing Agreement Act of 1937, the major objectives of the Federal milk marketing orders are as follows: to promote orderly marketing conditions for dairy farmers; to equalize the market power of dairy farmers and processors within a market and thereby obtain reasonable competition; to assure consumers of adequate and dependable supplies of pure and wholesome fluid milk products from the least costly sources; and to complement the efforts of cooperative associations of dairy farmers, processors, and consumers; and to provide maximum freedom of trade with proper protection of established dairy farmers against loss of the market.

For dairy farmers increasing production to adjust to market conditions is not a matter of sowing more seeds. Price stability is a key to dairy farmers' success. That makes sense to me and should make sense to anyone who values having a local supply of fresh milk available at their local market at reasonable prices.

Yet while the market order system is basically sound, it still needs improvement. It is for this reason that the Congress in the 1996 farm bill directed the Secretary of Agriculture to revise the pricing system.

This Congress has made its intention abundantly clear with regard to what is needed for the new dairy pricing rules. Sixty-one Senators and more than 240 House Members signed letters to Secretary Glickman last year supporting what is known as option 1–A for the pricing of fluid milk.

On August 4 of this year, you will recall the Senate could not end a filibuster from the Members of the upper Midwest but did get 53 votes, showing a majority of the Senate supports option 1–A and keeping the Northeast Dairy Compact operating. Most recently, the House passed their version of option 1–A by a vote of 285–140.

The House and Senate have given a majority vote on this issue. Thus, I was very hopeful that its inclusion would have been secured in the Agriculture appropriations bill.

This unified statement of congressional intent reflected the fact that the majority of the country and the dairy industry support option 1–A. It has a broad support of Governors, State departments of agriculture, the American Farm Bureau, and dairy cooperatives and coalitions from throughout the country. Even the Land-O-Lakes Cooperative in the upper Midwest supports option 1–A and the compacts.

You can imagine the surprise and disappointment of so many of my colleagues and dairy farmers around the country when Secretary Glickman instead chose option 1–B for the pricing structure for fluid milk. Simply stated, if this option is allowed to be implemented, it will put the future of this country's dairy industry at severe risk.

The pricing provisions of the Secretary's final rule will result in lower producer prices by as much as a $1/2 million a day and will unnecessarily force farmers out of business. Adequate local supplies of fresh milk in our region will then be threatened and consumers will pay higher prices for fresh milk which is transported great distances from other areas of our country.

I see my good friend from New Jersey is here. I am ready to go on at length. I expect he wants to express himself.

Mr. President, I yield the floor at this time.

Mr. TORRICELLI. Mr. President, I thank the Senator from Vermont for yielding. I thank him in behalf of the dairy farmers in New Jersey and agricultural interests in our State and region for his extraordinary leadership in what is a defining moment for those of us in the Senate as to whether or not we will stand with agriculture in the Northeast or the dairy farmers and the farmers who remain in our region of the country are simply to dwindle and die as did so many who came before them.

I could not feel more strongly about this issue at this moment in the Senate. As the Senator from Vermont, year after year I have come to this well—or in my service in the House of Representatives—as an American feeling the need and the pain of others who suffered from hurricanes in Florida, earthquakes in California, tornadoes in the Midwest, floods in the upper Northwest to get assistance to people in need.

Through the years, I voted for agricultural appropriation after agricultural appropriation because I understood the hard work of American farmers in our heartland and the difficulties they face in flood or in diseases to crops, whatever the problem might be.

You can imagine my surprise to find, when the State of New Jersey, New England, and the Mideastern States have suffered the worst drought in generations, that our farmers are not receiving the same consideration.

From June through August, in a normal year, the State of New Jersey would receive 8 inches of rain. This year, New Jersey received 2 inches of rain. Our reservoirs were severely drained. The crops of many fruit and vegetable growers were devastated with losses of 30 to 100 percent.

Yesterday, Senator SANTORUM noted that this legislation deals with the falling prices of crops in the Midwest and offers relief. He appropriately said: We wish we had falling prices at which to sell our crops.

The crops of New Jersey farmers are destroyed. Yet this legislation, which offers $8.7 billion in relief, goes largely for low crop prices in the South and to a lesser degree in the Midwest. Only 10 percent is for natural disaster assistance for the entire Nation.

Not only is it not adequate, it is an insult to the hard-working farmers in New Jersey and New England who have been devastated by the drought. In my State, 400,000 acres of farmland, on 7,000 farms, have sustained what is estimated to be up to $100 million worth of damage.

Secretary Glickman has estimated there could be $2 billion worth of damage in the entire Northeast. The Governors of our States, including Governor Whitman in my own State, have estimated it could be $2.5 billion. That was before Hurricane Floyd brought its own damage to North Carolina and New Jersey and other agricultural interests. This legislation offers but 10 percent—less than half, probably less than a third—of what the need really is at the moment.

It will surprise some around our country to understand why a Senator from New Jersey would take this stand attempting to block the entire agricultural appropriations for the whole Nation because of farmers in New Jersey.

New Jersey has not been identified as the Garden State by chance. Agriculture in New Jersey is a $56 billion industry. It is the third largest industry in the entire State. It matters. The nursery industry alone is a $250 million annual business. The sale of vegetables, such as tomatoes, peppers, and cucumbers, is a $166 million industry. And the sale of fruits, such as cranberries, peaches, and blueberries, is a $110 million business. Our field crops, such as corn, winter wheat, and soybeans, generate $66 million in sales while our dairy industry is a $41 million business.

This is not some ancillary problem in the State of New Jersey. It is the economic life of whole counties, entire communities, and thousands of people. At $8,300 for an average acre of land in New Jersey, our farmland is the most valuable in the Nation, growing 100 different kinds of fruits and vegetables for local and national consumption.

I take a stand against this legislation because I have no choice. I join with the Senator from Vermont because of the devastation of our agriculture industry but also because I share the Senator's deep concern for the future of dairy. The dairy industry was once one of the largest and most important in the State of New Jersey. There are now no more than 180 dairy farms left, with hard-working people in Salem, Warren, Sussex, and Hunterdon Counties.

I know if the Senator from Vermont does not get consideration for his dairy farmers, his dairy industry will become tomorrow what the dairy industry has come to be today—prices that do not sustain a quality of life and do not allow people to keep the land. Those dairy farms will be destroyed.

In the last decade alone, 42 percent of the dairy farms in New Jersey have been destroyed—beautiful lands that sustained families and communities and are now parking lots and shopping centers or simply vacant, idle land. The fact is, a dairy farmer today in New Jersey cannot get a price to sustain the costs of his business. Without

the compact that the Senator from Vermont is advocating, they never will. New Jersey dairy farms have experienced a 37-percent drop in the price of their product. It is not sustainable.

So I thank the Senator from Vermont for yielding the time. I pledge to return to this floor with him to fight for disaster assistance for New Jersey farmers who have lost their crops and need help—not a loan, because they cannot sustain a loan; they cannot pay interest on a loan. These are small family farms that simply need a Federal grant, a fraction of the kind of expenditures that will go to the South and the Midwest—a fraction—so they can plant their crops again in the spring and have a new crop next year to feed their families and feed our communities. For this dairy compact, we need to make sure these few remaining dairy farmers are not lost and the 20 percent of the fresh milk that goes to New Jersey families can continue to come from our own farms.

For those people who live in the urban areas of New Jersey and in suburban communities, who think they are far away from these dairy and agricultural needs, this remaining agricultural land in New Jersey must not be destroyed, because with every dairy farmer who goes out of business, every family farmer who has to sell their land, that open space is lost to suburban sprawl, and it affects the quality of life of every family in our State.

So I thank the Senator from Vermont for yielding the time. I pledge to return again and again with him to try to fight this legislation and, if by chance we should fail, to urge the President to veto it. I thank the Senator for yielding the time.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I commend the Senator from New Jersey for his very realistic look at this bill. I would like to emphasize that there is so much more than the ordinary disaster in here. It has nothing to do with hurricanes and the drought. And the billions of dollars for the Northeast, which had the drought and problems and all, have nothing to do with farmers. Not only that, the program they have—which costs no money and which has given security to the farmers and helped the consumers—will not go forward. They rejected our attempts to put it in there.

The Senator from Oregon, I believe, desires to speak on another matter. I would like to finish up with a few more remarks, and then I would be happy to yield. We may have one other Member coming over to speak on dairy. But I know he also supports this effort, and I appreciate that very much.

Let me remind my colleagues that unlike years ago, the Federal pricing program has essentially no Federal cost and no Federal subsidy. So here we are arguing for something to protect our farmers, to protect consumers, to protect the processors with a reasonable price, and we cannot get it approved, when billions of dollars are being spent in the disaster bill for nondisasters—except a lower price. That is a disaster, but it is not the kind of disaster we look to for protection by the Federal Government.

The overall loss to dairy farmers caused by the overall final rule is even more startling. We are back on 1–B, the one the Secretary of Agriculture jammed down the farmers' throats. Fortunately, the courts have put a stop to that.

The Secretary's final rule will drop the price paid for cheese by as much as 40 cents per hundredweight of milk. That is the way we look at how we reward the farmers for each hundredweight of milk. Dairy economists estimate that U.S. dairy farm annual income will fall in total by at least $400 million or more under the Secretary's final decision.

Who benefits from that? Do the consumers? No. There is no evidence whatsoever that they will benefit. Who will benefit? The processors, the ones that buy the milk. Their profits will go up. The farmers' profits will go down. And the consumer prices will go up. What we are trying to set up is a system where that does not occur. The Northeast is projected to lose $80 million to $120 million per year under 1–B. The Southeast loses $40 to $60 million. The upper Midwest will lose upwards of $70 million, even though, as the chart in red shows, they lose a lot less. In fact, they gain. On the other hand, most areas of the country will be better off under option 1–A, including the upper Midwest. Marginally increasing producer income in most regions of the country, option 1–A is based on solid economic analysis, benefiting both farmers and consumers. It takes into account transportation costs for moving fluid milk, regional supply and demand needs, the cost of producing and marketing milk, and the need to attract milk to regions that occasionally face production deficits.

In early August, dairy farmers were given the opportunity to vote for option 1–B or reject the Federal Milk Marketing Order Program. That is right. There were two choices given to dairy farmers: Either approve option 1–B or have no Federal order program. Which is it? It is not a surprise that the farmers overwhelmingly chose the lesser of two evils.

There was no sense to this. There was no reason to allow it to occur. Correcting the Secretary's final rule, as part of the Agriculture appropriations bill, would have prevented dairy farmers across the Nation from losing millions of dollars in income.

Let me also explain briefly, before I turn to my friend from Oregon, the votes were in the conference committee to put in what we are trying to do. They were there. However, what happened? Just as we were about to have that vote, people from processors and others came in, and the leaders who were behind this move were able to convince those Members not to vote for what we want here, which is basically real help to farmers and consumers.

With that, Mr. President, I yield the floor, at least until my good friend from Oregon has finished.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to take a few minutes tonight—Senator GRAHAM of Florida will be joining me, and Senator GORDON SMITH of my home State, my friend and colleague, will be joining me as well tonight—the three of us want to take a few minutes to talk about the important amendment we were able to have added to the HHS appropriations bill during the course of the last week.

In the beginning, we especially express our appreciation to Senator SPECTER and Senator HARKIN. They worked with the three of us and our staffs over the last week on this particular issue.

What our agricultural labor amendment does is require the Department of Labor to report to the Congress on how the Department plans to promote a legal, domestic workforce—specifically, to improve compensation, working conditions, and other benefits for agricultural workers in the United States.

Today's agricultural labor program is a disaster for both farm workers and for farmers. We have a system that is completely broken. Estimates are that well over half of the farm workers in this country are illegal. As a result of their status, they can have no power at all. They can't even vote. They are subjected to the worst possible conditions imaginable, horrendous housing, and, in many instances, thrown into the back of pickup trucks and moved by people called coyotes, who, for a profit, bring them from other countries. The conditions to which our agricultural workers are subjected in so many instances are nothing short of immoral.

At the same time, the growers, who have a dependable supply of workers to pick their crops, are also in a completely untenable situation, the growers who want to do the right thing. Senator SMITH and I represent a great many of those growers and farmers in our home State of Oregon, who don't know where to turn to find legal workers.

The General Accounting Office did a report a couple of years ago on the farm worker situation in our country. They said there really are enough farm workers, but they came to that conclusion only by counting the illegal farm workers in our country. Well over half of the farm workers in the United States are illegal. It is a situation that essentially turns those farmers, when they want to do the right thing, into people who have to make a choice as to whether or not they want to be felons

and not comply with the law or simply another individual in the bankruptcy line in our country.

To give you an idea how absolutely unacceptable this situation is, just this week I had berry farmers from my home State in Oregon telling me they had recently had meetings with the Department of Justice and the Immigration and Naturalization Service. They were told, in effect, how to work the system, but they weren't given any hope that what they were doing was within the law. In effect, the administration was telling the berry farmers in my State, with a wink and a nod, they should tolerate this system that is based on workers who can have no power and farmers who lack a system that is dependable and reliable so they can find legal workers.

In the last session of Congress, Senator GRAHAM, Senator SMITH, and I put together a bipartisan proposal to change this wholly unacceptable situation and produce a new system for dealing with agricultural labor that would be in the interest of both the farm worker and the farmer. Under our proposal, workers who were legal would get a significant increase in their benefits. Just how significant was documented in a report done for us by the Library of Congress, October 21, 1998. At page 2 of that report, it states specifically that the Library of Congress found that under our proposal—it received 67 votes in the Senate—the legal farm worker would get significantly higher wages, under what the Senate voted for. In addition, there would be benefits for housing, transportation, a variety of benefits that are so critical to the farm workers.

But after 67 Members of the Senate voted for our proposal, the administration said: It is unacceptable. We are going to veto it. It is not good enough. We have other ideas.

At that time, Senator SMITH, Senator GRAHAM, and I entered into a series of discussions with the Clinton administration asking them for their plan on how to produce this system that would address the legitimate concerns of both the farm workers and the growers. We have been at that for more than a year.

I see our good friend Senator GRAHAM coming to the floor, and I will yield to him in just a moment.

Senator GRAHAM, Senator SMITH, and I have been at the task of trying to get from the administration their plan to deal with agricultural labor for more than a year. We told them, if they don't like our proposal—67 votes in the Senate; the Library of Congress said it will produce higher benefits, wages, improved transportation, and improved housing for so many legal workers—since it wasn't good enough for the Clinton administration, we would like to see their proposal. We decided we would, in the spirit of comity and a desire to get an agreement with the executive branch, wait for their proposal.

We are still waiting to this day. The administration remains on the sideline to this day, unwilling to come forward with any specific ideas that would be in the interests of both the workers and the growers. Just this week, they told the berry farmers in my home State—and we do a lot of things in Oregon well; frankly, what we do best is grow things; our farmers are very important to our State—the administration basically told them, just wink and nod at the rules that are out there today.

In December of 1998, Alexis Herman, Secretary of Labor, sat in a meeting in Senator GRAHAM's office with Senator GRAHAM, Senator SMITH, and myself. Alexis Herman told us, three Members of the Senate, that the administration would give us a specific proposal for dealing with this agricultural labor situation by the end of February 1999.

No such proposal has ever been delivered. In a moment, I am going to yield to my friend from Florida because he has essentially laid out a timeline that demonstrates how many times we have tried to get the administration off the sidelines and to join us in a bipartisan effort to produce a system that would work for the farm worker and for the grower.

By its inaction, the administration is perpetuating a system that is a disaster for both the farm worker and the farmer. It is a system that is totally broken—a system that has condemned the vast majority of farm workers to some of the most terrible and immoral conditions imaginable. It is a system that has made it impossible for the farmers who want to do the right thing to know where to turn.

In the last Congress, Senator GRAHAM, Senator SMITH, and myself brought a legislative proposal that would change that, which the Library of Congress said would produce a significant amount of additional benefits for the legal farm worker. The Clinton administration said that wasn't good enough, and we have waited and waited for their ideas.

Well, tonight, as a result of the action taken in the Labor-HHS bill, we are calling, as a matter of law, on the Clinton administration to give us their plan as to how to produce a legal domestic workforce, which would have improved compensation, improved working conditions, and improved benefits that those farm workers are entitled to as a matter of simple justice.

So I am hopeful that we will get the administration off the sidelines soon. I am hopeful that they will do what they promised to do well over a year ago.

If the Senator from Vermont is willing, I would like to break my remarks off at this point and allow the Senator from Florida to speak for a few minutes. We want to be courteous to our colleague from Vermont because he is dealing with an issue of great importance to him. We will be brief.

I ask unanimous consent that a memorandum be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 21, 1998.

[Memorandum]

To: The Honorable Ron Wyden; Attention: David Blan.
From: American Law Division.
Subject: Agricultural Labor Proposal.

In your letter of October 15, 1998, you asked for a memorandum comparing the basic federal protections available to farm workers with the protections that would have been extended to farm workers under the proposed conference agreement to the Commerce State Justice bill/H2A provision. The letter stated that you are ''especially interested in whether the agricultural labor proposal before the Appropriations Conference Committee would have offered farm workers, and particularly the more than 99.5% of U.S. farm workers who work on non-H-2A farms new or expanded benefits compared to current law.''

The proposal would have required the Secretary of Labor to establish state and regional registries containing a database of eligible United States workers seeking temporary or seasonal agricultural jobs, in order to inform those workers of available agricultural jobs and to grant them the right of first refusal for available jobs. Basically, farmers would have to apply to the registry for U.S. workers, and hire all referred U.S. workers, before they could seek nonimmigrant alien temporary agricultural workers under the immigration program known as ''H-2A.'' Agricultural employers could not import any workers unless the registry failed to refer a sufficient number of registered workers to fill all of the employer's job opportunities. Therefore, the employer could only acquire as many imported workers as would be needed in addition to those U.S. workers referred.

The proposal would have had an impact on domestic farm workers in addition to its effect on alien workers. The general legislative scheme was to condition the right of an agricultural employer to request and hire temporary alien workers on the employer's requirement, first, to seek domestic workers from the registries maintained by the Labor Department, and, then, to extend the protections granted to H-2A aliens under the proposal to all workers in the same occupation on the same farm. Under the proposal, agricultural employers seeking domestic and foreign workers through the registries were required to assure that they would not refuse to employ qualified individuals, and would not terminate them unless there were ''lawful job-related reasons, including lack of work.'' Employers were also required to comply with the following specific assurances.

WAGES

Under current law, agricultural employers, unless they are exempt as small farmers, must pay the applicable minimum wage and overtime rates under the federal Fair Labor Standards Act (FLSA) or 1938, as amended. 29 U.S.C. §§201–19. Under that law, farm workers must receive the greater of the applicable federal or state minimum wage.

Under the conference agreement, the employer must pay the greater of the prevailing wage in the occupation or the adverse effect wage rate to the workers. The employer using the registry must provide assurances that the wages and benefits promised to the workers hired from the registry would be provided ''to all workers employed in job opportunities for which the employer has applied [from the registry] and to all other workers in the same occupation at the place of employment.''

MIGRANT WORKER PROTECTION

Under current law, agricultural employers who hire migrant and seasonal workers must

comply with the provisions of the Migrant and Seasonal Agricultural Worker Protection Act (MSWPA). 29 U.S.C. §§1801–72. The MSWPA, however, does not cover any temporary nonimmigrant alien authorized to work in agriculture employment under the H–2A program. See 29 U.S.C. §1802(8)(B)(ii).

Under the proposal agricultural employers were required to comply with all applicable federal, state, and local labor laws, including laws affecting migrant and seasonal agricultural workers, for all United States workers as well as all alien workers on the farm.

HOUSING

Under current law, employers have no responsibility to provide housing or housing assistance to their workers. Under the Migrant and Seasonal Agricultural Worker Protection Act (MASWPA), any person who owns or controls housing must comply with substantive federal and state safety and health standards applicable to that housing. 29 U.S.C. §1823.

Under the conference proposal, employers are required to provide housing at no cost to all workers in jobs for which the employer has applied to the registry, and to all other workers in the same occupation as the place of employment, if the workers' permanent place of employment is beyond normal commuting distance. The employer may provide a housing allowance as an alternative.

WORKERS COMPENSATION

Under current law, workers compensation coverage is exclusively a subject of state law, which may not cover all agricultural employees, especially those considered casual or temporary.

Under the proposal, the employer was required to provide insurance coverage providing benefits equivalent to those under state law, at no expense to the worker, for any job that was not covered by the state workers compensation law.

HEAD START

Under current law, migrant employees find barriers to participation in Head Start programs.

Under the proposal, the Migrant and Seasonal Head Start Program would have been established, removing barriers to participation by the children of migrant farmworkers.

TRANSPORTATION

Under current law, employers are not obliged to provide transportation to workers. If transportation is furnished, the employer and any farm labor contractor must comply with the motor vehicle safety requirements of the MSWPA. 29 U.S.C. §1841.

Under the conference proposal, a worker who completed 50 percent of the period of employment would be reimbursed for transportation expenses to the job, and a worker who completed the period of employment would be reimbursed for the cost of transportation back to the worker's permanent place of residence.

ENFORCEMENT OF LABOR LAWS

Under current law, labor laws are enforced primarily by the U.S. Department of Labor and by the responsible state labor enforcement agencies.

Under the proposal, the Secretary of Labor was required to establish an expedited complaint process, including a written determination of whether a violation has been committed within 10 days of the receipt of a complaint.

Workers on farms where the employer did not seek workers through the Labor Department registry would not have been affected by the proposal. Agricultural employers who hire migrant and seasonal workers must comply with the provisions of the Migrant and Seasonal Agricultural Worker protection Act (MSWPA). 29 U.S.C. §§1801–72.

In conclusion, the proposed agricultural registry program would have required farmers to extend the protections of the federal migrant and seasonal worker law to all workers in the same occupation on the site. The proposed agricultural employment bill could well have expanded employment protections for U.S. workers beyond current law. If an agricultural employer applied to a registry and found enough U.S. workers for some or all of the available job opportunities, then those U.S. workers would have been entitled to the enhanced wage, housing, transportation, and other benefits and protections made applicable to all employees in the same work on the same site.

Mr. WYDEN. I am going to yield the floor at this time.

Mr. JEFFORDS. Mr. President, the Senator from Maine has a brief statement to make on the bill that we are talking about. I know the Senator from Florida has a brief statement, and I have no objection to the Senator from Florida leading. I also thank my friend from Oregon for his remarks about a very serious topic.

I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I thank my colleagues from Vermont and Maine for their always courteous generosity, and my colleague from Oregon, with whom I have been working so closely for approximately 2 years-plus now on this important issue.

There is one thing I believe we can agree on, and that is that the status quo of agricultural farm workers in America is unacceptable. It is unacceptable to have somewhere between 35 and 50 percent of all of our migratory farm work done by people who are here illegally. It is unfair to the individuals involved because it puts them in the shadows of our society.

If I may, I will state a personal experience. Immediately after Hurricane Andrew, which hit south Florida in August of 1992, there was great concern about communicable diseases such as cholera; therefore the Public Health Service wanted to inoculate the whole population against the potential of these diseases. There is a substantial migrant farm worker population that lives in the southern part of our State, and many of those people refused to come forward to be inoculated, nor would they allow their children to be protected against communicable diseases because they live in such a dark shadow because of their undocumented status. They were fearful that if they came forward, even with firm promises and commitments by the Public Health Service that they would not be reported for any other purpose, they were still not willing to take the risk. So they put themselves, their families, and the entire community at risk. That is one anecdote of the degree to which, by our acceptance of the status quo, we have placed hundreds of thousands of people into a status of servitude and in the dark closet of our society.

We also have placed honest farmers in an extremely difficult situation. They are frequently presented with documents that appear to be credible. They hire people to do necessary work during the brief period that is available to harvest the crops, and then they find out later that these people had fraudulent documents, were undocumented, and that they might be subject to various sanctions.

We also know that because of the current system, we have farm workers—both those who are legal citizens or residents of the United States, as well as those who are undocumented—living in horrendous circumstances of housing, being transported in vehicles that don't meet basic safety standards, being placed in a position where their salaries are held each week in order to pay off previous debts, and they live in conditions that are reminiscent not of the 21st century but of the 17th or 18th century. These people are doing extremely difficult work, work that is vital to our Nation and vital to our Nation's economy. They deserve better from us, the policymakers of America, than we have done for them in the past.

One thing we also know, in addition to the fact that the status quo is unacceptable, is the status quo will continue until we decide that this issue is important enough to engage in a serious debate in which we can analyze what the problems are with the status quo, and what the range of solutions to those problems are, and which of those solutions appear to be most appropriate. And it is regarding that which the Senator from Oregon has mentioned that we have had a series of efforts to try to elicit from the administration their plan.

Now, why have we focused so much on the administration? Well, first, they happen to have a unique perspective on the problem, since they are responsible to the Department of Labor, and, secondarily, the Department of Agriculture, for the implementation of the status quo. Therefore, they should be in a specially advantaged position to analyze and recommend alteration to the status quo.

We also know in this form of government we have that while the legislature's responsibility is to enact law, the President, because of his role and because of his constitutional veto authority, plays a key position in terms of legislation and the law.

So beginning in June of 1997, we have been meeting with representatives of the administration, heads of departments, as well as representatives of the White House. Senator WYDEN and myself, sometimes accompanied by others, have met face-to-face, occasionally by conference telephone call, and occasionally by correspondence with the administration on 12 separate occasions between June of 1997 and May of 1999.

Each one of those had a common theme: What is your proposal? What is your diagnosis of the problem? What is your prescription against this problem?

As of today, in early October of 1999, we have yet to receive a credible response to that question.

Thus, the amendment that was accepted to the bill we have just adopted directs the administration to submit to the Congress such a plan. It is my hope that the administration will do so with a sense of expedition. I hope within a period of 60 or 90 days we receive its recommendations so that, if not at their first session of the 106th Congress, then at the earliest point in the second session of the 106th Congress, we would be in a position to have the administration's views as to how this very vexatious problem could be resolved.

I might say that the fact we have made this request, and have made it now for the better part of 30 months, is not an indication that we are going to desist until we have heard the administration's plan. While we would like to have their guidance and suggestions, we consider it to be our ultimate responsibility, as we did in 1998 when we presented to the Senate and the Senate adopted by a margin of well over 2 to 1, the proposal that we submitted. We will continue to take effective action to keep this issue on America's agenda because we cannot tolerate a continuation of the status quo which places hundreds of thousands of human beings into a position of servitude and which places hundreds of thousands of legitimate farmers in a position in which they must operate at the fringe of the law when what they want to do is to be law-abiding citizens.

Before this 106th Congress concludes, I hope we will have had the wisdom to reject the status quo and to have adopted humane, effective public policy which will erase the stain of the status quo of American farm workers, which will have lifted this cloud of illegality from American farmers, which will assure standards of treatment that we as fellow human beings would consider to be dignified and respectful for other human beings, and that we can move forward with a new era in America agriculture.

I appreciate the work of my colleague from Oregon. I also commend our other colleague from Oregon, Senator GORDON SMITH. It is an outstanding example of the people of Oregon who have sent to us these two Members of the Senate, who happen to be from different parties but understand their ultimate commitment is to America and to what is best for this great Nation. They are giving us, in this case, as in other areas, an example of what bipartisanship means and what bipartisanship can accomplish. For that, as well as for their friendship, I extend my gratitude.

The PRESIDING OFFICER. The Senator from Maine.

Mr. JEFFORDS. Mr. President, I know my good friend from Maine is desirous to speak, and I certainly appreciate that.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I thank the Senator.

Mr. President, I rise today in opposition to the Agriculture conference report. I rise in strong opposition to the conference report.

First, I wish to commend my colleague from Vermont, Senator JEFFORDS, for his leadership, for his perseverance, for his hard work and determination on behalf of all the small dairy farmers, not only in his State of Vermont but in the State of Maine and throughout New England. I thank him. I commend him for the extraordinary effort he has displayed and exhibited throughout this process.

It is only regrettable that those members of the conference committee in resolving the differences between the House and the Senate on the Agriculture conference report did not recognize the position that has been held by all of us who represent the New England States for the Northeast Dairy Compact. That is why I rise in strong opposition to the Agriculture appropriations conference report because it does not extend a reauthorization of the Northeast Dairy Compact.

This issue is a States rights issue more than anything else. Quite simply, it addresses the needs of the States in the Northeast, and most specifically those in New England, that have organized in a way that we can allow fair prices for locally produced supplies of fresh milk.

All the legislatures have approved the compact in New England, and in the Northeast, and all that is required is the sanction of Congress to reauthorize this compact. The compact has protected New England farmers against the loss of their small family dairy farms and consumers against the decrease in the fresh supply of local milk. The compact has proven to be an effective approach to address farm insecurity. The compact has stabilized the dairy industry in this entire region and has protected farmers and consumers against volatile price swings.

As I say, we are talking about small dairy farmers. In my State of Maine, the farmer has an average of 50 cows on their farm. They are trying to preserve a way of life, a way of life that has been there for families for generations. We are trying to protect them through this dairy compact.

All we are asking from this Congress is a reauthorization so we can extend this way of life to small dairy farmers—not agribusiness, not big business, not co-ops, just small dairy farmers who want to produce milk so they can sell it to the consumers in my State of Maine, to Senator JEFFORDS' State of Vermont, and within the New England region.

Over 97 percent of the fluid milk market in New England is self-contained. Fluid milk markets are local due to the demand for freshness and high transportation cost. So any complaints raised from other parts of the country about unfair competition is quite disingenuous.

All we are asking for is a continuation of the Northeast Dairy Compact, the existence of which does not threaten or financially harm any other dairy farmer in the country—not any other dairy farmer in the country. It is to help our dairy farmers within New England, to help the consumers, to help a way of life. The Northeast Dairy Compact currently encompasses the New England States and only applies to fluid milk sold on grocery store shelves in the Northeast.

Only the consumers and the processors in the New England region pay to support the minimum price to protect a fair return to the areas' family dairy farmers and to protect a way of life important to the people of Northeast.

All six of the New England States have supported this through the acts of the legislature, and through all of their Governors, because each Governor has signed a resolution supporting the Northeast Dairy Compact.

Let me repeat. Every Governor and every State legislature in New England have supported the dairy compact. Republicans, Democrats, and Independents support the dairy compact through acts of the legislatures because they recognize how important this compact is to the small dairy farmers in the Northeast.

Under the compact, New England retail milk prices have been among the lowest and the most stable in the country. The opposition—again, we have heard it day in and day out—has manufactured arguments against the compact, saying that increased milk prices.

Let's look at dairy prices over the past few months around the country for a gallon of fresh milk. The price in Augusta, ME, ranged from $2.89 to $2.99 per gallon from February to April of 1999; in Boston, MA, the market price stayed perfectly stable at $2.89 from February to April of 1999; the price in Seattle ranged from $3.39 to $3.56 over the same time period. Washington State is not in the compact. Yet their milk was approximately 50 cents higher per gallon than in the State of Maine. The range in Los Angeles was from $3.19 to $3.29; in San Diego, the range was from $3.10 to $3.62. California is not in the compact. Las Vegas prices were $2.99 all the way up to $3.62 in that time period; not much price stability there. And then Nevada is not in the compact. In Philadelphia the range was $2.78 to $3.01 per gallon, not as wide a shift as Nevada but a much wider price shift than the Northeast Compact States.

That is why Pennsylvania dairy farmers want to join us. That is why Pennsylvania supports joining the compact.

Denver, CO, on the other hand, is not in the compact. A gallon of milk in Denver has cost consumers anywhere from $3.45 to $3.59 over the past few months, over one half a dollar more than in New England.

The Northeast Dairy Compact has not resulted in higher milk prices in

New England in spite of what the opposition has said, but milk prices are among the lowest in the country and are among the most stable.

Opponents also say consumers are getting a raw deal having to spend more on milk. Obviously, based on what I have said thus far in terms of prices around the country, this claim is inaccurate, as prices are among the lowest in the Northeast Compact area and reflect greater price stability.

Also, where is the consumer outrage from the compact States for spending a few extra pennies for fresh fluid milk so as to ensure a safety net for dairy farmers so they can continue in an important way of life. Where is that consumer outrage? It isn't in New England. I have not heard of consumer complaints in my State over the last 3 years as a result of this dairy compact, even in instances where milk prices might have gone up a few pennies because consumers support our dairy farmers. They realize that this pilot program is very important to a way of life, to the kind of milk they want in their region, and they are willing to support it. They recognize this dairy compact has been a huge success.

The Compact Commission sent out over $4 million in checks to Northeast dairy farmers this past month. That averages to over $1,000 for each dairy farmer—enough to help keep small family farmers in business and continue a historical way of life that is so important.

The Northeast Interstate Dairy Compact has provided the very safety net that we have hoped for when the compact passed as part of the Freedom to Farm Act, the omnibus farm bill of 1996. The dairy compact has helped farmers maintain the stable price for fluid milk during times of volatile swings in farm milk prices.

In the spring and summer months of 1997 and 1998, for instance, when milk prices throughout most of the country dropped at least 20 cents a gallon while consumers' prices remained constant, the payments to the Northeast Interstate Compact dairy farmers remained above the Federal milk marketing prices for class 1 fluid milk because of the dairy compact and I might add, at no expense to the Federal Government. The costs to operate the dairy compact are borne entirely by the farmers and the processes of a compact region.

Also, consider what has happened to the number of dairy farmers staying in business since the formation of the dairy compact. Another goal of the compact is to preserve a way of life of the small dairy farmer. It is now known throughout New England there has been a decline in dairy farmers going out of business. This is a clear demonstration that with the dairy compact, the dairy producers were provided a safety net, which is what we had hoped for. The results have been just that.

In addition, the compact requires the Compact Commission to take such action as necessary to ensure that a minimum price set by the commission for the region does not create an incentive for producers to generate additional supplies of milk. There has been no rush to increase milk production in the Northeast, as has been stated. Oh, we heard time and time again by the opposition that it would increase milk production.

We inserted in the compact legislation back in 1996 compensation producers that have been implemented by the New England Dairy Commission specifically to protect against increased production of fresh milk. That legislation in the 1996 farm bill required the commission to reimburse the USDA for any portion of the Government's cost of purchasing surplus dairy products that could be attributed to an increase in milk production in the Northeast in excess of the projected national average. This provision was included in the farm bill in response to critics' concern that the compact price would lead to overproduction of milk in the Northeast and thus cause Government purchases of surplus milk under the dairy support program to rise.

Between March and September of 1998, the commission placed $2 million in escrow in anticipation of a potential liability to USDA for surplus purchases. The commission ended up paying $1.76 million to the USDA toward the end of the fiscal year and returned unused escrow funds of $400,000 to the Northeast producers who did not increase milk production during fiscal year 1998.

I welcome anybody in this Chamber to cite any other commodity farm program that actually paid back the Federal Government money, that didn't cost the Government any money. I daresay there is no other instance of any other commodity farm program that actually reimbursed the Federal Government, that didn't cost the Government one dime—other than the New England Dairy Compact.

How can other regions of the country feel threatened by a Northeast Dairy Compact for fluid milk produced and sold mainly at home in our region of the country? This compact did what it said it would do: Preserve its way of life, create price stability; it didn't cost the Government money; it didn't increase production, and if it did in any small way, we reimbursed the Government so it wouldn't cost any money.

Despite what has been stated by the opposition, again there has been no additional cost to the Federal nutrition programs, no adverse price impact in the WIC Program—the Women's, Infants and Children Program—or the Federal school lunch and breakfast program. In fact, the advocates of the programs support the compact and serve on its commission.

It should be noted that in the farm bill conference in 1996, the Secretary of Agriculture was required to review the dairy compact legislation before implementation to determine if there was compelling public interest for the compact within the compact region. In August 9, 1996, and only after a public comment period, Secretary Glickman authorized the implementation of the dairy compact, finding that it was, indeed, in the compelling public interest to do so.

In addition, another mechanism for guaranteeing that this was in their interest, that it wasn't going to cost money to the Federal Government, the Agricultural Appropriations Act of 1998 directed the Office of Management and Budget to study the economic effects of the compact and especially its effect in the Federal food and nutrition programs. Key findings of the OMB study released in February 1998 showed that, for the first 6 months of the compact, the New England retail milk prices were 5 cents per gallon lower than retail milk prices nationally.

Also, a GAO study stated that the compact economically benefited the dairy producers, increasing their income from milk sales by about 6 percent, with no adverse effects to dairy farmers outside the compact region.

These were independent studies. We had OMB, GAO, we had every safety mechanism and precaution in this legislation, and it has demonstrated time and time again it is in the best interests of our small dairy farmers, not costing the Government money—in fact, to the contrary.

The consumers in the Northeast Compact area are showing their willingness to support this compact, to pay a little more for milk if the additional money is going directly to the dairy farmer. Because we are not talking about big corporate farms, we are talking about the small dairy farmer whose family has been in business 100 years, 150 years—generational. That is what they want to do—to maintain their families, to maintain a way of life, and to sell their milk to their local consumers.

Environmental organizations have supported dairy compacting as the compact helps to preserve dwindling agricultural land and open spaces that help combat urban sprawl.

I will ask unanimous consent to have printed in the RECORD a joint resolution from the Legislature of the State of Maine that was passed last spring. I have it here on this board. It shows strong support, on a bipartisan basis, in the Maine State Legislature, and how enormously important this compact is to the near 500 dairy farmers in Maine who produce annually over more than $100 million in the State of Maine, and how it is in the best interests of Maine's consumers and businesses that this compact be reauthorized. It is that important.

So we have Republicans and Democrats in the State legislatures, we have an independent Governor who supports it, we have everybody across the political spectrum who supports this dairy compact because they understand the value of it.

I also will ask unanimous consent to have printed in the RECORD a July 15, 1999, letter from Maine's Commissioner of Agriculture, who wrote:

I am writing to urge your continued support of Maine's dairy farmers. As you know there is legislation pending before Congress relating to the reauthorization of the Northeast Dairy Compact Commission, and reorganization of the Federal Milk Marketing Orders. These issues are of the utmost importance to Maine dairy farmers and the dairy industry and the infrastructure in this State as a whole.

We need only look at the recent volatility of milk prices to see the Northeast Dairy Compact has been a great success.

He goes on to say:

I cannot stress enough the importance of this issue to the Maine dairy industry.

I also will ask unanimous consent to have printed in the RECORD a September 29, 1999, letter from the Council of State Governments, Eastern Regional Conference, signed by Senators and Representatives and heads of the departments of agriculture of Maine, Connecticut, Delaware, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont.

These State elected officials from States all over the Northeast wrote:

The Northeast Interstate Dairy Compact, in setting minimum regional prices for milk, has been an essential stabilizing force with respect to the price that the northeast dairy farmers receive for the milk they produce. Because of its regional focus, it has been extremely successful in promoting adequate local milk production to meet the needs of consumers for fresh milk at an affordable price.

I am also submitting for the RECORD the Council of State Governments' resolution of August 11, 1999, in support of the reauthorization of the compact.

Last, I will ask consent to have printed in the RECORD a September 30 editorial from the Bangor Daily News in my State of Maine, which states:

The compact helps keep local farmers in business, not only through price support but also by keeping enough other farmers at work. That means a dairy infrastructure of grain dealers, truck drivers, and farm machinery salespeople will remain. And that means jobs where they are needed most, in the smallest towns whose residents cannot simply turn to alternative industries. This is not mere nostalgia for the bucolic past, but an immediate dollars and cents issue.

The editorial goes on to say:

Certainly there would be less support for the compact as it stood alone as the sole agricultural support states enjoyed. But the sheer number and variety of Federal programs for crops or for not growing crops, for research and marketing, for electricity, grazing water, etc., makes singling out this relatively small program seem more than a little short-sighted.

That raises an important point. We do not get any support. We do not get the kinds of subsidies that other parts of the country, other commodity programs, have received. Our dairy farmers work hard. They work hard for the sole interest of producing a small amount, so they can sell to their local consumers, to their neighbors, to their community, to their State. That is all they ever want.

This editorial goes on to say:

None of the Midwestern representatives so angry about the compact have suggested, for instance, that Congress end the millions of dollars spent on local farm research or cut the power lines at the Hoover dam.

Yet the dairy compact is in no sense different than these programs—or it is different only in the sense it helps farmers in this region rather than the usual pattern of helping farmers in the Midwest. Unless Congress has some hidden reason to single out punishment for New England dairy farmers, it should support the compact as a sensible part of our Nation's agricultural policies.

That is an important final point. As one who served 16 years in the House of Representatives, and now in my fifth year in the Senate, I have seen a huge disparity in our farm programs between the policies and programs providing support for the big, the very big, farmers, and the lack of support for the small family farmer, who is so indicative and characteristic of my State and I know the State of Vermont that my colleague, Senator JEFFORDS, represents. It is the small family farmer who just wants to survive, wants to go about doing his business each and every day. Yet we are not going to allow them to do that and to continue a way of life.

The pattern I have seen in these agricultural programs that are supported here in this conference report, time and time again over my 20 years, has been to the exclusion of the small family farmer and to the benefit of the big agribusiness in America. I say that is a travesty of justice. I say it is unfair. I say it is not right.

That is why this dairy compact is so important. Indeed, it is shortsighted on the part of the conferees who did not support the reauthorization in this conference report. It is shortsighted of those who are unwilling to give it their support once again, raising the most bogus of arguments, which we have dispelled. We have refuted all of their arguments, not just based on our hearsay alone, but we have had OMB studies, we have had GAO studies—by everybody's reckoning. We even have legislatures in all the New England States and in the Northeast that support this dairy compact, and the Governors. Can they be all wrong? Could they be misrepresenting their constituency? I say not.

I hope we can defeat this conference report. It simply is not right. It is simply not fair. I ask you to support the small farmers and the way of life they want to embrace, that they cherish, and that they want to sustain. We owe them that much.

Again, I thank my colleague from Vermont, Senator JEFFORDS, for doing yeoman's work on behalf of these small dairy farmers in his State and my State, throughout New England and the other States that want to join because they have seen the success of this compact over the last 3 years. It was a very effective and successful pilot program, and it deserves to be continued.

Mr. President, I now ask consent that the material I referred to be printed in the RECORD, and I yield the floor.

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

STATE OF MAINE JOINT RESOLUTION

Whereas, Maine has nearly 500 dairy farms producing milk valued annually at over $100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

Whereas, Maine is a member of the Northeast Interstate Dairy Compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of October 1999 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to ensure consumers of an adequate, local supply of pure and wholesome milk; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers and consumers; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved: That suitable copies of the Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

STATE OF MAINE, MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES

Augusta, ME, July 15, 1999.

Sen. OLYMPIA J. SNOWE,
Washington, DC.

DEAR SENATOR SNOWE: I am writing to urge your continued support of Maine dairy farmers. As you know, there is legislation pending before Congress relating to reauthorization of the Northeast Dairy Compact Commission and reorganization of the Federal Milk Marketing Orders. These issues are the utmost importance to Maine dairy farmers and the dairy industry and infrastructure in this state as a whole.

We need only look at the recent volatility in milk prices to see that the Northeast Dairy Compact has been a great success. The Compact was designed to provide dairy farmers with a safety net against huge drops in prices. While much of the rest of the country saw recent reductions in prices by up to one third, the blow to dairy farmers of the northeast, while substantial, was cushioned by the

floor price established through the Compact. The Compact worked! For many Maine dairy farmers, the Compact has been the difference between existence and extinction.

There is no question that the Federal Milk Marketing Orders needed reform. Consolidation of orders and updating of standards and definitions was long overdue. However, adoption of the pricing changes to the different classes of milk as proposed by USDA will have enormous impacts for Maine dairy farmers. Even by the most conservative estimates produced by USDA, farm income in the northeast will decrease $84 million dollars per year under the new proposed pricing system. Most estimates indicate the loss to farmers will be in excess of $100 million dollars.

Pending legislation would reauthorize the Northeast Compact (along with authorization of a Southern Compact), require USDA to adopt the so called 1–A option of pricing class I milk and require USDA to hold rulemaking hearing on pricing of class III milk. I urge your continued support and hope you will encourage uncommitted colleagues to support the Jeffords/Leahy amendment legislation. I can not stress enough the importance of this issue to the Maine dairy industry.

Please contact me with any concerns or questions you have regarding these important matters.

Sincerely,

ROBERT W. SPEAR,
Commissioner.

COUNCIL OF GOVERNMENTS,
Septembver 29, 1999.

Re: Northeast Interstate Dairy Compact.

The Northeast Interstate Dairy Compact, in setting minimum regional prices for milk, has been an essential stabilizing force with respect to the price that northeast dairy farmers receive for the milk they produce. Because of its regional focus, it has been extremely successful in promoting adequate local milk production to meet the needs of consumers for fresh milk at an affordable price.

As you know, the Dairy Compact is due to expire on October 1, 1999. Twenty five states, including all of those in the Northeast, have adopted the Dairy Compact. If it is not reauthorized, the resulting volatility in milk prices will cause regional dairy farmers to suffer devastating financial consequences. Therefore, we urge you to promote the extension of the Northeast Dairy Compact, as well as ratification of the Southern Dairy Compact, by Congress in an effort to secure the financial future of our region's dairy farmers.

In summary, we believe prompt action is necessary on both of these matters that are so critical to maintaining he viability of the region's agriculture industry and, thereby, our overall economy and quality of life. The financial losses endured by our farmers are substantial and immediate. We respectfully request that you and your Congressional colleagues from the Northeast support the measures we are proposing and promote regional solidarity to assist the struggling northeast farmers.

Please feel encouraged to contact any of the signatories below or our staff in the Council of State Governments' Eastern office with responses to this letter and any recommendations for immediate follow-up action.

Sincerely,

Representative Jessie G. Stratton, Co-Chairwoman, Joint Environment Committee, CT.

John F. Tarburton, Secretary, Department of Agriculture, DE.

Representative V. George Carey, Chairman, Environment & Natural Resources Committee, DE.

Senator John M. Nutting, Co-Chairman, Joint Agriculture, Conservation & Forestry Committee, ME.

Jonathan Healy, Secretary, Department of Agriculture, MA.

Stephen Taylor, Commissioner, Department of Agriculture, Markets & Food, NH.

Assemblyman William Magee, Chairman, Assembly Agriculture Committee, NY.

Representative Italo Cappabianco, Minority Chairman, Agriculture & Rural Affairs Committee, PA.

Ken Ayars, Chief, Division of Agriculture & Marketing, Department of Environmental Management, RI.

Representative Douglas W. Petersen, Co-Chairman, Joint Natural Resources & Agriculture Committee, MA.

Assemblywoman Connie Myers, Vice-Chair, Agriculture & Natural Resources Committee, NJ.

Representative Thomas E. Armstrong, Member, House Agriculture & Rural Affairs Committee, PA.

Senator William Slocum, Minority Chairman, Senate Agriculture & Rural Affairs Committee, PA.

Leon C. Graves, Commissioner, Department of Agriculture, VT.

COUNCIL OF STATE GOVERNMENTS,
EASTERN REGIONAL CONFERENCE,
Burlington, VT, August 11, 1999.

REAUTHORIZATION OF THE NORTHEAST INTERSTATE DAIRY COMPACT AND THE RATIFICATION OF A SOUTHERN COMPACT

Whereas, the Northeast Interstate Dairy Compact has maintained a successful track record of stabilizing the price dairy farmers receive for the milk they produce and has created a beneficial partnership between consumers and dairy farmers; and

Whereas, it is in the best interest of the general public to perpetuate our existing dairy industry and insure the continuance of local production to adequately meet the demand of all consumers for fresh milk at an affordable price; and

Whereas, dairy compacts have received the support of diverse coalitions, representing state and local governments, consumers, environmentalists, land conservation interests, financial institutions, equipment and feed dealers, veterinarians, the tourism industry, and agricultural organizations; and

Whereas, compacts are complimentary to the Federal Milk Marketing Order System, which provides the basis for orderly milk marketing through a uniform federal minimum pricing structure; and compacts take into account regional differences in the cost of producing fluid milk, and therefore permit a more localized determination of milk prices, allowing the compact to work in concert with the Federal Order System; and

Whereas, there has recently been a drop in the Basic Formula Price of $6 cwt, emphasizing the volatility that exists within the dairy industry; and

Whereas, the Constitution of the United States expressly authorizes the states to enter into interstate compacts with the approval of Congress and twenty-five states have passed legislation seeking authority to enter into an interstate dairy compact; and

Now, therefore be it *Resolved*, That, we request that the 106th Congress of the United States take immediate action to reauthorize the Northeast Interstate Dairy Compact and ratify a Southern Compact.

[From the Bangor Daily News, Sept. 30, 1999]

MILK AND MONEY

As a strict measure of its faithfulness to letting the market choose winners and losers, the Northeast Interstate Dairy Compact fails entirely. As policy for promoting economic diversity, food safety and open space, however, it is an important program for the region.

The compact helps dairy farmers by guaranteeing a minimum price for milk. Though it has cost consumers approximately 15 cents per gallon since 1996, it returns to them at least that much value through other means. As members of Congress debate the future of the compact—which was set to end tomorrow but has been postponed by a judge's ruling Tuesday—they should keep in mind that their decision affects far more than a few small farmers.

The compact helps keep local farms in business not only through the price support but also by keeping enough other farmers at work. That means a dairy infrastructure of grain dealers, truck drivers and farm machinery salespeople will remain. And that means jobs where they are needed most, in the smallest towns whose residents cannot simply turn to alternative industries. This is not mere nostalgia for the bucolic past, but an immediate dollars and cents issue.

Having a healthy dairy industry is far more useful and considerably less expensive to Maine taxpayers than sitting by and watching these farms go under, then setting loose its retraining programs and hoping for the best. On a national level, the compact prevents an overdependence on a few large Midwestern sources for this important and highly perishable food. And it gives New England states more local say on controversial issues such as bovine growth hormone.

Certainly, there would be less support for the compact if it stood alone as the sole agricultural support states enjoyed. But the sheer number and variety of federal programs for crops or for not growing crops, for research and marketing, for electricity, grazing and water, etc., makes singling out this relatively small program seem more than a little short-sighted. None of the Midwestern representatives so angry about the compact have suggested, for instance, that Congress end the millions of dollars spent on local farm research or cut the power lines at the Hoover Dam.

Yet the dairy compact is in no sense different than these programs—or it is different only in the sense that it helps farmers in this region rather than the usual pattern of helping farmers in the Midwest. Unless Congress has some hidden reason to single out for punishment New England dairy farmers, it should support the compact as a sensible part of the nation's agricultural policies.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will be finishing quickly. I would like to point out—exactly where the Senator from Maine left off—why we are here. It may be a little confusing why we are involved in a conference report, but it was pointed out in the farm bill of 1996, we got agreement that we should run a pilot program in New England of a very exciting idea, of a compact where the States would get together and handle the problems of their dairy farmers by having an organized marketing system.

We would show this kind of a system where people from the States would sit down on a commission and make sure the price of milk was held at a level which would guarantee a supply of

fresh fluid milk, which is a basic part of agricultural law, and that the demonstration program would be reviewed when the milk orders were to be implemented.

What happened? Did the program work? That was the problem, it did. That is why we are here tonight because the program did work.

As the Senator from Maine pointed out, the opponents of this, in the Midwest in particular, were so confident it was going to fail, they went out and got the OMB, who they figured would be most friendly to them being of the administration, many Democrats—whatever, that is beside the point—but so certain were they that it would be a failure, they got OMB to do a study.

Lo and behold, what happened? The study came back, and the GAO later came back and said it worked great, it is a wonderful program. That is why 25 States now have said that ought to be a program in which they can get involved. Half the States in the country have already said it is a success. OMB said it is a success.

What is the problem now? Why? Because of the desire of those in the Midwest to take over and supply these areas with milk themselves and not the local dairy farmers, which helps make sure we have that fresh quality milk available, they decided they will put them out of business.

They cannot put them out of business because it is working. The processors, who have been used to setting the price themselves—in many cases there are one or two; there are not many processors, so when there is a good supply of milk, they can go to zero. That has stopped. It is working well.

The Department of Agriculture was not going to do the pilot program. We had to get it extended.

That is where we are. We wanted to extend it, and when we had one, at least we thought we had one in the conference committee that we would have approved because the majority in the House and Senate agreed it was a good program and ought to be extended, what happened? Forces came in and put pressure on Members and we ended up without a majority in the committee. Therefore, we got thrown out into the cold.

We are here to make sure this bill, which belonged on that conference report, that everyone seemed to agree to, goes forward. That is why we are now trying to hold up this bill to get action. We are not going to try to hold up the bill for the disaster payments. We will get into a further discussion of this whole bill and the stuff in it.

The one part that worked so well that does not cost any money and prevents disasters, we cannot get it put into law. That is why we are here. We are going to continue. We are going to fight as long as we possibly can to make sure the dairy farmers in our States, the family farms, the small, beautiful hillsides that have their nice wonderful cows will be there for people to look at, and we will have a fresh supply of milk from our local farms.

Hopefully, since it was such a successful program, the 25 States that have already passed laws through their legislatures to participate in the compact will have the wonderful opportunities that have been so successful in New England.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MORNING BUSINESS

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

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

CONFERENCE REPORT ON FOREIGN OPERATIONS APPROPRIATIONS

Mr. MCCAIN. Mr. President, I supported passage of the Conference Report on H.R.2606, the Foreign Operations Appropriations bill for Fiscal Year 2000.

Foreign aid programs, which constitute a mere one percent of federal spending, are an important and underappreciated component of United States foreign and national security policy. Passage of the annual appropriations bill for foreign operations is, consequently, an imperative. It is for this reason that I voted for its passage, and anticipate its being signed into law by the President.

Despite my support for passage of the Conference Report, this legislation is not without its flaws. While it includes essential economic and military assistance for Israel and Egypt, it contains none of the funding associated with implementation of the Wye River accords involving Israel, Jordan, and the Palestinian Authority. It is anticipated that such funding will be included in a supplemental appropriations bill at some point in the not-too-distant future, but I question the fiscal and political wisdom of budgeting in this manner. Smoke and mirrors rarely provide for sound budgeting practices or a coherent foreign policy.

I am also concerned about the continued inclusion in this legislation of unrequested earmarks and adds. While the Conference Report represents a vast improvement over the bill passed by the Senate in June, it still represents the legislature's continued refusal to desist from earmarking in spending bills. Such earmarks in the bill include $500,000 for what by any other name remains the Mitch McConnell Conservation Fund, $15 million for American universities in Lebanon, and a requirement to establish a $200 million maritime fund using United States commercial maritime expertise. The bill essentially mandates the establishment of an International Law Enforcement Academy in Roswell, New Mexico, thereby demonstrating yet again that fiscal prudence and operational necessity remain alien concepts to members of this body.

There are more examples, but I think I have made my point. As I have stated in the past, there is undoubtedly considerable merit to some of the programs for which funding is earmarked at the request of members of Congress. My concern is for the integrity of the process by which the federal budget is put together. Merit-based competitive processes ensure that the interests of the American taxpayer are protected, and that the most cost-effective approach is employed. Absent such procedures, I will continue to have no choice but to highlight the practice of adding and earmarking funds for programs and activities not requested by the respective federal agencies.

Finally, I must register my strong opposition to language in the bill prohibiting any direct assistance to Cambodia and requiring U.S. opposition to loans from international lending institutions for that impoverished country. Cambodia's election was not perfect; in fact, the months leading up to the vote were characterized by numerous efforts on the part of the Cambodian People's Party to intimidate its political opposition. Cambodia, however, is experiencing its first period of relative peace and stability in many years, and it is regrettable that some in the Senate remain committed to isolating the government in Phnom Penh during a time when we should be working within that country to strengthen democratic institutions while facilitating economic growth. Section 573 of the Conference Report, consequently, represents a significant impediment to our ability to help Cambodia move forward from an enormously painful past.

Despite these flaws, Mr. President, I reiterate my support for passage of the bill and request the accompanying list, be printed in the RECORD.

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000, AND FOR OTHER PURPOSES—DIRECTIVE LANGUAGE AND EARMARKS

BILL LANGUAGE PROVISIONS

Not less than $500,000 should be made available for support of the United States Telecommunications Training Institute;

$19.6 million shall be available for the International Fund for Ireland;

$10 million shall be available for the Russian Leadership Program;

$1 million shall be available for the Robert F. Kennedy Memorial Center for Human Rights;

Sense of Congress that the Overseas Private Investment Corporation shall create a maritime fund with total capitalization of up to $200 million. The fund shall leverage U.S. commercial maritime expertise;

REPORT LANGUAGE PROVISIONS

The Agency for International Development is ''encouraged'' to provide assistance for the

Morehouse School of Medicine to establish an International Center for Health and Development;

$250,000 shall be made available to the International Law Institute;

AID is directed to restore biodiversity funding, which benefits the agricultural and pharmaceutical industries;

$700,000 is earmarked for Historically Black Colleges and Universities for implementation of a distance learning program;

AID is directed to ''uphold its commitment'' to American Schools and Hospitals Abroad by providing at least $15 million for fiscal year 2000, with the money allocated to institutions operating in Lebanon;

The bill directs that $500,000 shall be provided for research, training and related activities in the Galapagos Islands. Usually referred to as the Mitch McConnell Conservation Fund, the money will likely be allocated for the Charles Darwin Research Station and the Charles Darwin Foundation;

$861,000 is earmarked for the Seeds of Peace program;

$5 million is earmarked for the Irish Peace Process Cultural and Training Program.

$19 million is earmarked for the International Fund for Ireland;

$10 million is earmarked for the Russian Leadership Program;

$3 million is earmarked for Carelift International to support social transition initiatives in Central Europe and the new independent states;

The Department of State is directed to take measures ensuring the establishment of the International Law Enforcement Academy of the Western Hemisphere at the deBremmond Training Center in Roswell, New Mexico;

$35.8 million is earmarked for the Global Environment Facility.

Total: $321 million.

RESEARCH AND EXPERIMENTATION TAX CREDIT

Mrs. FEINSTEIN. Mr. President, I rise to note that since June 30 of this year, the Research and Experimentation Tax Credit has, once again, been allowed to lapse. As this body considers whether to enact a so-called ''extenders'' package, I want to urge my colleagues to include and pass a permanent extension of the Research and Experimentation tax credit.

The research and experimentation tax credit provides business an incentive to fund development of the technologies of tomorrow by providing a tax credit for investments in research.

The research and experimentation tax credit is an important element in the creation of strong economic growth and rising productivity. Industry leaders have credited it with spawning private enterprise investments. It is especially important to the high-tech and emerging growth industries that are driving the California economy. And, because it creates jobs and spurs economic activity, the research and experimentation tax credit helps to increase the tax base, paying back the benefit of the credit.

Yet, despite its many benefits, for 18 years the research and experimentation tax credit remains, inexplicably, a temporary tax provision requiring regular renewal.

In fact, since 1981, when it was first enacted, the Research and Experimentation Tax Credit has been extended nine times. In four instances the research credit had expired before being renewed retroactively and, in one instance, it was renewed for a mere six months.

This is not a process which is conducive to encouraging business investment in the innovative industries—high technology, electronics, computers, software, and biotechnology, among others—which will provide future strength and growth for the U.S. economy.

Earlier in this decade California was faced with its severest economic downturn since the Great Depression. Today, the California economy is healthy and vibrant, and it is so in no small part because of the critical role played by innovative research and development efforts in nurturing new ''high tech'' industries.

Today the 150 largest Silicon Valley companies are valued at well-over $500 billion, $500 billion which did not exist two decades ago. Much of this growth is a result of ability of companies to undertake long-range and sustained research in cutting-edge technologies. Scores of California companies—and companies across the country—owe much of their success and growth to the incentive provided by the research and experimentation tax credit.

Research and experimentation is the lifeblood of high technology development, and if we want to continue to replicate the successful growth that has characterized the U.S. economy during this past decade it is crucial that we create a permanent research and experimentation tax credit.

For example, Pericom Semiconductor, located in San Jose, has expanded from a start-up company in 1990 to a company with over $50 million in revenue and 175 employees by the end of last year and is ranked by Deloitte Touche as one of the fastest growing companies in Silicon Valley. According to a letter I received from Pericom, utilization of the research and experimentation tax credit has been key to their success, enabling them to add engineers, conduct research, and expand their technology base.

Indeed, according to a 1998 study conducted by the national accounting firm Coopers & Lybrand, a permanent credit will increase GDP by nearly $58 billion (in 1998 dollars) over the next decade. The productivity gains from a permanent extension will allow workers throughout the Nation to earn higher wages, and the additional tax revenue created by these new jobs will help pay back the benefit of the credit.

Whether it is advances in health care, information technology, or environmental design, research and development are critical ingredients for fueling the process of economic growth.

Moreover, aggressive research and experimentation is essential for U.S. industries fighting to be competitive in the world marketplace. For example, American biotechnology is the world leader in developing effective treatments and biotech is considered one of the critical technologies for the 21st century. With other countries heavily-subsidizing research and development, it is critical that U.S. companies also receive incentive to invest the necessary resources to stay on top of breakthrough developments.

I recently received a letter from the CEO of Genentech, for example, in which he wrote:

> The R&D tax credit is especially important to Genentech and our patients. Our newest therapy, Herceptin, which is used to treat metastatic breast cancer, is a prime example. The early clinical trials for Herceptin showed that it was a somewhat effective treatment for metastatic breast cancer, but the results were not particularly robust. It was a classic case of a research project being ''on the bubble'' in terms of deciding whether to go forward into the most expensive phase of human clinical trials. However, because the value of the tax credit to Genentech directly means that we are able to move one additional drug candidate each year into clinical trials, we were able to move forward with the Phase III Herceptin clinical trial in late 1994. I dare say that without the R&D credit, Herceptin might well not have become a reality. Today, thousands of patients are receiving this important treatment.

I ask unanimous consent that the full text of the September 30, 1999 letter from Genentech Chairman Arthur Levinson be printed in the RECORD.

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

GENENTECH, INC.,
San Francisco, CA, September 30, 1999.

Hon. DIANNE FEINSTEIN,
Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR BOXER. On behalf of Genentech, I would like to thank you both for your long-standing leadership and support for the Research and Experimentation Tax Credit, more commonly known as the R&D tax credit. Once again, however, we find ourselves in the perilous position of the Congressional session quickly coming to an end without providing an extension of the credit, which expired on June 30, 1999. As you are well aware, the credit is critical to California's economy, as the high technology and biotechnology sectors count on the value of the credit to continue the economic expansion our sectors have enjoyed for the past few years.

The R&D tax credit is especially important to Genentech and our patients. Our newest therapy, Herceptin, which is used to treat metastatic breast cancer, is a prime example. The early clinical trials for Herceptin showed that it was a somewhat effective treatment for metastatic breast cancer, but the results were not particularly robust. It was a classic case of a research project being ''on the bubble'' in terms of deciding whether to go forward into the most expensive phase of human clinical trials. However, because the value of the tax credit to Genentech directly means that we are able to move one additional drug candidate each year into clinical trials, we were able to move forward with the Phase III Herceptin clinical trial in late 1994. I dare say that without the R&D credit, Herceptin might well not have become a reality. Today, thousands of patients are receiving this important therapy.

Clearly, Genentech is among the most research intensive companies in the world. In

1996, we invested $471 million, or 49% of our revenue, on research and development and have consistently devoted more than 30% of revenues to R&D in the subsequent years. But research is our lifeblood. It gives life to the ideas we test to treat serious, unmet medical needs. Our strong portfolio of products is a direct reflection of the ideas our scientists have brought from the lab to the patient. And, as evidenced by our exciting pipeline, I firmly believe the best of our science is yet to come.

Direct federal support for overall research has, for the most part, been declining for over a decade. While a long-term commitment to increasing funds available to the federal government for basic research is important, maximizing private industry innovation through a permanent R&D tax credit is perhaps the most cost-effective means of ensuring that high levels of private-sector investment will continue to be made.

Your leadership and commitment to the R&D tax credit, has resulted in great economic benefit for both our country and for California. I encourage you to, once again, redouble your efforts to extend the credit now so that greater economic benefits and new therapies can benefit all Americans.

I have attached a couple of op-ed pieces regarding the credit which I and others wrote, and which ran in the San Jose Mercury over the last two years. I look forward to continuing to work with you and your staffs in support of the R&D tax credit.

Sincerely,

ARTHUR D. LENINSON, Ph.D.,
Chairman and Chief Executive Officer.

Mrs. FEINSTEIN. Most biotech research and development efforts are long term projects spanning five to ten years, sometimes more. The uncertainty created by the temporary and sporadic extensions is incompatible with the basic needs of biotech innovation—providing companies with a stable time frame to plan, launch, and conduct research activities. In the case of a promising but financially intensive research project, such unpredictability can make the difference as to whether the project is completed or abandoned.

Anyone who has watched the growth of America's high tech sector in the past two decades—much of it in California—has seen first hand how research and development investment leads to new jobs, new businesses, and even entire new industries. And anyone who has benefitted from breakthrough products—from new treatments for genetic disorders to cleansing contaminated groundwater—has felt the effect of this tax credit.

Over the past two decades the research and experimentation tax credit has proven its worth in creating new technologies and jobs and in growing tax revenues for this country. It should not be imperilled by remaining a temporary credit, subject to termination because of the uncertainty of a given political moment. I urge my colleagues to work to make sure that any Senate tax bill contains a permanent extension for the Research and Experimentation Tax Credit.

INCREASING THE FEDERAL RESPONSE TO THE AIDS EPIDEMIC

Mr. KERRY. Mr. President, we are now entering the third decade of the AIDS epidemic and while we have made some progress in fighting this devastating disease, our federal response is still lacking.

More than 400,000 people have died of complications associated with acquired immunodeficiency syndrome since 1981. Last year, more than 54,000 new cases of AIDS were reported in this country. This trend is staggering and belies the misperception that somehow the AIDS epidemic in this country or abroad has abated. While it is true that therapeutic and treatment breakthroughs have led to longer and more productive fulfilling lives for those living with HIV, and that the death rate from AIDS has fallen in recent years, the fact remains that this epidemic has no cure and the rate of new infections has not slowed.

But these are days of great hope, Mr. President, in the fight against AIDS. During the years of inaction by the Reagan and Bush Administrations during the 1980s, we entered the second decade of the epidemic on a much different note: treatments were few, toxic and largely ineffective; training of physicians in the care of patients with HIV was incomplete, uneven and erratic; discrimination and abuse of people living with AIDS in housing, employment and medical care was rampant and abhorrent. It was difficult to have much hope as we entered the 1990s.

But this decade has seen great promise. We have made significant strides. No longer an immediate death sentence, AIDS has lost some—but certainly not all—of its social stigma. In that dark dawn of the epidemic, Mr. President, who would have believed that we would see a decade in which two Miss Americas would be AIDS activists, touring the country and speaking out on AIDS prevention and care? In the early 1980s, who would have believed that we would have an Office of AIDS Research at the National Institutes of Health, that funding for the Ryan White program would increase by 260 percent, or that funding for AIDS research would increase by 67 percent?

And yet, Mr. President, the rumbling of the epidemic has not been stilled. In the early 1980s, who would have believed that some African countries would have 25 or 35 percent infection rates, or that an entire generation of gay men in the United States would be lost? Who would have believed that infection rates would continue at staggering paces at the same time leading voices would declare the epidemic over? Have we truly become victims of our own success?

I certainly hope not, for as Tony Kushner wrote at the end of his monumental play, Angels in America, ''great work remains to be done.''

Until we have an AIDS-free day in America, I will not become complacent. As ranking member of the Housing subcommittee, I know that great work remains to be done in finding shelter for people living with AIDS. I was pleased that my colleague from Missouri, Senator BOND, and my friend from Maryland, Senator MIKULSKI, were able to answer my request positively to increase funding by $7 million for the Housing Opportunities for People With AIDS program in the VA–HUD and Independent Agencies appropriations bill for fiscal year 2000. This money is crucial as people living with AIDS have a fundamental need for adequate and safe housing. I will continue to work with all of my colleagues to keep the HOPWA program sufficiently funded.

Great work remains to be done on HIV prevention. We are lacking in our commitment to adequately fund the Centers for Disease Control in their anti-HIV efforts. Until a cure is found, we must ensure that the federal government issues information widely which is accurate, blunt and unequivocal. Prevention efforts work, Mr. President. I have seen the work of the AIDS Action Committee in Boston and I can tell you that their innovative programs are working to slow the spread of AIDS. Unlike the increase in funding which the National Institutes of Health has received, the CDC's prevention efforts have remained at roughly the same level in the past few years. It was my hope that the appropriators would have recognized the unmet needs related to HIV prevention in this country and it is my fear that the failure to keep pace with that need portends a disaster.

For example, in this legislation as in other legislation this year, we again were subjected to the perennial ill-informed debate on the issue of needle exchange. I am dismayed that the Labor-HHS-Education appropriations bill will include language which deprives the Secretary of Health and Human Services from using her discretion based on science and empirical academic study to determine if needle exchange programs reduce the transmission of HIV without encouraging illicit drug abuse. This is bad public policy, when Senators act like scientists, and it is bad health policy. It is my hope that the conferees on this bill will restore the Secretary's discretion.

Great work remains to be done in combating AIDS abroad. We are a failure in our policy toward Africa. Our international efforts need to be bolstered to assist developing countries crippled by the effects of HIV disease. My distinguished colleague and friend from Vermont, Senator LEAHY, has been stalwart in raising the funding levels to fight AIDS abroad in the Foreign Operations appropriations bill and the Congress needs to follow his guidance by continuing to increase these levels. In addition, tomorrow I will introduce the Lifesaving Vaccine Technology Act of 1999 to spur research of vaccines to combat diseases which kill more than one million people every

year, and I will have much more to say on this topic at that time.

Great work remains to be done for hemophiliacs. There is perhaps no greater neglect by the federal government in responding to the AIDS epidemic than the ignoring of our hemophiliac population. On November 11, 1998 the Ricky Ray Hemophilia Relief Act was signed into law. The bill, authored by the Senator from Ohio, Senator DEWINE, received overwhelming bipartisan support, and I was proud to be an original co-sponsor of the bill. When it passed, hemophiliacs felt their thirteen year battle to be compensated for the lapse in regulation of our nation's blood supply was over.

In the early 1980s, it became apparent that HIV was being improperly screened, and HIV-tainted blood product was being distributed to patients across the country. At the time, there were 10,000 Americans suffering with hemophilia, an illness which requires regular infusions of blood clotting agents.

According to the Institute of Medicine's report on HIV and the Blood Supply, ''meetings of the FDA's Blood Product Advisory Committee in January, February, July and December 1983 offered major opportunities to discuss, consider, and reconsider . . . and review new evidence and to reconsider earlier decisions, [yet] blood safety policies changed very little during 1983.'' In effect, the report found the FDA was at fault for not responding to clear evidence of transmission dangers. As a result, more than sixty percent of all Americans with hemophilia were infected with HIV through blood products contaminated by the AIDS virus. Currently, more than 5,000 have died and more are dying each day. In my office, I have been visited by courageous hemophiliacs and when they leave, I never know if I will ever see them again. This population has been decimated, Mr. President, and the personal tragedy is unspeakable.

We must fully fund the Ricky Ray Relief Act. The Senate version of the Labor-HHS-Education bill appropriates $50 million out of the $750 million needed to fund the Ricky Ray Trust Fund, and that is certainly better than the inadequate level of the other body, but it is a far cry from the level needed by the hemophiliac community. Members of this community never anticipated the one-time compensation from the trust fund, intended to assist with staggering medical bills and improve the quality of their lives, would turn out to be a pay-out to their estates.

You need only to speak to some of my constituents, like Therese MacNeill. She will tell you, as a mom, the hardship she has experienced in coping with the tragedy of losing one son to AIDS and caring for another who is HIV-positive. Terri MacNeill will let you know in no uncertain terms why we must fully fund Ricky Ray to help families who for years were storing HIV-infected blood product in their family refrigerators next to the lettuce and milk, and now are struggling under mountains of medical bills.

Other countries have recognized the plight of hemophiliacs who were infected by poorly screened blood. Australia, Canada, Denmark, France, Italy, and Switzerland are just some of the countries which have established compensation programs. Sixty Senators signed on as co-sponsors of the legislation authorizing the establishment of the Ricky Ray Trust Fund. Now is the time to realize our commitment to the hemophiliac population on par with other countries as well as our own actions in authorizing the bill. I hope that when the appropriations conference committee meets on this bill, the funding levels for the Ricky Ray act are raised substantially.

Mr. President, let me conclude by saying that I am heartened by the response of my friends, the distinguished Senator from Pennsylvania, Senator SPECTER, and the able Senator from Iowa, Senator HARKIN, in crafting this legislation. They have risen to an incredible challenge in the funding of programs designed for AIDS care, research and treatment, and I remain committed to work with them during this year and next to finish some of the great work that remains to be done, especially in regard to HIV prevention programs and the Ricky Ray Trust Fund.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 6, 1999, the Federal debt stood at $5,654,882,997,504.81 (Five trillion, six hundred fifty-four billion, eight hundred eighty-two million, nine hundred ninety-seven thousand, five hundred four dollars and eighty-one cents).

One year ago, October 6, 1998, the Federal debt stood at $5,536,217,000,000 (Five trillion, five hundred thirty-six billion, two hundred seventeen million).

Five years ago, October 6, 1994, the Federal debt stood at $4,690,449,000,000 (Four trillion, six hundred ninety billion, four hundred forty-nine million).

Ten years ago, October 6, 1989, the Federal debt stood at $2,877,626,000,000 (Two trillion, eight hundred seventy-seven billion, six hundred twenty-six million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,777,256,997,504.81 (Two trillion, seven hundred seventy-seven billion, two hundred fifty-six million, nine hundred ninety-seven thousand, five hundred four dollars and eighty-one cents) during the past 10 years.

MOTIVES OF VOTE

Mr. SMITH of New Hampshire. Mr. President, a couple of days ago on the Senate floor, one of my colleagues, Senator LEAHY from Vermont, made some remarks regarding the possible motives of some of us who made a vote on a particular nominee, Ronnie White of Missouri to the Federal court. I want to read from the Senate manual what we all know as rule XVIIII. I want to indicate before reading that I do not believe Senator LEAHY violated that rule. That is not the purpose of bringing this up.

The rule says:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators—

Plural—

> any conduct or motive unworthy or unbecoming of a Senator.

That rule is very clear, and it is not very often throughout the history of the Senate that rule has been violated.

I want to quote what Senator LEAHY said on October 5 on the Senate floor after the vote on Ronnie White. He said:

> Mr. President, I have to say this with my colleagues present. When the full history of Senate treatment of the nomination of Justice Ronnie White is understood, when the switches and politics that drove the Republican side of the aisle are known, the people of Missouri and the people of the United States will have to judge whether the Senate was unfair to this fine man and whether their votes served the interests of justice and the Federal courts.

Then the Senator from Vermont concluded by saying:

> I am hoping—and every Senator will have to ask himself or herself this question—the United States has not reverted to a time in its history when there was a color test on nominations.

The reason why I say rule XVIIII was not violated in that case, I believe, although the Senator from Vermont may have walked up to the line—he did not cross it—is because he said ''I am hoping.'' I, therefore, will not make any contest at this point on that.

It concerned me deeply that those comments were made. I want to say for the record, and it is interesting because I spoke to at least a dozen colleagues who voted the same way I did, in opposition to this nominee—not that it matters—who did not even know what race Mr. White was. I didn't know. I had no idea, and I had numerous conversations about this nominee over the course of several weeks and months, as his nomination was pending. I never knew what his race was nor would I care because I wouldn't want to look, frankly. What difference does it make? It doesn't make any difference to me.

This went further than the Senate floor, which is quite disturbing. In the Washington Post today is in an article, ''Deepening Rift Over Judge Vote, Minorities Confirmed At a Lower Rate.'' That was the Washington Post story. Very prominently pictured in the article is a picture of Ronnie White, and in addition, Senators ASHCROFT and BOND. There is an implication there that I don't like.

In the article, we have Governor Mel Carnahan, who happens to be the opponent of Senator ASHCROFT in the election in Missouri for the Senate, who said:

''Judge White is a highly qualified lawyer and judge and the [death penalty] figures were manipulated by Senator Ashcroft to undermine him,'' Carnahan said.

Then it got a little worse from the Chief Executive of the United States of America. I want to point out, if President Bill Clinton were Senator Bill Clinton, and he said what I am about to read, in my view, he would have violated rule XVIIII. That is why I bring it up. Here is what the President said about all of us who voted against Mr. White's nomination:

Yesterday's defeat of Ronnie White's nomination for the federal district court judgeship in Missouri was a disgraceful act of partisan politics. The Republican-controlled Senate is adding credence to the perception that they treat minority and women judicial nominees unfairly and unequally.

That basically is a direct attack on all of us and our motives, basically accusing us of being—the implication is that we are racists, that we do not treat minorities fairly, and that we discriminate against women as well.

That came from the President of the United States.

I will also quote from an article in the Washington Times today in relation to J.C. Watts, the most prominent African American Republican in the Congress of the United States, who was also deeply offended, as he should have been, by these remarks. It is interesting what Chairman Watts of the House Republican Conference said. This is J.C. Watts talking:

''It is fascinating to me that racism often is defined, not by your skin color, but by your ideology,'' said Mr. Watts, the lone black Republican in the House, in a luncheon with editors and reporters at The Washington Times.

He said further:

Unless you're a Democrat. It's OK to do it to black Republicans, black conservatives. But don't do it to a black Democrat.

Then it is racial.

It really is troublesome to me that we create these barriers between us.

President Clinton said:

[By voting down] the first African American judge to serve on the Missouri State Supreme Court, the Republican-controlled Senate is adding credence to the perceptions that they treat minority and women judicial nominees unfairly and unequally.

But anyway, it is troubling to me that these kinds of things happen. I voted against the nominee because of his views on some issues. I spoke to this on the Senate floor on the same day. I am quoting myself now:

In the case of Justice White, who now serves on the Supreme Court in Missouri, he has demonstrated that he is an activist, and has a political slant to his opinions in favor of criminal defendants and against prosecutors. It is my belief that judges should interpret the law, and not impose their own political viewpoints.

That is why I voted against Ronnie White.

Prominent law enforcement people in Missouri were also opposed to him, and said so, as Senator ASHCROFT made very clear.

It is troubling to me that this issue raises its ugly head when somebody happens to be African American. I thought really we would get beyond this. It would have been nice if the President of the United States had said: Ninety-two percent of the minority nominations that have come through this Senate have been confirmed, most of them unanimously without even a recorded vote. It would have been nice if the President said that was pretty good on the part of this Senate, instead of singling out one who had not been confirmed for, I believe, good reason.

One of the things you find out in the Senate, if you stay here long enough, is that you probably have said something somewhere along the line you would like to take back. I am going to say up front regarding my colleague from Vermont, I do not impugn his motives, but it is interesting that Senator LEAHY did not vote to confirm Clarence Thomas. He voted against Clarence Thomas, a very prominent member of the Supreme Court who happens to be African American—a man I was proud to support. I did not hear the President mention any of us who voted for Clarence Thomas, an African American. The reason is very simple: Clarence Thomas is a conservative. That is the reason.

I would never impugn my colleague's motives for voting against Clarence Thomas. I assume he voted against Clarence Thomas because he was a conservative, he did not like his politics, did not like his views on abortion and other issues. I believe that.

I say, without any hesitation, if my colleague were here on the floor now, I would look at him and say: Absolutely, I believe you, that that is your motive, and no other motive.

There was also another vote in 1989 in committee, for a gentleman by the name of William Lucas. Lucas was President Bush's pick for Assistant Attorney General for Civil Rights. He happens to be African American. Lucas's nomination never got to the Senate floor. The vote in Judiciary was 7–7. The Senator from Vermont voted no. Again, I would never use the issue of race to say that was the reason for his vote. I would not even imply it.

So I think it is important that we move beyond this, stop this divisiveness, and give people the benefit of the doubt, and particularly Senator HATCH who so many times has brought nominees whom you and I—I would say to the Senator in the Chair, I myself have often disagreed with Senator HATCH on some of the nominations he has brought, but he has brought them forth I think probably more fairly than he should have in terms of the nominations he brings forth.

So to throw that blanket over 54 individuals who voted the way they did, or even to imply it, is unfortunate.

So I say, to set the record straight, I am going to vote against a person who I think is an activist, who does not represent the views that I believe should be on the court, no matter what the color, and, most frankly, without knowing the color if I can help it because I do not think it matters. It is unfortunate in this case that we came to that.

Mr. President, I want to touch on one other issue before we close up the Senate.

THE PANAMA CANAL

Mr. SMITH of New Hampshire. A few days ago, on October 4, I indicated that there were 88 days until the Panama Canal would be turned over to the Chinese—to the Panamanians and ultimately into the hands of the Chinese Communists. That was October 4.

Today is the 7th, so we have 87, 86, 85—we are down to 85 days before the canal is closed, will be turned over to the Chinese. I have a chart here on which I will put some stickers to cross those days off. The days go fast. I point out that we are going to see this canal in the hands of a nation that does not have positive feelings toward the United States—to put it as nicely as I can. So this is the flag of Communist China. So now 3 more days have gone by.

I recently addressed this issue of Panama and the impending turnover on October 4, a few days ago. Again, 3 more days have passed. The countdown continues. On December 31, this canal leaves the control of the United States and will come into the hands of the Chinese Communists.

In his book, ''The Path Between the Seas,'' David McCullough's history of the canal reminds us of its historic importance:

The creation of the Panama Canal was far more than a vast, unprecedented feat of engineering. It was a profoundly important historic event and a sweeping human drama not unlike that of war. . . .

Great reputations were made and destroyed. For numbers of men and women, it was the venture of a lifetime. . . . Because of it, one nation, France, was rocked to its foundations. Another, Colombia, lost its most prized possession, the Isthmus of Panama. . . .The Republic of Panama was born. The United States was embarked on a role of global involvement.

So while the United States has no assurances it may remain in Panama after December 31, despite overwhelming public opinion in Panama in support of a continued U.S. presence—we are going to be leaving—the Chinese firm of Hutchison Whampoa will be there in the ports of Cristobal and Balboa on both sides of the canal, having won, through what was widely regarded as a corrupt bidding practice, the right to lease the ports for 25 years and beyond. Both sides of the canal will now be in the control of the Chinese.

After the United States withdraws from Panama, December 31, there is no doubt that a security vacuum will be

created. Who is going to fill it? We have less than 3 months, 85 days, a very short window of time to try to work out a solution that is mutually acceptable to us and to the Panamanians.

Let us look at the status of the transition. What bothers me is that this administration is doing nothing to try to renegotiate those leases or to somehow talk with the Panamanians to try to get us to remain there. To date, we have transferred to the Government of Panama 57,000 acres—remember, we spent $32 billion building that canal—57,000 acres and 3,000 buildings controlled by our military, including schools, hospitals, houses, airports, seaports, roads, and bridges. It represents about 62 percent of the total property.

As of July 1 of this year, U.S. troop strength was down from 10,000 in February 1994 to a little over 1,200, so we are just about finished. All U.S. presence on the Atlantic side was terminated on 30 June with the transfer of Fort Sherman and Pina Range. The remaining 36,000 acres and 1,900 facilities will be transferred to the Government of Panama as follows: On the 28th of July, the Empire Range for the Army and the Balboa West Range for the Air Force will go. On the 13th of August, the U.S. Army mortuary—these are what has already happened—on the 17th of August, the Curundu Middle School; on the 1st of November, Fort Kobbe, Howard Air Force base, Farfan housing and radio site will go; Curundu Laundry; Fort Clayton, West and East Corozal; Building 1501, Balboa, and Ancon Hill communications site; and on December 31, the grand enchilada, the big prize, the Panama Canal itself, gone, without a whimper.

It troubles me this issue has not even entered the Presidential debate in this country. There is no one at the State Department or in the Defense Department or in the White House talking to the Panamanians about reopening the bidding process or renegotiating leases to try to get in there ahead of the Chinese company. As if to rub it in, to rub salt in the wound even more, the actual turnover is going to take place on December 10. Perhaps they advanced the date so it wouldn't interfere with our Christmas or New Year's Eve parties or maybe they were afraid of Y2K. Maybe they were afraid we would get stuck there.

The bottom line is, on December 10 we will turn it over, which is about 21 days earlier than we should. So I want to elaborate, again, on the significance of the canal to seapower, to our Navy, and to the importance of preserving both the spirit and the letter of the neutrality treaty.

I will now discuss the background of a controversial law in Panama known as Law 5.

President Teddy Roosevelt was a reader and admirer of Alfred Thayer Mahan, a gentleman regarded by many as the father of the modern American Navy. Mahan's book, ''The Influence of Sea Power,'' had a profound impact on Theodore Roosevelt. Mahan traced the rise and decline of past maritime powers and concluded that supremacy at sea translated into national greatness and commercial success. We are essentially an island or, more specifically, a peninsula nation. The Navy is very important to us.

Roosevelt, whose first published work was ''The Naval War of 1812,'' had read Mahan's book and understood its importance. It prompted him to be a strong advocate of constructing the canal, to be sure the United States would have easy access through the isthmus of Panama and into the Pacific from the Atlantic and vice versa.

In World War II, damage to the canal could have and would have delayed the buildup of our war efforts in the Pacific big time. I can't imagine what it would be like to not have been able to use the canal. It would have delayed the flow of supplies to Great Britain, the Soviet Union, the dispatch of essential war materials from South America to the United States, and on and on.

I am concerned that some officials in Panama might be somewhat naive about the canal's security and about world history. In June, the then Panamanian Foreign Minister disagreed sharply with General Wilhelm, head of SOUTHCOM, who had testified before the Senate Foreign Relations Committee that Panamanian security forces were undermanned and ill equipped to deal with growing threats from Colombian guerrilla incursions and drug traffickers. Panama's Foreign Minister at that time, Jorge Ritter, said the general's statements were inadmissible and argued that ''never have the U.S. military forces been here to guard our borders, and they have even less to do with the security of Panama, nor do they have anything to do with the security of the canal.''

Even more surprisingly, the Foreign Minister alleged that the growth of drugs in Panama did not begin with withdrawal of U.S. troops but, instead, grew while there were military bases in Panama.

Perhaps this gentleman, with all due respect, has forgotten what happened in 1989. During questioning before the Senate Foreign Relations Committee, Adm. Thomas Moorer, former Chairman of the Joint Chiefs of Staff, was asked if the 1977 treaty had been more helpful or more harmful to U.S. interests. Moorer's immediate response was that 26 soldiers had died in Operation Just Cause in 1989. Among the reasons for the military intervention—to thwart drug trafficking, to preserve democracy in Panama, and to defend the canal—26 Americans gave their lives. To have Mr. Ritter make those kinds of statements is outrageous.

Part of the Senate Foreign Relations Committee hearing testimony includes some interesting commentary on the background of Mr. Ritter. He was the president of the Panama Canal Authority. He was also the chief Panamanian negotiator who reportedly torpedoed the base talks in Panama. He was tied by the Panamanian press and outside press to the highest levels of drug cartels and served as Panama's ambassador to Colombia during the time that Manuel Noriega was doing business with the drug cartels in Colombia. He was Noriega's point man, bottom line.

It was also reported to the press that Ritter had issued a Panamanian ID card for Jorge Escobar, which was found on him when he died in Colombia in a shoot-out with law enforcement. I am not surprised that Mr. Ritter downplayed the importance of the canal and U.S. military base rights. It doesn't surprise me at all.

Hopefully, with the recent inauguration of President Moscoso, that attitude, as expressed by the former Foreign Minister, has changed. I hope it has. I am told that the new Panamanian President was planning to visit but, for whatever reason, I am not sure, canceled her trip. I had hoped to have the opportunity to meet with her. Hopefully, we will be able to do that at some point in the future.

I have been informed that, unlike her predecessor, President Moscoso would like to do business with the United States and would like to be above board with the negotiations. I wish her much success. I hope she realizes how important her actions are. It would be nice if some in the State Department and the administration would talk with her and encourage her in the next few weeks and months.

I also hope that it is not too late for her to weigh in on the decision about the leases at Cristobal and Balboa. I realize that would take a lot of political courage for her, but I hope she will give a thorough review of the bidding process, its known irregularities, and its compliance with both the spirit and the letter of the canal and neutrality treaty.

In conclusion, this Law 5 reportedly does the following: It gives responsibility for hiring new pilots for the canal who control the ships passing through the canal. It gives Hutchison Whampoa, the Chinese company, the right to possess Rodman Naval Station when it reverts to Panama this year. It gives the authority to control the order of ships utilizing the entrance to the canal and to deny ships access to the ports and entrances of the canal, if they are deemed to be interfering with Hutchinson's business operations. Contrast this with the explicit grant of expeditious passage in the 1977 treaty, which the Panama Canal treaty gave to the U.S. Navy.

Now we are seeing the Chinese Communists—and there are thousands of Chinese now in Panama. People say: Well, it is private business. There is no private business in China. It is all controlled by the government, whatever they do. So this is government business in China. It is Chinese Communist government in Panama by the Chinese. Law 5 gives the right to transfer unilaterally its rights to a third party to

any company or any country they select. This ought to be troublesome, and yet it is not even on the radar screen in the political debates around our country today.

Certain public roads could become private in a hurry, which could impact canal access.

This Hutchison Whampoa deal includes U.S. Naval Station Rodman, as mentioned previously; U.S. Air Station Albrook; Diablo; Balboa, a Pacific U.S.-built port; Cristobal, an Atlantic U.S.-built port; the island of Telfers, strategically located adjacent to Galeto Island, a critical communications center.

Telfers Island is said to be the future home of a Chinese work in progress, an export zone, called the ''Great Wall of China'' project.

I cannot understand how we can ignore this presence into the Western Hemisphere. Monroe would turn over in his grave. The Monroe Doctrine said that foreign European nations, and other nations around the world, should stay out of the Western Hemisphere. Yet, here they are.

Law 5 is subservient to the 1977 treaty. But if we fail to notice the discrepancies and fail to act upon those discrepancies, or to point out there are potential compliance problems, then we lose the opportunity to respond.

As I said before, I don't have the easel here now, but it's 84 more days. We will come back next week, and I will come back with the chart and it will be 79 days, or whatever it happens to be. But as each day ticks off, another day goes by—another day we haven't talked to President Moscoso and we haven't tried to reopen the negotiations, and we are another day closer to turning the Panama Canal not over to the Panamanians, but to the Chinese Communists—and not a whimper from anybody in the State Department, or the President, the Defense Department, Presidential campaigns, or anywhere. So the days are getting short. I think that I have an obligation to tell the American people, on a day-to-day basis—remind them—about what is going on.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 7, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 559. An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building.''

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–5528. A communication from the Deputy General Counsel, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Federal Bureau of Investigation, Criminal Justice Information Services Division Systems and Procedures'' (RIN1105–AA63), received October 4, 1999; to the Committee on the Judiciary.

EC–5529. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program; Procedures and Fees for Processing Map Changes; 64 FR 51461; 09/23/99'', received September 30, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5530. A communication from the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5531. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Safety of Nuclear Explosive Operations'' (AL 452.2A), received October 4, 1999; to the Committee on Energy and Natural Resources.

EC–5532. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs transmitting a draft of proposed legislation entitled ''Veterans Programs Improvement Act of 1999''; to the Committee on Veteran's Affairs.

EC–5533. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Enrollment-Provision of Hospital and Outpatient Care to Veterans'' (RIN2900–AJ18), received October 4, 1999; to the Committee on Veteran's Affairs.

EC–5534. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the 1998 biennial report of the Committee on Equal Opportunities in Science and Engineering; to the Committee on Health, Education, Labor, and Pensions.

EC–5535. A communication from the Commissioner of Social Security transmitting a draft of proposed legislation entitled ''Civil Monetary Penalty Extension Act of 1999''; to the Committee on Finance.

EC–5536. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 99–49), received September 27, 1999; to the Committee on Finance.

EC–5537. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Customer Service Program'' (Announcement 99–98, 1999–412 I.R.B.—, dated October 18, 1999), received October 4, 1999; to the Committee on Finance.

EC–5538. 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 ''Ethalfluralin; Reestablishment of Tolerance for Emergency Exemptions'' (FRL #6383–2), received October 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5539. 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 ''Tebuconazole; Extension of Tolerance for Emergency Exemptions'' (FRL #6386–4), received October 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5540. A communication from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Acquisition Regulation: Part 415 Reorganization; Contracting by Negotiation'' (RIN0599–AA07), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5541. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements for Fresh Avocados'' (Docket No. FV99–915–2 FR), received October 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5542. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Bartlett Pears Grown in Oregon and Washington; Increased Assessment Rate'' (Docket No. FV99–931–1 FR), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5543. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Vidalia Onions Grown in Georgia; Decreased Assessment Rate'' (Docket No. FV98–955–1 FIR), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5544. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modification of Procedures for Limiting the Volume of Small Red Seedless Grapefruit'' (Docket No. FV99–905–4 IFR), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5545. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Egg, Poultry and Rabbit Grading Regulations'' (Docket No. PY–99–904), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5546. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rule-Revision of Regulation for Mandatory Inspection (Flue-Cured Tobacco)'' (Docket No. TB–99–07), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5547. A communication from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions'' (RIN0563–AB74), received October 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5548. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, a report relative to the DoD annual financial audit of the uses of the Superfund; to the Committee on Environment and Public Works.

EC–5549. 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 Implementation Plans; Indiana'' (FRL #6452–6), received September 30, 1999; to the Committee on Environment and Public Works.

EC–5550. 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 Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District and South Coast Air Quality Management District'' (FRL #6448–5), received October 4, 1999; to the Committee on Environment and Public Works.

EC–5551. 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 ''Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6448–5), received October 4, 1999; to the Committee on Environment and Public Works.

EC–5552. 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 ''Technical Support Document for the Evaluation of Aerobic Biological Treatment Units with Multiple Mixing Zones'', received October 4, 1999; to the Committee on Environment and Public Works.

EC–5553. 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 ''USEPA Region 2 Draft Interim Policy on Identifying EJ Areas; June 1999; Parts I, II and III'', received October 4, 1999; to the Committee on Environment and Public Works.

EC–5554. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Changes, Tests, and Experiments'' (RIN3150–AF94), received October 4, 1999; to the Committee on Environment and Public Works.

EC–5555. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Moundsville, WV; Docket No. 99–AEA–11 (9–29/10–4)'' (RIN2120–AA66) (1999–0319), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5556. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Raton, NM; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–11 (9–29/9–30)'' (RIN2120–AA66) (1999–0317), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5557. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Perry, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–15 (9–29/10–4)'' (RIN2120–AA66) (1999–0321), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5558. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Class D Airspace; Bullhead City, AZ; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–AWP–8 (9–20/10–4)'' (RIN2120–AA66) (1999–0320), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5559. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Burkhart Grob Luft-Und Raumfahrt GmbH and CO KG Models G103 TWIN II and G103A TWIN II ACRO Sailplanes; Request for Comments; Docket No. 99–CE–68 (9–29/10–4)'' (RIN2120–AA64) (1999–0379), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5560. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters Inc. Model 369D, 369E, 369FF, 500N, and 600N Helicopters; Docket No. 98–SW–80 (9–30/10–4)'' (RIN2120–AA64) (1999–0378), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5561. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–301, and Model A340–211, –212, –311, and –312 Series Airplanes; Docket No. 99–NM–119 (10–1/10–4)'' (RIN2120–AA64) (1999–0377), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5562. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes; Docket No. 99–NM–29 (1–1/10–4)'' (RIN2120–AA64) (1999–0375), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5563. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empressa Brasileira de Aeronautica S.A. Model EMB–145 Series Airplanes; Request for Comments; Docket No. 99–NM–198 (10–1/10–4)'' (RIN2120–AA64) (1999–0376), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5564. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes; Docket No. 99–NM–346 (–28/10–4)'' (RIN2120–AA64) (1999–0373), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5565. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Allied Signal Inc. TFE731 Series Turbofan Engines; Docket No. 99–ANE–51 (9–29/10–4)'' (RIN2120–AA64) (1999–0374), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5566. A communication from the Chief Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment for the D Fishing Season Directed Pollock Fishery in Statistical Area 630 of the Gulf of Alaska, received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5567. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands, received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5568. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership in the Bering Sea Subarea, received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5569. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of Directed Fishing for Pollock in Statistical Area 610 of the Gulf of Alaska'', received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5570. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 11'' (RIN0648–AL52), received October 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5571. A communication from the Associate Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Order on Reconsideration and Petitions for Forbearance'' (CC Docket No. 96–114) (FCC 99–223), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 179. A resolution designating October 15, 1999, as ''National Mammography Day.''

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Ellen Segal Huvelle, of the District of Columbia, to be United States District Judge for the District of Columbia.

Anna J. Brown, of Oregon, to be United States District Judge for the District of Oregon.

Charles A. Pannell, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Florence-Marie Cooper, of California, to be United States District Judge for the Central District of California.

Ronald M. Gould, of Washington, to be United States Circuit Judge for the Ninth Circuit.

Richard K. Eaton, of the District of Columbia, to be a Judge of the United States Court of International Trade.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 1705. A bill to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 1706. A bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1707. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. KERREY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. GRAMS, and Mr. LIEBERMAN):

S. 1708. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments; to the Committee on Finance.

By Mr. KYL (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1709. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. SNOWE (for herself, Mr. HELMS, Mr. SARBANES, Mr. BIDEN, and Mr. BYRD):

S. Res. 198. Expressing sympathy for those killed and injured in the recent earthquakes in Turkey and Greece and commending Turkey and Greece for their recent efforts in opening a national dialogue and taking steps to further bilateral relations; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. TORRICELLI, Mr. REID, Mr. LEVIN, Mr. WELLSTONE, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, Mr. SARBANES, Mr. DORGAN, Mr. SCHUMER, Mr. AKAKA, Mr. INOUYE, Mr. CHAFEE, Mrs. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. WYDEN, Mr. CONRAD, Mr. GRAHAM, Mr. DURBIN, Mr. DEWINE, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. SMITH of Oregon, Mr. ROBB, and Mr. FRIST):

S. Res. 199. A resolution designating the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as ''National Childhood Lead Poisoning Prevention Week''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 1705. A bill to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

CASTLE ROCK RANCH/HAGERMAN FOSSIL BEDS LAND EXCHANGE

● Mr. CRAIG. Mr. President, I rise today to introduce a bill to authorize the Castle Rocks Ranch/Hagerman Fossil Beds Land Exchange in my home state of Idaho.

Mr. President, in Idaho we have one of the foremost rock climbing destination sites in the world. It is called the City of Rocks National Reserve and is located in South Central Idaho. Most of the Reserve is owned by the National Park Service with parts of it being owned by the State of Idaho, the Forest Service, the Bureau of Land Management, and private landowners. The State of Idaho runs the Reserve with a cooperative agreement with the National Park Service.

The Reserve has unique geologic features—essentially, large rock formations jut out of the ground. I can't give it justice with my description—it is really something that must be seen, so I invite everyone to come to Idaho and visit the City of Rocks. Besides the rock formations, many of which are used extensively and known internationally for rock climbing, the site has unique historic significance. The California Trail, one of the major trails for Westward expansion during the 19th Century, passes through the Reserve. One of the Reserve's major attractions, Twin Sisters, was a landmark for this trail and is currently being protected for historic significance. Additionally, wagon trains often stopped in the area to maintain their wagons. During these stops, pioneers wrote their names on the rocks with wagon grease. Many of these names are still visible on the rocks today and serve as a record of our ancestors who passed through the area.

Near the Reserve exists the Castle Rock Ranch, an approximately 1,240 acre ranch containing similar rock formations, which are ideal for fork climbing. Additionally, the Ranch contains irrigated pasture land. The Ranch was recently purchased by The Conservation Fund and other conservation groups in order to put it into the public domain for recreation. It is currently being operated as a working ranch. However, the State of Idaho would like to acquire this Ranch to make it into a state park. They would open up the rock formations for rock climbing, provide for camping and hiking, and, where irrigated pasture land exists, trade that irrigated land for dry land inholdings within the Reserve. This would help local ranchers acquire irrigated land, which is more valuable than gold in Southern Idaho, and allow the state to consolidate inholdings within the Reserve.

A couple of counties to the West and across the mighty Snake River exists the Hagerman Fossil Beds National Monument. This National Monument contains the Hagerman Fossil Beds, which is important because it contains the world's most important fossil deposits from a time period known as the late Pliocene epoch, 3.5 million years ago. They represent the last glimpse of time before the Ice Age. Additionally, the beds contain the largest concentration of Hagerman Horse fossils in North America. While the State of Idaho owns the actual fossil beds, the National Park Service runs and maintains the facility.

The State of Idaho wants to divest its interest in the fossil beds and acquire the Castle Rock Ranch. Additionally, the National Park Service wants to acquire the Fossil Beds. This would make it easier for everyone to work to protect the resources we have and open up opportunities for recreation. Consequently, I am introducing this legislation.

In brief, the legislation would authorize the National Park Service to acquire the Castle Rock Ranch, exchange the Ranch with the State of Idaho for the Hagerman Fossil Beds, and mandate that the State exchange land within the Ranch for inholdings within the City of Rocks. In the end, the National Park Service would run and own the Hagerman Fossil Beds, the State of Idaho would own and run a state park in part of the Castle Rock Ranch, and voluntary inholders in the

City of Rocks would be able to trade their inholdings for irrigated land on the Castle Rock Ranch.

The only concern I have is the existence of an easement on the Hagerman Fossil Beds for the local irrigation company. This is the only way for farmers in the local area to get water to their farms—a necessity in that region. Section 4(e) of this legislation was included to ensure that this easement will continue to exist. It is vital to the existence of family farms in the area, and, for the record, it is not my intent to harm—and I will do all in my power to prevent this legislation from harming—this easement or the irrigation in the local area.

Mr. President, this is a unique proposal that makes fiscal sense for taxpayers and has garnered the support of the National Park Service, the State of Idaho, The Conservation Fund, The Access Fund (a national climbing group), other conservation groups, local legislators, and many local residents. I hope that my colleagues will recognize the importance of this legislation and work for its enactment.●

By Mr. MOYNIHAN (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. KERREY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. GRAMS, and Mr. LIEBERMAN):

S. 1708. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments; to the Committee on Finance.

THE PENSION REDUCTION DISCLOSURE ACT OF 1999

Mr. MOYNIHAN. Mr. President, I rise today, joined by Senators JEFFORDS, LEAHY, GRAMS, KERREY, ROBB, ROCKEFELLER, and SARBANES, to introduce legislation to provide greater disclosure of the impact of pension plan conversions.

This is the second bill I have sponsored this session aimed at achieving transparency of the effects of traditional pension plan conversions to ''cash balance'' plans, which have become extremely controversial in recent months. At least 300 large U.S. companies have converted to cash balance plans in the last few years.

Cash balance plans combine certain features of ''defined benefit'' and ''defined contribution'' plans. Like defined contribution plans, cash balance plans provide each employee with an individual account representing a lump-sum benefit. Like traditional defined benefit plans, cash balance plan contributions are made primarily by the employer and are insured by the Pension Benefit Guaranty Corporation.

The calculation of benefits under cash balance plans, however, differs from other defined benefit plans. Whereas a traditional defined benefit plan grows slowly in the early years and more rapidly as one approaches retirement, cash balance plans de-accelerate this later-year growth and increase the early-year growth. Consequently, younger employees tend to do better under cash balance plans than under traditional plans, while older employees typically do worse. In some cases, an older worker's starting account balance may remain static for years—typically referred to as the ''wear away'' period.

The controversy over cash balance plans arises in part because present disclosure requirements are inadequate. Under present law, when an employer amends a defined benefit pension plan in a manner which significantly reduces the rate of future benefit accrual, the employer must provide participants with an advance written notice of the amendment. The law does not, however, require employers to disclose the effect the amendment will have on participants. In fact, it does not even require employers to disclose that benefits will be reduced. All that present law requires is that employers provide participants with a summary or copy of the plan amendment. Consequently, current law can be satisfied with a summary buried in an obscure document. In some cases, workers have complained that their employers purposefully obscured benefit reductions. As a result, employee anger over cash balance plans has grown, resulting in several class action lawsuits being filed in just the last three years.

The Pension Reduction Disclosure Act will strengthen existing law by requiring disclosure of information which will enable employees to determine the effects of benefit reductions. Specifically, before the plan is changed, each adversely-affected employee must receive illustrative examples showing the effects of the change on various employee groups. Moreover, each employee must have the opportunity to receive the benefit formulas for the old and new versions of the plan so that he or she can make specific comparisons of both plans. Then, 90 days after the plan is changed, each adversely-affected employee must have, upon request, the opportunity to receive an individual benefit comparison prepared by the employer. This information will provide employees with the knowledge they need regarding pension benefit reductions, while imposing minimal burden on employers.

The Pension Reduction Disclosure Act, is a modified version of legislation I introduced in March entitled The Pension Right to Know Act (S. 659). The new measure attempts to address concerns raised by employers concerning S. 659. For example, the new measure requires disclosure only for adversely-affected employees, not all employees, in order to meet employer concerns that S. 659 was too broad in its reach. Moreover, the new bill addresses employer concerns that it would be difficult to provide individual benefit comparisons before the amendment effective date due to a lack of individual data. Under the bill introduced today, individual benefit comparisons would be required no earlier than 90 days after the effective date, and then only upon request. (To enable employees to compare the old and new plans before the effective date, this bill provides illustrative examples and, upon request, the benefit formulas for the old and new plans.) Another change is that the new bill allows the Secretary of Treasury to develop alternative and simplified compliance methods where appropriate, as in cases where there is no fundamental change in the manner in which benefits are determined. Moreover, the Secretary may reduce the advance notice period from 45 days to 15 days in cases in which the 45-day requirement would be unduly burdensome because the amendment is contingent on a merger, acquisition, disposition or other similar transaction.

I believe that such disclosure not only is in the best interest of employees, but also of the employer. Several class action lawsuits have been filed in the last three years challenging conversions to cash balance plans. These suits will likely cost millions of dollars in attorneys' fees, but with proper disclosure they might not have occurred.

I want to acknowledge the work of the Clinton Administration in helping to craft this measure. The bill largely follows the outline of a proposal suggested by the Administration in July which was developed in collaboration with my staff. The Departments of Treasury and Labor have provided great insight and creativity in developing this bill, and I thank them for their assistance. Two of our distinguished House colleagues, Congressman ROBERT MATSUI of California and Congressman JERRY WELLER of Illinois, are introducing this legislation in the other chamber, so hopefully it will become law this year.

In closing, let me repeat what I have said in the past. I take no position on the underlying merit of cash balance plans. Ours is a voluntary pension system, and companies must do what is right for them and their employees. But I feel strongly that companies must fully and comprehensibly inform their employees regarding whatever pension benefits the company offers. Companies have no right to misrepresent or obfuscate the projected benefit employees will receive under a cash balance plan or any other pension arrangement, notwithstanding the fact that some pension consultants have advocated cash balance plans for that very purpose.

As I said upon introduction of my earlier legislation on this topic, it is time to let the sun shine on pension plan conversions. I urge the Senate to support this important measure.

I ask unanimous consent that a copy and summary of the bill be included in the RECORD.

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

S. 1708

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 ''Pension Reduction Disclosure Act of 1999''.

SEC. 2. NOTICE REQUIRED FOR CERTAIN PLAN AMENDMENTS REDUCING FUTURE BENEFIT ACCRUALS.

(a) GENERAL NOTICE REQUIREMENTS.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended to read as follows:

''(h) NOTICE REQUIREMENTS FOR PENSION PLAN AMENDMENTS REDUCING ACCRUALS.—

''(1) IN GENERAL.—If an applicable pension plan is amended so as to provide for a significant reduction in the rate of future benefit accrual of 1 or more applicable individuals, the plan administrator shall—

''(A) not later than the 45th day before the effective date of the amendment, provide the written notice described in paragraph (2) to each applicable individual (and to each employee organization representing applicable individuals), and

''(B) in the case of a large applicable pension plan—

''(i) include in the notice under paragraph (2) the additional information described in paragraph (3),

''(ii) make available the information described in paragraph (4) in accordance with such paragraph, and

''(iii) provide individual benefit statements in accordance with section 105(e).

''(2) BASIC WRITTEN NOTICE.—The notice under paragraph (1) shall include a summary of the important terms of the amendment, including—

''(A) the effective date of the amendment,

''(B) a statement that the amendment is expected to significantly reduce the rate of future benefit accrual,

''(C) a description of the classes of applicable individuals to whom the amendment applies, and

''(D) a description of how the amendment significantly reduces the rate of future benefit accrual.

''(3) ADDITIONAL INFORMATION TO BE PROVIDED BY LARGE APPLICABLE PENSION PLANS.—

''(A) IN GENERAL.—The information described in this paragraph is—

''(i) a description of the plan's benefit formulas (including formulas for determining early retirement benefits) both before and after the amendment and an explanation of the effect of the different formulas on applicable individuals,

''(ii) an explanation of the circumstances (if any) under which (for appropriate categories of applicable individuals) the amendment is reasonably expected to result in a temporary period after the effective date of the amendment during which there are no or minimal accruals,

''(iii) illustrative examples of normal or early retirement benefits meeting the requirements of subparagraph (B), and

''(iv) notice of each applicable individual's right to request, and of the procedures for requesting, the information required to be provided under paragraph (4) and under section 105(e).

''(B) ILLUSTRATIVE EXAMPLES.—Illustrative examples meet the requirements of this subparagraph if such examples illustrate the adverse effects of the plan amendment. Such examples shall be prepared by the plan administrator in accordance with regulations prescribed by the Secretary of the Treasury, and such regulations shall require that the examples—

''(i) reflect fairly the different categories of applicable individuals who are similarly affected by the plan amendment after consideration of all relevant factors,

''(ii) show a comparison of benefits for each such category of applicable individuals under the plan (as in effect before and after the effective date) at appropriate future dates, and

''(iii) illustrate any temporary period described in subparagraph (A)(ii).

Such comparison shall be based on benefits in the form of a life annuity and on actuarial assumptions each of which is reasonable (and is so certified by an enrolled actuary) when applied to all participants in the plan.

''(4) SUPPORTING INFORMATION RELATING TO CALCULATION OF BENEFITS.—

''(A) IN GENERAL.—Each individual who receives or who is entitled to receive the information described in paragraph (3) may (after so receiving or becoming so entitled) request the plan administrator to provide the information described in subparagraph (B).

''(B) INFORMATION.—The plan administrator shall, within 15 days after the date on which a request under subparagraph (A) is made, provide to the individual information (including benefit formulas and actuarial factors) which is sufficient—

''(i) to confirm the benefit comparisons in the illustrative examples described in paragraph (3)(B), and

''(ii) to enable the individual to use the individual's own personal information to make calculations of the individual's own benefits which are similar to the calculations made in such examples.

Nothing in this subsection shall be construed to require the plan administrator to provide to an individual such individual's personal information for purposes of clause (ii).

''(C) TIME LIMITATION ON REQUESTS.—This paragraph shall apply only to requests made during the 12-month period that begins on the later of the effective date of the amendment to which it relates or the date the notice described in paragraph (2) is provided.

''(5) SANCTIONS.—

''(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any plan amendment, the provisions of the applicable pension plan shall be applied as if such plan amendment entitled all applicable individuals to the greater of—

''(i) the benefits to which they would have been entitled without regard to such amendment, or

''(ii) the benefits under the plan with regard to such amendment.

''(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is—

''(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

''(ii) a failure to provide most of the individuals with most of the information they are entitled to receive under this subsection, or

''(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

''(B) EXCISE TAX.—For excise tax on failure to meet requirements, see section 4980F of the Internal Revenue Code of 1986.

''(6) SPECIAL RULES.—

''(A) PLAIN LANGUAGE.—The notice required under paragraph (1) shall be written in a manner calculated to be understood by the average plan participant who is an applicable individual.

''(B) NOTICE TO DESIGNEES.—The notice and information required to be provided under this subsection may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(7) ALTERNATIVE METHODS OF COMPLIANCE WITH ENHANCED DISCLOSURE REQUIREMENTS IN CERTAIN CASES.—The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection. The Secretary of the Treasury may—

''(A) prescribe alternative or simplified methods of complying with paragraphs (3) and (4) in situations where—

''(i) there is no fundamental change in the manner in which the accrued benefit of an applicable individual is determined under the plan, and

''(ii) such other methods are adequate to reasonably inform plan participants who are applicable individuals of the impact of the reductions,

''(B) reduce the advance notice period in paragraph (1)(A) from 45 days to 15 days before the effective date of the amendment for cases in which compliance with the 45-day advance notice requirement would be unduly burdensome because the amendment is contingent on a merger, acquisition, disposition, or other similar transaction involving plan participants who are applicable individuals or because 45 days advance notice is otherwise impracticable,

''(C) permit the comparison of benefits under paragraph (3)(B)(i) to be based on a form of payment other than a life annuity, or

''(D) specify actuarial assumptions that are deemed to be reasonable for purposes of the benefit comparisons under paragraph (3)(B)(i).

''(8) APPLICABLE INDIVIDUAL.—For purposes of this subsection, the term 'applicable individual' means, with respect to any plan amendment—

''(A) each participant in the plan, and

''(B) each beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under a qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose future benefit accruals under the plan may reasonably be expected to be reduced by such plan amendment.

''(9) TERMS RELATING TO PLANS.—For purposes of this subsection—

''(A) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

''(i) a defined benefit plan, or

''(ii) an individual account plan which is subject to the funding standards of section 302.

''(B) LARGE APPLICABLE PENSION PLAN.—The term 'large applicable pension plan' means an applicable pension plan which had 100 or more active participants as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.''

(b) INDIVIDUAL STATEMENTS.—Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by adding at the end the following new subsection:

''(e)(1) The plan administrator of a large applicable pension plan shall furnish an individual statement described in paragraph (2) to each individual—

''(A) who receives, or is entitled to receive, under section 204(h) the information described in paragraph (3) thereof from such administrator, and

''(B) who requests in writing such a statement from such administrator.

''(2) The statement described in this paragraph is a statement which provides information which is substantially the same as the information in the illustrative examples

described in section 204(h)(3)(B) but which is based on data specific to the requesting individual and, if the individual so requests, information as of 1 other future date not included in such examples.

''(3) Paragraph (1) shall apply only to requests made during the 12-month period that begins on the later of the effective date of the amendment to which it relates or the date the notice described in section 204(h)(2) is provided. In no case shall an individual be entitled under this subsection to receive more than one such statement with respect to an amendment.

''(4) Notwithstanding section 502(c)(1), the statement required by paragraph (1) shall be treated as timely furnished if furnished on or before—

''(A) the date which is 90 days after the effective date of the plan amendment to which is relates, or

''(B) such later date as may be permitted by the Secretary of Labor.

''(5) Any term used in this subsection which is used in section 204(h) shall have the meaning given such term by such section.

''(6) A statement under this subsection shall not be taken into account for purposes of subsection (b).''

SEC. 3. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

''SEC. 4980F. FAILURE OF DEFINED BENEFIT PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of a plan administrator of an applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

''(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

''(A) IN GENERAL.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000 ($1,000,000 in the case of a large applicable pension plan).

''(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

''(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

''(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

''(1) In the case of a plan other than a multiemployer plan, the employer.

''(2) In the case of a multiemployer plan, the plan.

''(e) NOTICE REQUIREMENTS FOR PENSION PLAN AMENDMENTS REDUCING ACCRUALS.—

''(1) IN GENERAL.—If an applicable pension plan is amended so as to provide for a significant reduction in the rate of future benefit accrual of 1 or more applicable individuals, the plan administrator shall—

''(A) not later than the 45th day before the effective date of the amendment, provide the written notice described in paragraph (2) to each applicable individual (and to each employee organization (as defined in section 3(4) of the Employee Retirement Income Security Act of 1974) representing applicable individuals), and

''(B) in the case of a large applicable pension plan—

''(i) include in the notice under paragraph (2) the additional information described in paragraph (3), and

''(ii) make available the information described in paragraph (4) in accordance with such paragraph.

''(2) BASIC WRITTEN NOTICE.—The notice under paragraph (1) shall include a summary of the important terms of the amendment, including—

''(A) the effective date of the amendment,

''(B) a statement that the amendment is expected to significantly reduce the rate of future benefit accrual,

''(C) a description of the classes of applicable individuals to whom the amendment applies, and

''(D) a description of how the amendment significantly reduces the rate of future benefit accrual.

''(3) ADDITIONAL INFORMATION TO BE PROVIDED BY LARGE APPLICABLE PENSION PLANS.—

''(A) IN GENERAL.—The information described in this paragraph is—

''(i) a description of the plan's benefit formulas (including formulas for determining early retirement benefits) both before and after the amendment and an explanation of the effect of the different formulas on applicable individuals,

''(ii) an explanation of the circumstances (if any) under which (for appropriate categories of applicable individuals) the amendment is reasonably expected to result in a temporary period after the effective date of the amendment during which there are no or minimal accruals,

''(iii) illustrative examples of normal or early retirement benefits meeting the requirements of subparagraph (B), and

''(iv) notice of each applicable individual's right to request, and of the procedures for requesting, the information required to be provided under paragraph (4) and under section 105(e) of Employee Retirement Income Security Act of 1974.

''(B) ILLUSTRATIVE EXAMPLES.—Illustrative examples meet the requirements of this subparagraph if such examples illustrate the adverse effects of the plan amendment. Such examples shall be prepared by the plan administrator in accordance with regulations prescribed by the Secretary, and such regulations shall require that the examples—

''(i) reflect fairly the different categories of applicable individuals who are similarly affected by the plan amendment after consideration of all relevant factors,

''(ii) show a comparison of benefits for each such category of applicable individuals under the plan (as in effect before and after the effective date) at appropriate future dates, and

''(iii) illustrate any temporary period described in subparagraph (A)(ii).

Such comparison shall be based on benefits in the form of a life annuity and on actuarial assumptions each of which is reasonable (and is so certified by an enrolled actuary) when applied to all participants in the plan.

''(4) SUPPORTING INFORMATION RELATING TO CALCULATION OF BENEFITS.—

''(A) IN GENERAL.—Each individual who receives or who is entitled to receive the information described in paragraph (3) may (after so receiving or becoming so entitled) request the plan administrator to provide the information described in subparagraph (B).

''(B) INFORMATION.—The plan administrator shall, within 15 days after the date on which a request under subparagraph (A) is made, provide to the individual information (including benefit formulas and actuarial factors) which is sufficient—

''(i) to confirm the benefit comparisons in the illustrative examples described in paragraph (3)(B), and

''(ii) to enable the individual to use the individual's own personal information to make calculations of the individual's own benefits which are similar to the calculations made in such examples.

Nothing in this subsection shall be construed to require the plan administrator to provide to an individual such individual's personal information for purposes of clause (ii).

''(C) TIME LIMITATION ON REQUESTS.—This paragraph shall apply only to requests made during the 12-month period that begins on the later of the effective date of the amendment to which it relates or the date the notice described in paragraph (2) is provided.

''(5) SPECIAL RULES.—

''(A) PLAIN LANGUAGE.—The notice required under paragraph (1) shall be written in a manner calculated to be understood by the average plan participant who is an applicable individual.

''(B) NOTICE TO DESIGNEES.—The notice or information required to be provided under this subsection may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(6) ALTERNATIVE METHODS OF COMPLIANCE WITH ENHANCED DISCLOSURE REQUIREMENTS IN CERTAIN CASES.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection. The Secretary may—

''(A) prescribe alternative or simplified methods of complying with paragraphs (3) and (4) in situations where—

''(i) there is no fundamental change in the manner in which the accrued benefit of an applicable individual is determined under the plan, and

''(ii) such other methods are adequate to reasonably inform plan participants who are applicable individuals of the impact of the reductions,

''(B) reduce the advance notice period in paragraph (1)(A) from 45 days to 15 days before the effective date of the amendment for cases in which compliance with the 45-day advance notice requirement would be unduly burdensome because the amendment is contingent on a merger, acquisition, disposition, or other similar transaction involving plan participants who are applicable individuals or because 45 days advance notice is otherwise impracticable,

''(C) permit the comparison of benefits under paragraph (3)(B)(i) to be based on a form of payment other than a life annuity, or

''(D) specify actuarial assumptions that are deemed to be reasonable for purposes of the benefit comparisons under paragraph (3)(B)(i).

''(7) APPLICABLE INDIVIDUAL.—For purposes of this subsection, the term 'applicable individual' means, with respect to any plan amendment—

''(A) each participant in the plan, and

''(B) each beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under a qualified domestic relations order (within the meaning of section 414(p)(1)),

whose future benefit accruals under the plan may reasonably be expected to be reduced by such plan amendment.

''(8) TERMS RELATING TO PLANS.—For purposes of this subsection—

''(A) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

''(i) a defined benefit plan, or

''(ii) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include any governmental plan (within the meaning of section 414(d)) or any church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

''(B) LARGE APPLICABLE PENSION PLAN.—The term 'large applicable pension plan' means an applicable pension plan which had 100 or more active participants as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.''

(b) CONFORMING AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

''Sec. 4980F. Failure of defined benefit plans reducing benefit accruals to satisfy notice requirements.''

SEC. 4. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this Act shall apply to plan amendments taking effect after the date of the enactment of this Act.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this Act shall not apply to any plan amendment for which there was written notice before July 12, 1999, which was reasonably expected to notify substantially all of the plan participants or their representatives.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(3) and (4) of the Internal Revenue Code of 1986 and section 204(h)(3) and (4) of the Employee Retirement Income Security Act of 1974 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) NOTICE AND INFORMATION NOT REQUIRED TO BE FURNISHED BEFORE 120TH DAY AFTER ENACTMENT.—The period for providing any notice or information required by the amendments made by this section shall not end before the date which is 120 days after the date of the enactment of this Act.

THE PENSION REDUCTION DISCLOSURE ACT OF 1999

Present Law.—Under present law, when an employer amends a defined benefit pension plan in a manner which significantly reduces the rate of future benefit accrual, the employer must provide participants with an advance written notice of the amendment. The law does not, however, require employers to disclose the effect the amendment will have on participants.

SUMMARY OF PROVISIONS OF THE PENSION REDUCTION DISCLOSURE ACT

Notice Requirements for Pension Plan Amendments Reducing Future Benefit Accruals.—At least 45 days before the effective date of a pension plan amendment that reduces the rate of future benefit accruals, employees adversely affected by the amendment must receive notice of a reduction, as described below.

Basic Notice.—Pension plans with fewer than 100 participants must provide a basic written notice including: the effective date of the amendment; a statement that the amendment is expected to significantly reduce the rate of future benefit accrual; a description of the classes of applicable individuals to whom the amendment applies; and a description of how the amendment significantly reduces the rate of future benefit accrual.

Enhanced Notice.—Pension plans with 100 or more participants must provide the following information in addition to the basic written notice.

A description of the plan's benefit formulas before and after the amendments, and an explanation of the effects of the different formulas on participants;

An explanation of the circumstances under which any ''wearaway'' or other temporary suspension of benefit accruals may occur;

Illustrative examples showing the adverse effects of the plan amendment by comparing expected benefit accruals for various categories of participants (e.g., participants of similar age and years of service) under the old and new versions of the plan.

Alternative methods of compliance with enhanced notice in certain cases. The Secretary of the Treasury may prescribe alternative or simplified methods of compliance with the enhanced notice requirements in situations where there is no fundamental change in the manner in which benefits are determined (e.g., where the benefit formula is reduced from 1.25 percent of compensation to 1.0 percent of compensation). The Secretary may also reduce the advance notice period from 45 days to 15 days for cases in which compliance with the 45-day requirement would be unduly burdensome because the amendment is contingent on a merger, acquisition, disposition, or other similar transaction or because 45 days advance notice is otherwise impracticable.

In the case of plans with 100 or more participants, the plan must provide adversely-affected participants, within 15 days of request, the specific benefit formulas and actuarial factors used in the preparation of the illustrative examples. The information must be sufficient to confirm the benefit comparisons provided in the illustrative examples and to enable participants to make calculations of their own benefits under the old and new versions of the plan that are similar to the calculations made in the examples.

Individual Benefit Statements.—In the case of plans with 100 or more participants, an adversely-affected participant may request and receive an individual benefit statement providing information which is substantially the same as the information in the illustrative examples described above, but which is based on data specific to the requesting individual. If the individual so requests, the individual statement must reflect one other future date not included in the examples. As with current law regarding accrued benefit calculations, individual statements must be provided within 30 days of request. The earliest required date for providing individual statements shall be 90 days after the amendment effective date.

SANCTIONS FOR NONCOMPLIANCE

Egregious Failure to Supply Notice.—Employers failing to provide most of the required notice information to most affected participants, or intentionally failing to provide notice information to any affected participant, shall provide the greater of the benefits available under the old and new versions of the plan and shall also be subject to an excise tax of $100 per day for every day of the noncompliance period.

Nonegregious Failure to Supply Notice.—Employers failing to provide the required notice information, but not in the egregious manner described above, shall be subject to an excise tax of $100 per day for every day of the noncompliance period.

Maximum Excise Tax Where Failure Due to Reasonable Cause.—In a case where the failure was due to reasonable cause and not willful neglect, the excise tax is limited to $1 million for plans with 100 or more participants and $500,000 for plans with fewer than 100 participants.

● Mr. JEFFORDS. Mr. President, I am pleased to join Senators MOYNIHAN, LEAHY, ROBB, KERREY, ROCKEFELLER and GRAMS of Minnesota in the introduction of the Pension Reduction Disclosure Act. This bill greatly expands current law and will provide improved disclosure of the impact of the conversion of a traditional defined benefit pension plan to a cash balance or other hybrid pension plan. We believe that current law protections are insufficient to protect the interests of plan participants. The Pension Reduction Disclosure Act is an important first step in improving worker pension protections. I am also pleased that the President supports this bill.

Appropriate disclosure for cash balance pension plans is a serious public policy issue affecting the retirement benefits of millions of Americans. At a minimum, employees should have meaningful notice when their employer plans to reduce pension benefits in the switch from a traditional to a cash balance plan.

This bill does that.

First, employers have not always been candid with employees about what the changes in pension plans will mean for the employee's retirement. Our bill will require that they spell it out in black and white, and do so in language that anyone who is not an actuary or tax attorney can understand.

Second, plan sponsors will have to provide this information in a timely manner, so that employees can engage their employer and seek changes if they choose to do so. As we have seen at IBM and elsewhere, companies can misjudge the impact of these changes on their workforce.

Third, plan sponsors will be required to provide their employees with specifics about the effect that the change will have on their retirement benefits so that individuals can understand the financial impact that the conversion will have on their pension. Once we pass this bill, my guess is that employers will think long and hard about what changes they want to make to their pension plans.

Long-serving, loyal employees should not wake up to find their pension benefits slashed without even the chance to confront their employer. We can't expect people to save for retirement if the sand is forever shifting under their feet.

This bill addresses but one part of the conversion issue. But I think it deserves widespread bipartisan support. I believe that there are more issues at stake for workers, such as my own concerns regarding the pension benefit

''wear away''. However, the Pension Reduction Disclosure Act is a good first step we ought to take to address the legitimate concerns that have been raised about these plans.

We don't have a lot of time, but I hope we can send this bill to the President for his signature before we adjourn this fall.●

Mr. LEAHY. Mr. President, I am pleased to join Senator MOYNIHAN and Senator JEFFORDS as a cosponsor of the Pension Reduction Disclosure Act of 1999. I believe this bill is a good first step to providing American workers with the information they deserve to know about changes to their pensions. President Clinton has endorsed our legislation and is ready to sign it into law.

As the controversy surrounding IBM's decision to convert its traditional pension plan to a cash balance plan taught many Vermonters, Congress needs to revise our laws to require greater disclosure of pension changes. When IBM first announced its pension switch, many Vermont IBMers told me that they did not have enough information to judge the new plan's impact on their pensions. They discovered that current Federal law does not even require an employer to explain to its employees how any future pension benefits will be reduced. This is not right.

Unfortunately, Vermont IBMers are not alone. At least 325 companies, with more than $330 billion in pension-defined benefit assets, have adopted cash-balance plans in recent years. This phenomenon is the biggest development in the pension world in years. But, as we all know now thanks to the tireless efforts of IBMers in Vermont and elsewhere, there is a dark side to this corporate trend: the fact that many experienced workers face deep cuts in their promised pensions when their company switches to a cash-balance plan.

The Pension Reduction Disclosure Act would require all employers, regardless of the size of their pension plan, to notify their employees of pension plan changes that would reduce the future benefit accrual rate at least 45 days in advance of the change. In addition, this legislation would require employers to explain any differences in future accrual rates between the old and new plan in a clear and meaningful fashion, by providing employees with detailed examples showing the difference between the old and new plans.

This bill complements the Pension Right to Know Act, which Senator MOYNIHAN and I introduced earlier in the year. Our earlier bill would require employers to provide employees with individualized comparisons of future benefits under the old and new plans 15 days prior to the conversion for pension plans covering 1000 or more employees. Our legislation today also complements the Older Workers Pension Protection Act, S. 1600, which Senator HARKIN, Senator JEFFORDS and I introduced last month to prevent the wear away of an employee's promised pension benefits after a cash balance plan conversion.

Now is the time for Congress to act to ensure that all employers fully disclose the negative effects of their pension plan changes. Employees have a right to know how their futures will be affected by a company's decision to change its pension plan.

By Mr. KYL (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1709. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens; to the Committee on the Judiciary.

THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM II AND LOCAL MEDICAL EMERGENCY REIMBURSEMENT ACT

Mr. KYL. Mr. President, I rise today to introduce the State Criminal Alien Assistance Program II and Local Medical Emergency Reimbursement Act. Senators MCCAIN, HUTCHISON, DOMENICI, BINGAMAN, and FEINSTEIN join me.

Border counties and other jurisdictions throughout the Southwest are incurring overwhelming costs to process and incarcerate illegal immigrants who commit crimes. Hospitals are also bearing steep costs to treat illegal immigrants for medical emergencies.

Regarding the first issue, it should be pointed out that, when states and localities do not have the resources to deal with criminal illegal immigrants, disasters can happen. Just last week, it was discovered that illegal immigrants who, in some cases, had committed serious crimes in Maricopa County, Arizona—including first degree murder in one of the cases—were permitted to post bond to the county, were then released to the Immigration and Naturalization Service, and were then allowed to return to their home country. Needless to say, those cases did not go to trial. Because the alleged criminal aliens never returned for their court date, justice was not served.

I continue to work toward better cooperation between the INS and local criminal justice systems, to make sure that illegal immigrants who are charged with crimes prosecuted under state law—and murder is prosecuted under state law—are held in Arizona. That means before, during, and after trial. It means, if the person is convicted, serving out his time in Arizona.

I will continue to work toward full funding for the federal program Congress created in 1995 to reimburse states and localities for the costs of incarcerating criminal illegal immigrants, the State Criminal Alien Assistance Program (SCAAP). Incarceration of criminal illegal immigrants costs state and local governments over $1 billion a year. Last year's Commerce-Justice-State Appropriations bill provided $585 million for the program, and reimbursed states approximately 39 cents on the dollar for such costs. I will work to increase federal funding for SCAAP, and will work to ensure that the FY 2000 C–J–S funding bill maintains, at the very least, the FY 1999 funding level of $585 million.

It is my hope that the bill I am introducing today will further enhance the ability of states and localities to prevent the release of criminal illegal immigrants by giving them the resources they need, not only to incarcerate but to process and sentence such individuals. My bill creates SCAAP II and provides an additional authorization of $200 million per year between 2001 and 2004 to states and localities for such expenditures. When illegal immigrants commit crimes and are then caught, they drain the budgets of a locality's sheriff, justice court, county attorney, clerk of the court, superior and juvenile court, and juvenile detention departments, as well as using up a county's indigent defense budget. And, even though illegal immigration is a federal responsibility, states and local jurisdictions all along the southwestern border have incurred 100 percent of specifically processing-related costs to date. This bill will change that.

Unfortunately, we do not yet know the full financial burden the states and localities are bearing. I am hopeful that the FY 2000 Commerce-Justice-State Appropriations bill conference report will include funding for a study that will lay out realistic estimates of these costs.

What is known is that such expenditures comprise approximately 39 percent of the aforementioned budgets of just one Arizona county, Santa Cruz, with a population of just 36,000 residents. As a recent report conducted by the University of Arizona detailed, ''such illegal entry pressures place inequitable demands on the resources and taxpayers of Santa Cruz County.''

Other counties throughout the Southwest are in the same boat. Maricopa County, Arizona, for example, incurs costs of $9 million to incarcerate illegal criminal immigrants. It is unclear what its costs are to process and sentence such aliens. Cochise County incurs costs of approximately $406,000 per year to incarcerate criminal illegal immigrants and, therefore, must also incur significant costs to process and sentence these individuals. Providing resources to states and localities with such burdens will help prevent the release of criminals onto our nation's streets, and is clearly the financial responsibility of the federal government.

The second issue addressed by this bill is the burden borne by hospitals in southwestern states. The federal government is obligated to fully reimburse states, localities, and hospitals for the emergency medical treatment of illegal immigrants.

According to a preliminary Congressional Budget Office estimate provided two years ago, the total annual cost to treat illegal immigrants for medical emergencies is roughly $2.8 billion a

year. It is roughly estimated that the federal government reimburses states for approximately half of those costs. That means states must pay the remaining $1.4 billion. The state of Arizona estimates that it incurs unreimbursed costs of $20 million annually to treat undocumented immigrants on an emergency basis.

This legislation will provide states, localities, and hospitals an additional $200 million per year to help absorb the costs of adherence to federal law, under which all individuals, regardless of immigration status or ability to pay, must be provided with medical treatment in a medical emergency. I have heard from individual doctors in Arizona, and hospitals as well, conveying their frustration in the face of these daunting costs.

Mr. President, I hope we can address these very pressing issues in the coming months, and that Members will consider joining my cosponsors and me in support of this bill.

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. 1709

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 ''State Criminal Alien Assistance Program II and Local Medical Emergency Reimbursement Act''.

TITLE I—STATE CRIMINAL ALIEN ASSISTANCE PROGRAM II

SEC. 101. SHORT TITLE.

This Act may be cited as the ''State Criminal Alien Assistance Program II Act of 1999''.

SEC. 102. FINDINGS AND PURPOSES.

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

(1) Federal policies and strategies aimed at curbing illegal immigration and criminal alien activity implemented along our Nation's southwest border influence the number of crossings, especially their location.

(2) States and local governments were reimbursed approximately 60 percent of the costs of the incarceration of criminal aliens in fiscal year 1996 when only 90 jurisdictions applied for such reimbursement. In subsequent years, the number of local jurisdictions receiving reimbursement has increased. For fiscal year 1999, 280 local jurisdictions applied, and reimbursement amounted to only 40 percent of the costs incurred by those jurisdictions.

(3) Certain counties, often with a small taxpayer base, located on or near the border across from sometimes highly populated areas of Mexico, suffer a substantially disproportionate share of the impact of criminal illegal aliens on its law enforcement and criminal justice systems.

(4) A University of Arizona study released in January 1998 reported that at least 2 of the 4 counties located on Arizona's border of Mexico, Santa Cruz, and Cochise Counties, are burdened with this problem—

(A) for example, in 1998, Santa Cruz County had 12.7 percent of Arizona's border population but 50 percent of alien crossings and 32.5 percent of illegal alien apprehensions;

(B) for fiscal year 1998, it is estimated that, of its total criminal justice budget of 5,000,000 ($5,033,000), Santa Cruz County spent $1,900,000 (39 percent) to process criminal illegal aliens, of which over half was not reimbursed by Federal monies; and

(C) Santa Cruz County has not obtained relief from this burden, despite repeated appeals to Federal and State officials.

(5) In the State of Texas, the border counties of Cameron, Dimmit, El Paso, Hidalgo, Kinney, Val Verde, and Webb bore the unreimbursed costs of apprehension, prosecution, indigent defense, and other related services for criminal aliens who served more than 142,000 days in county jails.

(6) Throughout Texas nonborder counties bore similar unreimbursed costs for apprehension, prosecution, indigent defense, and other related services for criminal aliens who served more than 1,000,000 days in county jails.

(7) The State of Texas has incurred substantial additional unreimbursed costs for State law enforcement efforts made necessary by the presence of criminal illegal aliens.

(8) The Federal Government should reimburse States and units of local government for the related costs incurred by the State for the imprisonment of any illegal alien.

(b) PURPOSE.—The purpose of this title is—

(1) to assist States and local communities by providing financial assistance for expenditures for illegal juvenile aliens, and for related costs to States and units of local government that suffer a substantially disproportionate share of the impact of criminal illegal aliens on their law enforcement and criminal justice systems; and

(2) to ensure equitable treatment for those States and local governments that are affected by Federal policies and strategies aimed at curbing illegal immigration and criminal alien activity implemented on the southwest border.

SEC. 103. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by striking ''for'' and all that follows through ''State'' and inserting ''for—

''(1) the costs incurred by the State for the imprisonment of any illegal alien or Cuban national who is convicted of a felony by such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).'';

(2) by striking subsection (c) and inserting the following:

''(c) INDIRECT COSTS DEFINED.—In subsection (a), the term 'indirect costs' includes—

''(1) court costs, county attorney costs, and criminal proceedings expenditures that do not involve going to trial;

''(2) indigent defense; and

''(3) unsupervised probation costs.''; and

(3) by amending subsection (d) to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 to carry out subsection (a)(2) for each of the fiscal years 2001 through 2004.''.

SEC. 104. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365), as amended by section 103 of this Act, is further amended—

(1) in subsection (a)(1), by inserting ''or illegal juvenile alien who has been adjudicated delinquent or committed to a juvenile correctional facility by such State or locality'' before the semicolon;

(2) in subsection (b), by inserting ''(including any juvenile alien who has been adjudicated delinquent or has been committed to a correctional facility)'' before ''who is in the United States unlawfully''; and

(3) by adding at the end the following:

''(f) JUVENILE ALIEN DEFINED.—In this section, the term 'juvenile alien' means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent or committed to a correctional facility by a State or locality as a juvenile offender.''.

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the number of illegal juvenile aliens (as defined in section 501(f) of the Immigration Reform and Control Act) that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.''.

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.''.

SEC. 105. REIMBURSEMENT OF STATES BORDERING MEXICO OR CANADA.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365), as amended by sections 103 and 104 of this Act, is further amended by adding at the end the following new subsection:

''(g) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that takes into account special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of the area.''.

TITLE II—REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY HEALTH SERVICES TO UNDOCUMENTED ALIENS.

SEC. 201. AUTHORIZATION OF ADDITIONAL FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—To the extent of available appropriations under subsection (e), there are available for allotments under this section for each of fiscal years 2002 through 2005, $200,000,000 for payments to certain States under this section.

(b) STATE ALLOTMENT AMOUNT.—

(1) IN GENERAL.—The Secretary shall compute an allotment for each fiscal year beginning with fiscal year 2001 and ending with fiscal year 2004 for each of the 17 States with the highest number of undocumented aliens. The amount of such allotment for each such State for a fiscal year shall bear the same ratio to the total amount available for allotments under subsection (a) for the fiscal year as the ratio of the number of undocumented aliens in the State in the fiscal year bears to the total of such numbers for all such States for such fiscal year. The amount of allotment to a State provided under this paragraph for a fiscal year that is not paid out

under subsection (c) shall be available for payment during the subsequent fiscal year.

(2) DETERMINATION.—For purposes of paragraph (1), the number of undocumented aliens in a State under this section shall be determined based on estimates of the resident illegal alien population residing in each State prepared by the Statistics Division of the Immigration and Naturalization Service as of October 1992 (or as of such later date if such date is at least 1 year before the beginning of the fiscal year involved).

(c) USE OF FUNDS.—

(1) IN GENERAL.—From the allotments made under subsection (b) for a fiscal year, the Secretary shall pay to each State amounts described in a State plan, submitted to the Secretary, under which the amounts so allotted will be paid to local governments, hospitals, and related providers of emergency health services to undocumented aliens in a manner that—

(A) takes into account—

(i) each eligible local government's, hospital's or related provider's payments under the State plan approved under title XIX of the Social Security Act for emergency medical services described in section 1903(v)(2)(A) of such Act (42 U.S.C. 1396b(v)(2)(A)) for such fiscal year; or

(ii) an appropriate alternative proxy for measuring the volume of emergency health services provided to undocumented aliens by eligible local governments, hospitals, and related providers for such fiscal year; and

(B) provides special consideration for local governments, hospitals, and related providers located in—

(i) a county that shares a border with Mexico or Canada; or

(ii) an area in which a large number of undocumented aliens reside relative to the general population of the area.

(2) SPECIAL RULES.—For purposes of this subsection:

(A) A provider shall be considered to be ''related'' to a hospital to the extent that the provider furnishes emergency health services to an individual for whom the hospital also furnishes emergency health services.

(B) Amounts paid under this subsection shall not duplicate payments made under title XIX of the Social Security Act for the provision of emergency medical services described in section 1903(v)(2)(A) of such Act (42 U.S.C. 1396b(v)(2)(A)).

(d) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term ''hospital'' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e).

(2) PROVIDER.—The term ''provider'' includes a physician, another health care professional, and an entity that furnishes emergency ambulance services.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(4) STATE.—The term ''State'' means the 50 States and the District of Columbia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2001 through 2005.

Mr. MCCAIN. Mr. President, I rise today in support of legislation Senator KYL and I are introducing with a number of our border-state colleagues to provide appropriate Federal reimbursement to states and localities whose budgets are disproportionately affected by the costs associated with illegal immigration. The premise of our bill, and of current law governing this type of Federal reimbursement to the states, is that controlling illegal immigration is principally the responsibility of the Federal government, not the states.

Our legislation would expand the amount and scope of Federal funding to the states for incarceration and medical costs that arise from the detention or treatment of illegal immigrants. Such funding currently flows to all 50 states, the District of Columbia, and two U.S. territories. Although our bill gives special consideration to border States and States with unusually high concentrations of illegal aliens in residence, it would benefit communities across the Nation. It deserves the Senate's prompt consideration and approval.

Many of my colleagues are probably not aware that the Federal government, under the existing State Criminal Alien Assistance Program (SCAAP), reimbursed states and counties burdened by illegal immigration for less than 40 percent of eligible alien incarceration costs in Fiscal Year 1998. Border counties estimate that more than 25 percent of their criminal justice budgets are spent processing criminal aliens. In my State of Arizona, Santa Cruz County last year spent 39 percent of its total criminal justice budget to process criminal illegal aliens, of which over half was not reimbursed by the Federal government. In its last budget cycle, New Mexico's tiny Luna County spent $375,000 on immigrant detention costs but received only $32,000 from the Federal government to offset jail expenses. Overall, SCAAP reimbursed states and counties along the border for only 33.7 percent of the cost of incarcerating illegal aliens in FY 1997 and 39.9 percent in FY 1998.

The State of California spent nearly $600 million last year to keep criminal aliens behind bars, but was reimbursed for only $183 million of those expenses. In Texas, prosecution of drug and immigration crime, principally in the form of illegal entry into the United States, accounted for an astonishing 70 percent of criminal filings during fiscal 1998. That figure represents a one-year increase of 58 percent in the number of immigration cases brought before the courts, an increase that was not matched by Federal reimbursement for associated legal expenses and incarceration costs to the state and its counties.

Earlier this year, the House voted to fund SCAAP at $585 million for FY 2000. This level is insufficient, but would at least roughly maintain existing levels of Federal support to states and localities for alien incarceration costs. Astonishingly, the Senate, in its version of the fiscal year 2000 Commerce, Justice, State, and the Judiciary Appropriations bill, proposed to slash SCAAP funding by 83 percent, to only $100 million, for reasons that escape me. In the words of the U.S./Mexico Border Counties Coalition, ''Given this program's history of not meeting its obligations to state and local governments even at higher levels of funding, this latest action will in essence leave state and local taxpayers to foot the Federal government's bill for the incarceration of criminal undocumented immigrants.''

A June 21, 1999, letter from the Governors of Arizona, California, New York, New Jersey, and Illinois to members of the United States Senate makes the same point: ''Control of the nation's borders is under the exclusive jurisdiction of the Federal government, yet State and local governments bear the brunt of the costs when the Federal government fails to meet its responsibility to prevent illegal immigration. By cutting funding for SCAAP by 83 percent, the Senate is abandoning its responsibility and forcing the states to pay for a Federally mandated service.'' It is my hope that Congress will restore SCAAP funding to at least $500 million, as the President requested for fiscal 2000 to help meet the needs of local communities across the country.

The legislation Senator KYL and I are introducing today would actually expand the State Criminal Alien Assistance Program by authorizing funding for state and local needs that currently go unmet. Although states receive Federal reimbursement for part of the cost of incarcerating illegal adult aliens, the Federal government does not reimburse States or units of local government for expenditures for illegal juvenile aliens. Nor does it reimburse states and localities for costs associated with processing criminal illegal aliens, including court costs, county attorney costs, costs for criminal proceedings that do not involve going to trial, indigent defense costs, and unsupervised probation costs. Our legislation would authorize the Federal government to reimburse such costs to States and localities that suffer a substantially disproportionate share of the impact of criminal illegal aliens on their law enforcement and criminal justice systems. It would also authorize additional Federal reimbursement for emergency health services furnished by States and localities to undocumented aliens.

Reimbursement to States and localities for criminal alien incarceration is woefully underfunded according to the existing limited criteria for SCAAP, which do not take into account the full detention and processing costs for illegal aliens. Nor does the existing SCAAP provide necessary support to local communities for the cost of emergency care for illegal immigrants, a growing problem in the Southwest, and one exacerbated by the increasingly desperate measures taken by undocumented aliens to cross our border with Mexico. Our legislation thus authorizes the expansion of SCAAP to cover costs wrongly borne by local communities under current law—costs which are a Federal responsibility and should not be shirked by those in Washington who do not live with the problem of illegal immigration in their midst.

As my colleagues know, illegal immigrants who successfully transit our

Southwest border rapidly disperse throughout the United States. That SCAAP funds flow to all 50 states reflects the pressures such aliens place on public services around the country. I hope the Senate will act expeditiously on this important legislation to alleviate those pressures by compensating state and local units for the costs they incur as unwitting hosts to undocumented aliens, even as we continue to fund border enforcement measures to reduce the flow of illegal immigrants into this country.

Mr. BINGAMAN. Mr. President, I rise to join with my colleagues from Arizona, California, and Texas in introducing the ''State Criminal Alien Assistance Program II and Local Medical Emergency Reimbursement Act of 1999.''

The purpose of the bill is to expand to scope of the current SCAAP law to allow counties and states to be reimbursed not only for the costs of incarcerating illegal aliens, but also for the costs of prosecuting them, defending them and detaining them. Currently, SCAAP only pays for the costs of incarcerating illegal aliens convicted of a felony in the United States. This means that counties and states do not get reimbursed for the indirect and direct costs leading to such a conviction. Because many illegal aliens arrested for drug smuggling or alien smuggling by federal agents are prosecuted by the county prosecutors, this has put an enormous strain on the county's prosecution budgets and has burdened the already struggling indigent defense programs. With the expansion of SCAAP, the counties will finally get some relief.

Another positive change to the SCAAP law is the addition of juvenile incarceration as a reimbursable expense. Many drug traffickers are using teenagers to transport drugs across the border, knowing that we do not currently have a good system for dealing with criminal illegal juvenile aliens. Because these teens' parents are not living in the United States, the county jails are required to detain the teens pending adjudication. The other option is to let the teens go. Neither option is good from a law enforcement perspective, but the cost of detaining a juvenile places an enormous burden on the counties' juvenile detention facilities. I am pleased that this bill considered the counties' concerns and included the costs of detaining juveniles as a reimbursable expense.

In 1994 I supported the original SCAAP bill. Between 1996 and 1999, the federal government has reimbursed the State of New Mexico $4.5 million for costs incurred in incarcerating criminal illegal aliens under this program. New Mexico counties have been reimbursed more than $1.4 million for similar costs. However, this $6 million reimbursement represents but a small fraction of the actual costs expended by New Mexico jails and prisons. This bill seeks to increase the amount available for reimbursement by raising the amount authorized to $200 million between 2002 and 2005.

The second part of this bill addresses another problem facing the border states. Because many towns near the US–Mexico border are a mere stones throw away from much larger Mexican towns and cities, many Mexican nationals often cross the border illegally in search of emergency medical services due to the lack of adequate facilities in Mexico. This bill will reimburse the health care providers required to provide emergency medical services to illegal aliens.

The border counties in New Mexico have repeatedly expressed their concern about the lack of federal assistance for emergency medical services provided to undocumented immigrants. Yet, under current law, New Mexico border communities are not eligible to be reimbursed for providing such emergency medical services. This has placed a significant financial burden on the public and private hospitals who are just trying to do what they think is right—provide emergency treatment to those in need. This lack of federal assistance has been very detrimental to New Mexico because the number of undocumented immigrants seeking medical attention in New Mexico is very high compared with the population of the New Mexico border community.

Between January 1, 1999 and August 31, 1999, Mimbres Memorial Hospital in Deming, New Mexico reported that 22 percent of its patients that were unable to pay for their medical care were residents of Mexico. These individuals accounted for $379,311 in charges that had to be absorbed by this hospital. In a town of roughly 10,000 people, this is a sizeable amount for a local hospital to write-off as uncollectible.

With the passage of this bill, New Mexico will be eligible to participate in this federal reimbursement program. Because the authorized amount for this program will be increased to $200 million between 2002 and 2005, this change will not affect the reimbursements to other states. This increase in funding is sorely needed to adequately address the financial burdens that illegal immigration imposes on the border communities.

I commend my fellow members of the Senate Southwest Border Caucus for working together on a bill what will make these necessary changes to the SCAAP program and address the financial hardship that illegal immigration imposes on our border communities.

I thank Senator KYL for introducing this bill and I encourage the Senate to take up this bill and pass this worthwhile legislation.

● Mrs. FEINSTEIN. Mr. President I am pleased to join my colleague Senator KYL in introducing the ''State Criminal Alien Assistance Program II and Local Medical Emergency Reimbursement Act.''

The control of illegal immigration is a Federal responsibility. However, more and more, this burden is shifting to the states. The ''State Criminal Alien Assistance Program II and Local Medical Emergency Reimbursement Act'' (SCAAP II), properly shifts the fiscal burden of illegal immigration into the hands of the Federal Government. This bill builds upon the existing Federal obligations under the ''State Criminal Alien Assistance Program'' (SCAAP I) by providing $200 million for each of the fiscal years 2002 through 2005 to help border communities defray the indirect costs of illegal immigration, and an additional $200 million to help state and local governments cope with the cost of providing emergency medical care to illegal immigrants.

The issue of illegal immigration, is one of national consequence that requires a Federal response. Unfortunately, Federal reimbursements have consistently failed to cover the actual costs borne by States and local communities confronting the effects of illegal immigration. For those communities that continue to shoulder this burden, the control of illegal immigration has become an unfunded mandate.

Mr. President, while I consider illegal immigration an issue that pervades communities across the nation, I would like to share with my colleagues how this issue has affected my home State of California. As you might imagine, the border counties in California are among the hardest hit in terms of dollars spent on incarceration, court costs, and emergency medical care for those who have entered the U.S. illegally.

San Diego County, for example, spent an estimated $10.1 million in 1998 to cover the costs of illegal alien incarceration and spends an estimated $50 million annually to provide emergency medical care for illegal immigrants. Imperial County estimates that it spent more than $4 million last year in detention costs and another $1.36 million in emergency medical expenses.

I am greatly concerned about the disproportionate burden these costs impose on the criminal justice system, hospitals and residents of San Diego and Imperial Counties, especially given the counties' limited tax base and fiscal resources. Given what I have witnessed in my own state, it is not hard for me to understand the frustration and concern of communities in a growing number of other states. Similar burdens have fallen on border communities in states like Arizona, New Mexico, and Texas. Each year, the costs borne by states to respond to illegal immigration continue to soar, while Federal involvement remains minimal at best.

Unfortunately, we can only expect these costs for border states to swell over the next few years as border enforcement initiatives force illegal migration to shift further eastward from San Diego County to neighboring southern States and counties as well as to the more porous northern state borders. In launching Operation Gatekeeper, for example, the INS has

achieved considerable success in deterring illegal border crossings along the San Diego border.

At the same time, Gatekeeper has had the effect of shifting a large volume of migrant crossings to the more rugged East San Diego County mountain area and the desert region of Imperial County where there have been numerous instances of illegal immigrants in need of emergency care. One county hospital in El Centro, for example, reports that the Border Patrol has dropped off countless numbers of undocumented aliens found in the desert suffering from hypothermia or dehydration, or from broken limbs and fractured skulls as result of failed attempts at scaling the fence along the San Diego border.

The more ''fortunate'' border crossers are being detained at state and county jails. Although states receive Federal reimbursement for some of the direct costs of incarcerating adult illegal immigrants, the Federal Government does not reimburse states and localities for the indirect costs relating to the incarceration or the control of illegal aliens, including: court costs, county attorney costs, indigent defense, criminal juvenile detention, and unsupervised probation costs. Nor does it compensate state and local hospitals for the emergency medical care provided to illegal immigrants who are not in Federal custody.

Mr. President, I join my colleagues in introducing the SCAAP II bill in hopes that it will alleviate some of the fiscal strains illegal immigration has imposed on border states and communities. I look forward to working with my colleagues to move it through the Senate.●

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 80

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 80, a bill to establish the position of Assistant United States Trade Representative for Small Business, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) 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. 484

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 914

At the request of Mr. SMITH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1017, A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1044

At the request of Mr. KENNEDY, the names of the Senator from Nevada (Mr. REID) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1053

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1091

At the request of Mr. DEWINE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1091, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Louisiana (Mr. BREAUX), the Senator from South Dakota (Mr. DASCHLE), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1187, 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. 1263

At the request of Mr. JEFFORDS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1485

At the request of Mr. NICKLES, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1485, a bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain

foreign-born children adopted by citizens of the United States.

S. 1500

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Virginia (Mr. WARNER), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. GRAMS) 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. 1555

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1555, a bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and longterm illness and disability.

S. 1618

At the request of Mr. GRAHAM, the names of the Senator from Virginia (Mr. ROBB) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1618, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes.

S. 1633

At the request of Mr. MCCAIN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1633, a bill to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

S. 1638

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1678

At the request of Mr. DASCHLE, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1678, a bill to amend title XVIII of the Social Security Act to modify the provisions of the Balanced Budget Act of 1997.

S. 1701

At the request of Mr. SESSIONS, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1701, a bill to reform civil asset forfeiture, and for other purposes.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BURNS) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 190

At the request of Mr. CAMPBELL, the names of the Senator from Nevada (Mr. REID) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 190, a resolution designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week.

AMENDMENT NO. 1825

At the request of Mr. SESSIONS his name was added as a cosponsor of amendment No. 1825 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.

AMENDMENT NO. 1842

At the request of Mr. DOMENICI his name was added as a cosponsor of amendment No. 1842 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.

AMENDMENT NO. 1845

At the request of Mr. HARKIN the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. REID), the Senator from Washington (Mrs. MURRAY), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 1845 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.

AMENDMENT NO. 1861

At the request of Ms. LANDRIEU her name was added as a cosponsor of amendment No. 1861 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.

SENATE RESOLUTION 198—EXPRESSING SYMPATHY FOR THOSE KILLED AND INJURED IN THE RECENT EARTHQUAKES IN TURKEY AND GREECE AND COMMENDING TURKEY AND GREECE FOR THEIR RECENT EFFORTS IN OPENING A NATIONAL DIALOGUE AND TAKING STEPS TO FURTHER BILATERAL RELATIONS

Ms. SNOWE (for herself, Mr. HELMS, Mr. SARBANES, Mr. BIDEN, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Whereas in the wake of the tragic earthquakes which struck Turkey on August 17, 1999, leaving up to 16,000 dead, 24,000 injured, and 100,000 homeless, and Greece on September 7, 1999, killing 143, injuring 1,600, and leaving 16,000 homeless, an improvement of relations between Turkey and Greece has occurred;

Whereas within hours of the earthquake hitting Turkey, Greece sent rescue teams, doctors, firemen, and emergency supplies to Turkey;

Whereas immediately after the earthquake struck Greece, Turkey, already dealing with its own devastation, sent rescue personnel to Greece;

Whereas in July, senior foreign ministry officials of Greece and Turkey held talks, the first talks at this level since 1994, to discuss bilateral cooperation in the fields of tourism, the environment, trade, and the economy as well as cooperation in combating organized crime, illegal immigration, drug-trafficking, and terrorism;

Whereas in September 1999, a second round of talks between senior foreign ministry officials of Greece and Turkey were held as a follow-up to the July meeting, and a third round has been planned for October 1999;

Whereas this spirit of cooperation has led to a warming of relations and confidence building measures, including—

(1) a naval vessel of Greece calling at a port of Turkey for the first time in more than a century;

(2) Greek and Turkish news commentators agreeing to publish their columns in each other's newspapers;

(3) Greece indicating that it is prepared to accept the candidacy of Turkey for membership in the European Union as long as Turkey meets all criteria for membership in the Union; and

(4) Turkey and Greece praising the other for earthquake assistance; and

Whereas the desire to further cultivate relations between Turkey and Greece has created an atmosphere of hope: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sympathy for those killed and injured in the recent earthquakes in Greece and Turkey;

(2) commends, encourages, and supports recent efforts by Greece and Turkey to improve bilateral relations between those countries; and

(3) reiterates the importance of promoting positive bilateral relations between Greece and Turkey, which are of paramount interest to the United States.

SENATE RESOLUTION 199—DESIGNATING THE WEEK OF OCTOBER 24, 1999, THROUGH OCTOBER 30, 1999, AND THE WEEK OF OCTOBER 22, 2000, THROUGH OCTOBER 28, 2000, AS ''NATIONAL CHILDHOOD LEAD POSONING PREVENTION WEEK''

Mr. REED (for himself, Ms. COLLINS, Mr. TORRICELLI, Mr. REID, Mr. LEVIN, Mr. WELLSTONE, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, Mr. SARBANES, Mr. DORGAN, Mr. SCHUMER, Mr. AKAKA, Mr. INOUYE, Mr. CHAFEE, Mrs. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. WYDEN, Mr. CONRAD, Mr. GRAHAM, Mr. DURBIN, Mr. DEWINE, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. SMITH of Oregon, Mr. ROBB, and Mr. FRIST) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 199

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the United States Center for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than those from high income families;

Whereas children may become poisoned by lead in water, soil, or consumable products;

Whereas most children are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. REED. Mr. President, I rise today to submit a resolution which would designate October 24–30, as ''National Childhood Lead Poisoning Prevention Week.'' Despite steady progress over the past two decades to regulate inappropriate uses of lead, the tragedy of childhood lead poisoning remains very real for nearly one million preschoolers in the U.S.

Most children are poisoned in their own homes by deteriorating lead-based paint and lead-contaminated dust. While lead poisoning crosses all barriers of race, income, and geography, most of the burden of this disease falls disproportionately on low-income families or families of color who generally live in older, poorer quality housing. In the United States, children from low-income families are eight times more likely to be poisoned than those from high income families. African American children are five times more likely to be poisoned than white children. Nationwide, almost 22 percent of African American children living in older housing are lead poisoned, a staggering statistic, particularly given the overall decline in blood lead levels in the last decade.

Unfortunately, many communities have not experienced a major decline in blood lead levels. In fact, in some communities, more than half of the preschool children are lead poisoned. Baltimore, Providence, Philadelphia, Milwaukee, St. Louis, and Chicago all have lead poisoning rates that are three to nine times the national average.

Even low levels of exposure to lead impair a child's ability to learn and thrive, causing reductions in IQ and attention span, reading and other learning disabilities, hyperactivity, aggressive behavior, hearing loss, and coordination problems. These effects are persistent and interfere with their success in school and later in life. Research shows that children with elevated blood lead levels are seven times more likely to drop out of high school and six times more likely to have reading disabilities. State health officials believe that the need for certain education services is 40 percent higher among children with significant lead exposure.

Mr. President, lead poisoning is entirely preventable, making its prevalence among children all the more frustrating. In addition, lead poisoning has many dimensions, and therefore we have to tackle it from all directions. Specifically, our efforts should include screening and treating poisoned children, identifying and removing the source of their exposure, educating parents, landlords and entire communities about the dangers of lead, and ensuring that resources to address the problem are available and accessible to all who need them.

I have been working on a number of initiatives in the Senate to address this problem including urging Senate leaders to provide for more funding for lead abatement. Last year, I sponsored an amendment that resulted in an increase of $20 million in funding to eliminate lead hazards in the homes of young children. This year, the Senate has supported a similar figure.

Also, I have become deeply concerned, along with my colleague Senator TORRICELLI, about recent reports that children at risk for lead poisoning are not adequately screened or treated for the disease, even if they are enrolled in Medicaid. Although children enrolled in Medicaid are three times more likely than other children to have high amounts of lead in their blood, the General Accounting Office (GAO) recently reported that less than 20 percent of these young children have been screened for lead poisoning. Even more disconcerting is that half of the states do not have screening policies that are consistent with federal requirements. For this reason, we have introduced the Children's Lead SAFE Act (S. 1120) to ensure that all children at risk of lead poisoning receive their required screenings and appropriate follow-up care by holding states accountable.

Mr. President, I have been working on making important, yet commonsense, policy changes to ensure that children are screened and treated for lead poisoning and to provide critical funding for leadsafe housing. Beyond these efforts, I believe we need to take further steps to raise pubic awareness about the dangers of lead poisoning. Last month, Senator COLLINS and I hosted a Public Health Subcommittee hearing in Rhode Island to highlight the importance of the issue and to hear about the successful approaches undertaken by organizations in my home state to address the problem. We plan to hold a similar hearing in Maine next month. Because lead poisoning is a national problem, we believe it deserves national attention.

That is why Senator COLLINS and I, along with 26 original co-sponsors are introducing this bipartisan resolution that would commemorate the week of October 24–30, 1999 as ''National Childhood Lead Poisoning Prevention Week.'' Designation of a national week for lead poisoning prevention would raise public awareness about the issue and highlight the need to protect children from lead poisoning to ensure their healthy development.

The Senate resolution would serve to further our efforts to recognize lead poisoning as a national problem and declare lead poisoning prevention as a national priority. The proposed resolution would also acknowledge the suffering of the many children with lead poisoning and their parents whose active involvement individually and through grassroots organizations has been instrumental in efforts to reduce lead poisoning. The resolution is supported by the Alliance to End Childhood Lead Poisoning, the Children's Defense Fund, the Environmental Defense Fund, and more than one hundred state and local organizations. Mr. President, I ask unanimous consent that letters of support from the Children's Defense Fund and the Alliance to End Childhood Lead Poisoning, along with the list of the 100 supporting organizations be printed in the RECORD.

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

CHILDREN'S DEFENSE FUND,
Washington, DC, September 27, 1999.

Hon. JACK REED,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REED: I am writing in strong support of resolution to commemorate the week of October 24–30, 1999 as ''National Childhood Lead Poisoning Prevention Week.''

Lead poisoning in children can cause learning disabilities, behavioral problems, and at extremely high levels of poisoning, seizures,

coma, and death. According to the Centers for Disease Control (CDC), about 890,000 children in the United States have elevated blood lead levels, including one in five African-American children living in housing built before 1946. Infants and toddlers are most susceptible because they spend so much of their time with their hands in their mouths—hands that may have been on the floor, on the windowsill, on the wall, along the stairway, places where lead paint particles exist.

Over 80% of the homes and apartments built before 1978 in the United States have lead-based paint in them. Paint doesn't have to be peeling to cause a health problem; particles can circulate in dust and air circulation systems. Although elevated blood lead levels in children have declined in the last few decades, lead poisoning is preventable; any level of lead poisoning in children is too high.

Your resolution will highten awareness of this tragic and preventable health problem. I commend your attention to the issue and look forward to working with you to ensure that all children have the chance to grow up healthy and reach their fullest potential.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

ALLIANCE TO END
CHILDHOOD LEAD POISONING,
Washington, DC, October 7, 1999.

Hon. JACK REED,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REED: I am writing in support of your resolution to designate the last week of October ''National Childhood Lead Poisoning Prevention Week.'' This measure is supported by over 100 local health departments, housing agencies, community-based organizations and lead poisoning prevention programs from across the country (see attached list).

Despite steady progress over the past two decades to regulate inappropriate uses of lead, the tragedy of childhood lead poisoning remains very real for nearly one million preschoolers in the United States. Children are most often poisoned in their own homes by lead-contaminated dust from lead-based paint that is deteriorating or disturbed by repainting or renovation projects.

While lead poisoning crosses all barriers of race, income, and geography, the burden of this disease falls disproportionately on low-income families or families of color, who generally live in older, poorer quality housing. In some communities, more than half of preschool children are lead-poisoned. Even low levels of exposure to lead can impair young children's ability to learn and thrive, causing reduced IQ and attention span, learning difficulties and behavior problems. These effects are persistent and interfere with success in school and later life.

Formal designation of a national week for lead poisoning prevention will instrumentally advance national, state, and local efforts to educate communities about the threat of lead to children. Thank you again for supporting designation of the last week of October ''National Childhood Lead Poisoning Prevention Week.''

Sincerely,

DON RYAN,
Executive Director.

MEMBERS

Alabama State CLPPP, Montgomery, AL.
Alliance To End Childhood Lead Poisoning, Washington, DC.
Anne Arundel Co. Department of Health, Annapolis, MD.
Arab Community Center for Economic and Social Services, Dearborn, MI.
Association of Parents to Prevent Lead Exposure, Cleveland, OH.
Baltimore City Health Department, Baltimore, MD.
Bethel New Life, Inc., Chicago, IL.
Brooklyn Lead Safe House, Brooklyn, NY.
California State CLPPP, Oakland, CA.
California State Dept. of Community Services and Development, Sacramento, CA.
Center for Human Development, Pleasant Hill, CA.
Charlotte Organizing Project, Charlotte, NC.
Chesterfield Health Department, Chesterfield, VA.
Chicago Lawyers' Committee for Civil Rights, Chicago, IL.
Childhood Lead Action Project, Providence, RI.
Citizen Action of New York, Buffalo, NY.
City of Buffalo Division of Neighborhoods, Buffalo, NY.
City of Charlotte Neighborhood Development, Charlotte, NC.
City of Columbus, Columbus, OH.
City of Fort Worth Public Health Department, Fort Worth, TX.
City of Providence Mayor's Office, Providence, RI.
City of Springfield Office of Housing, Springfield, MA.
CLEAR Corps, Baltimore, MD.
Cook County CLPPP, Chicago, IL.
Detroit Health Department; LPPCP, Detroit, MI.
Dorchester Bay Economic Development Corporation, Dorchester, MA.
Douglas County Health Department, Omaha, NE.
Dover Office of LPPP, Dover, DE.
Dubuque Housing Services, Dubuque, IA.
Durham Department of Housing, Durham, NC.
Duval County Health Department, Jacksonville, FL.
Economic and Employment Development Center, Los Angeles, CA.
Ecumenical Social Action Committee, Jamaica Plain, MA.
Environmental Defense Fund, Washington, DC.
Esperanza Community Housing Corporation, Los Angeles, CA.
Greater Minneapolis Day Care Association, Minneapolis, MN.
Hawaii State Department of Health, Honolulu, HI.
Healthy Children Organizing Project, San Francisco, CA.
Houston CLPPP, Houston, TX.
Houston Department of Health and Human Services, Houston, TX.
Hunter College Center for Occupational and Environmental Health, New York, NY.
Indiana State Department of Health, Indianapolis, IN.
Infant Welfare Society, Chicago, IL.
Ironbound Community Corporation, Newark, NJ.
Just a Start Corporation, St. Cambridge, MO.
Kansas City, MO, Health Department—CLPPP, Kansas City, MO.
Kentucky State CLPPP, Frankfort, KY.
LaSalle University Neighborhood Nursing Center, Philadelphia, PA.
Lead-Safe Cambridge, Cambridge, MA.
Lead-Safe Cuyahoga, Cleveland, OH.
Lead Action Collaborative, Boston, MA.
Lead Poisoning Prevention Education and Training Program, Stratford, NJ.
LeadBusters, Inc., Kansas City, KS.
Lisbon Avenue Neighborhood Development, Milwaukee, WI.
Los Angeles County CLPPP, Los Angeles, CA.
Malden Redevelopment Authority, Malden, MA.
Maryland Department of Housing, Crownsville, MD.
Massachusetts State Housing and Community Reinvestment, Boston, MA.
Michigan ACORN, Detroit, MI.
Michigan Department of Community Health, Lansing, MI.
Michigan League for Human Services, Lansing, MI.
Minneapolis Lead Hazard Control Program, Minneapolis, MN.
Missouri Coalition for the Environment, St. Louis, MO.
Missouri State CLPPP, Jefferson City, MO.
Montgomery County Lead Hazard Reduction Program, Dayton, OH.
Mothers of Lead Exposed Children, Richmond, MO.
National Center for Lead-Safe Housing, Columbia, MD.
National Health Law Program, Chapel Hill, NC.
Natural Resources Defense Council, New York, NY.
New Haven Health Department, New Haven, CT.
New Jersey Citizen Action, Highland Park, NJ.
New York City CLPPP, New York, NY.
Ohio Department of Health, Columbus, OH.
Palmerton Environmental Task Force, Palmerton, PA.
Petersburg Health Department, Petersburg, VA.
Phillips Neighborhood Healthy Housing Collaborative, Minneapolis, MN.
Phoenix Lead Hazard Control Program, Phoenix, AZ.
Project REAL—Richmond Redevelopment Agency, Richmond, CA.
Quincy-Weymouth Lead Paint Safety Initiative, Quincy, MA.
Rhode Island Department of Health—CLPPP, Providence, RI.
Rhode Island State Housing, Providence, RI.
Richmond Department of Public Health—Lead-Safe Richmond, Richmond, VA.
San Francisco Mayor's Office of Housing, San Francisco, CA.
Savannah NPCD, Savannah, GA.
Scott Co. Health Department—CLPP, Davenport, IA.
South Jersey Lead Consortium, Bridgeton, NJ.
Southeast Michigan Coalition on Occupational Safety and Health, Detroit, MI.
St. Louis County Government, Clayton, MO.
Syracuse Department of Community Development, Syracuse, NY.
Tenants' Action Group, Philadelphia, PA.
The Way Home, Manchester, NH.
United for Change CDC, Washington, DC.
United Parents Against Lead of Michigan, Paw Paw, MI.
University of Massachusetts Dartmouth Lead Program, New Bedford, MA.
University of Nevada at Las Vegas Harry Reid Center, Las Vegas, NV.
Urban League of Portland, Portland, OR.
Vermont Public Interest Research Group, Montpelier, VT.
West County Toxics Coalition, Richmond, CA.
West Dallas Coalition for Environmental Justice, Dallas, TX.
Wisconsin State CLPPP, Madison, WI.
Wyoming Department of Health—Lead Program, Cheyenne, WY.

• Ms. COLLINS. Mr. President, I am very pleased today to join my colleague, Senator JACK REED, in submitting a resolution designating October 24th–30th as National Childhood Lead Poisoning Prevention Week. This designation will help increase awareness of the significant dangers and prevalence of child lead poisoning across our nation.

Recently, Senator REED and I held a hearing in Rhode Island to address the impact exposure to lead paint can have on children's health and development, and to explore ways to improve our efforts to prevent and eventually eliminate lead poisoning in children.

Great strides have been made in the last 20 years to reduce the threat lead poses to human health. Most notably, lead has been banned from many products including residential paint, food cans and gasoline. These commendable steps have significantly reduced the incidence of lead poisoning. But the threat remains, and continues to imperil, the health and welfare of our nation's children.

In fact, lead poisoning is the most significant and prevalent environmental health threat to children in the U.S. today. Even low levels of lead exposure can have serious developmental consequences including reductions in IQ and attention span, reading and learning disabilities, hyperactivity and behavioral problems. The Centers for Disease Control and Prevention currently estimates that 890,000 children aged 1–5 have blood levels of lead that are high enough to affect their ability to learn.

Today, the major lead poisoning threat to children in found in interior paint that has deteriorated. Unfortunately, it is all too common for older homes to contain lead-based paint. In fact, more than half the entire housing stock—and three quarters of the stock built prior to 1978—contain some lead-based paint. Paint manufactured prior to the residential lead paint ban often remains safely contained and unexposed for decades, but over time, often through the remodeling process or through normal wear and tear, the paint can become exposed, contaminating the home with dangerous lead dust.

Because of the prevalence of older homes in the Northeast, lead poisoning exposure is a significant problem in our region. In Maine, 42 percent of our homes were built prior to 1950. Although screening rates nationally and in my state are considered to be too low, the sampling that has been done in my state shows that in some areas of the state 7–15 percent of children tested have high blood lead levels. In some areas of our country, the percentage is even higher.

Next month, I will hold a hearing in Maine to address the lead-based paint threat in our homes, and what parents can do to protect their children from the risks associated with lead exposure.

Once childhood development is impaired by exposure to lead, the effect is largely irreversible. However, if the presence of lead is detected prior to exposure, then remedial steps can be taken, such as lead containment or abatement, to prevent children from ever being harmed by lead's presence in the home.

We are not helpless to stop this insidious threat. By raising awareness of the prevalence of lead paint in homes, and the steps that can be taken to prevent poisoning, we can stop the life-impairing effects of childhood lead poisoning. I urge my colleagues to support me in raising awareness about childhood lead poisoning by co-sponsoring Childhood Lead Paint Poisoning Prevention Week.●

AMENDMENTS SUBMITTED

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

BOND (AND OTHERS) AMENDMENT NO. 2270

Mr. BOND (for himself, Mr. NICKLES and Mr. HUTCHINSON) proposed an amendment to amendment No. 1825 proposed by Mr. BOND 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:

On page 1 of the amendment, strike all after the first word and insert the following:

____. (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed epidemiological studies that have been conducted of ''work related musculoskeletal disorders of the neck, upper extremity, and low back'' showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary for OSHA and the administration to write an efficient and effective regulation.

(3) An August 1998 workshop on ''work related musculoskeletal injuries'' held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard, regulation, or guideline regarding ergonomics prior to September 30, 2000.

WELLSTONE AMENDMENT NO. 2271

Mr. WELLSTONE proposed an amendment to amendment No. 1880 proposed by Mr. WELLSTONE to the bill, S. 2271, supra; as follows:

Beginning on page 1 of the amendment, strike ''$70,000,000'' and all that follows and insert the following: ''$358,816,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act ($48,816,000 of which shall become available on October 1, 2000 and remain available through September 30, 2001), and''.

BINGAMAN (AND OTHERS AMENDMENT NO. 2272

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. FEINGOLD) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

SEC. 216. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural states, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

BINGAMAN AMENDMENT NO. 2273

Mr. HARKIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1650 supra; as follows:

At the appropriate place in the bill add the following:

SEC. . CONFOUNDING BIOLOGICAL AND PHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

(a) FINDINGS.—The Senate finds that—

(1) The use of polygraph tests as a screening tool for federal employees and contractor personnel is increasing.

(2) A 1983 study by the Office of Technology Assessment found little scientific evidence to support the validity of polygraph tests in such screening applications.

(3) The 1983 study further found that little or no scientific study had been undertaken on the effects of prescription and non-prescription drugs on the validity of polygraph tests, as well as differential responses to polygraph tests according to biological and physiological factors that may vary according to age, gender, or ethnic backgrounds, or other factors relating to natural variability in human populations.

(4) A scientific evaluation of these important influences on the potential validity of polygraph tests should be studied by a neutral agency with biomedical and physiological expertise in order to evaluate the further expansion of the use of polygraph tests on federal employees and contractor personnel.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Director of the National Institutes of Health should enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel, with particular reference to the validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

BINGAMAN (AND FEINGOLD) AMENDMENT NO. 2274

Mr. HARKIN (for Mr. BINGAMAN (for himself and Mr. FEINGOLD)) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

DENTAL SEALANT DEMONSTRATION PROGRAM

SEC. . From amounts appropriated under this title for the Health Resources and Services Administration, sufficient funds are available to the Maternal Child Health Bureau for the establishment of a multi-State preventive dentistry demonstration program to improve the oral health of low-income children and increase the access of children to dental sealants through community- and school-based activities.

BOND (AND OTHERS) AMENDMENT NO. 2275

Mr. SPECTER (for Mr. BOND (for himself, Mr. HARKIN, Mr. ASHCROFT, Mr. GRASSLEY, Mr. CHAFEE, Mr. BIDEN, Mr. WELLSTONE, and Mr. SMITH of Oregon)) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

SEC. . (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to one percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(d) The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (a) as late as July 31, 2000.

BOXER AMENDMENT NO. 2276

Mr. HARKIN (for Mrs. BOXER) proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place add the following:

SEC. ___. (a) FINDINGS.—Congress makes the following findings:

(1) In 1999, prostate cancer is expected to kill more than 37,000 men in the United States and be diagnosed in over 180,000 new cases.

(2) Prostate cancer is the most diagnosed nonskin cancer in the United States.

(3) African Americans have the highest incidence of prostate cancer in the world.

(4) Considering the devastating impact of the disease among men and their families, prostate cancer research remains underfunded.

(5) More resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment and ultimately a cure for prostate cancer.

(6) The Congressionally Directed Department of Defense Prostate Cancer Research Program is making important strides in innovative prostate cancer research, and this Program presented to Congress in April of 1998 a full investment strategy for prostate cancer research at the Department of Defense.

(7) The Senate expressed itself unanimously in 1998 that the Federal commitment to biomedical research should be doubled over the next 5 years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority;

(2) significant increases in prostate cancer research funding, commensurate with the impact of the disease, should be made available at the National Institutes of Health and to the Department of Defense Prostate Cancer Research Program; and

(3) these agencies should prioritize prostate cancer research that is directed toward innovative clinical and translational research projects in order that treatment breakthroughs can be more rapidly offered to patients.

DEWINE AMENDMENT NO. 2277

Mr. SPECTER (for Mr. DEWINE) proposed an amendment to the bill, S. 1650 supra; as follows:

On page 59, line 25, strike ''$1,404,631,000'' and insert ''$1,406,631,000'' in lieu thereof.

On page 60, before the period on line 10, insert the following: '': *Provided further,* That $2,000,000 shall be for carrying out Part C of title VIII of the Higher Education Amendments of 1998.''

On page 62, line 23, decrease the figure by $2,000,000.

HUTCHISON (AND BINGAMAN) AMENDMENT NO. 2278

Mr. SPECTER (for Mrs. HUTCHISON (for herself and Mr. BINGAMAN)) proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . The United States-Mexico Border Health Commission Act (22 U.S.C. 290n *et seq.*) is amended—

(1) by striking section 2 and inserting the following:

''SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border-Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

SPECTER AMENDMENTS NOS. 2279–2280

Mr. SPECTER proposed two amendments to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 2279

On page 50, line 17, strike ''$459,500,000'' and insert in lieu thereof ''$494,000,000''.

AMENDMENT NO. 2280

On page 66, line 24, strike all after the colon up to the period on line 18 of page 67.

COCHRAN AMENDMENT NO. 2281

Mr. SPECTER (for Mr. COCHRAN) proposed an amendment to the bill, S. 1650 supra; as follows:

On page 42, before the period on line 8 insert the following: '': *Provided further,* That sufficient funds shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health''.

WYDEN (AND OTHERS) AMENDMENT NO. 2282

Mr. HARKIN (for Mr. WYDEN (for himself, Mr. GRAHAM, and Mr. SMITH of Oregon)) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 19, line 6, insert before the period the following: '': *Provided further,* That funds made available under this heading shall be used to report to Congress, pursuant to section 9 of the Act entitled 'An Act to create a Department of Labor' approved March 4, 1913 (29 U.S.C. 560), with options that will promote a legal domestic work force in the agricultural sector, and provide for improved compensation, longer and more consistent work periods, improved benefits, improved living conditions and better housing quality, and transportation assistance between agricultural jobs for agricultural workers, and address other issues related to agricultural labor that the Secretary of Labor determines to be necessary''.

MURRAY (AND OTHERS) AMENDMENT NO. 2283

Mr. HARKIN (for Mrs. MURRAY (for herself, Ms. MIKULSKI, Mr. ROBB, Mrs.

LINCOLN, and Mr. REID)) proposed an amendment to the bill, S. 1650, supra; as follows:

Beginning on page 1 of the amendment, strike all after the first word and insert the following:

___. SENSE OF THE SENATE ON WOMEN'S ACCESS TO OBSTETRICAND GYNECOLOGICAL SERVICES.

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

(1) In the 1st session of the 106th Congress, 23 bills have been introduced to allow women direct access to their ob-gyn provider for obstetric and gynecologic services covered by their health plans.

(2) Direct access to ob-gyn care is a protection that has been established by Executive Order for enrollees in medicare, medicaid, and Federal Employee Health Benefit Programs.

(3) American women overwhelmingly support passage of federal legislation requiring health plans to allow women to see their ob-gyn providers without first having to obtain a referral. A 1998 survey by the Kaiser FamilyFoundation and Harvard University found that 82 percent of Americans support passage of a direct access law.

(4) While 39 States have acted to promote residents' access to ob- gyn providers, patients in other State- or in Federally-governed health plans are not protected from access restrictions or limitations.

(5) In May of 1999 the Commonwealth Fund issued a survey on women's health, determining that 1 of 4 women (23 percent) need to first receive permission from their primary care physician before they can go and see their ob-gyn provider for covered obstetric or gynecologic care.

(6) Sixty percent of all office visits to ob-gyn providers are for preventive care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact legislation that requires health plans to provide women with direct access to a participating health provider who specializes in obstetrics and gynecological services, and that such direct access should be provided for all obstetric and gynecologic care covered by their health plans, without first having to obtain a referral from a primary care provider or the health plan.

REED AMENDMENT NO. 2284

Mr. HARKIN (for Mr. REED) proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . The applicable time limitations with respect to the giving of notice of injury and the filing of a claim for compensation for disability or death by an individual under the Federal Employees' Compensation Act, as amended, for injuries sustained as a result of the person's exposure to a nitrogen or sulfur mustard agent in the performance of official duties as an employee at the Department of the Army's Edgewood Arsenal before March 20, 1944, shall not begin to run until the date of enactment of this Act.

STEVENS AMENDMENT NO. 2285

Mr. SPECTER (for Mr. STEVENS) proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place in Title V—GENERAL PROVISIONS of the bill insert the following new section—

SEC. 5 . Section 169(d)(2)(B) of P.L. 105–220, the Workforce Investment Act of 1998, is amended by striking ''or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).'', and inserting in lieu thereof, ''or Alaska Natives.''

DURBIN (AND OTHERS) AMENDMENT NO. 2286

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. DEWINE, Mr. ABRAHAM, and Mr. SPECTER)) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

CHILDHOOD ASTHMA

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, 8.7 in addition to the $*** already provided for asthma prevention programs which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

INOUYE AMENDMENTS NOS. 2287–2288

Mr. HARKIN (for Mr. INOUYE) proposed two amendments to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 2287

At the appropriate place, insert the following:

SEC. (a) The Centers for Disease Control and Prevention shall hereafter be known and designated as the ''Thomas R. Harkin Centers for Disease Control and Prevention''.

(b) Effective upon the date of enactment of this Act, any reference in a law, document, record, or other paper of the United States to the ''Centers for Disease Control and Prevention'' shall be deemed to be a reference to the ''Thomas R. Harkin Centers for Disease Control and Prevention''.

(c) Nothing in this section shall be construed as prohibiting the Director of the Thomas R. Harkin Centers for Disease Control and Prevention from utilizing for official purposes the term ''CDC'' as an acronym for such Centers.

AMENDMENT NO. 2288

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF ARLEN SPECTER DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) IN GENERAL.—The National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the ''Arlen Specter National Library of Medicine''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

HARKIN AMENDMENT NO. 2289

Mr. HARKIN proposed an amendment to the bill, S. 1650, supra; as follows:

On page 39, line 8, strike ''$6,682,635,000'' and insert ''$6,684,635,000''.

On page 40, line 20, strike ''$928,055,000'' and insert ''$942,355,000''.

On page 41, line 14, reduce the figure by $10,300,000.

On page 62, line 23, strike ''$378,184,000'' and insert ''$372,184,000''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a Full Committee hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place Thursday, October 14, 1999, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1683, a bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; S. 1686, to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; S. 1702, a bill to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native Children and their descendants, and for other purposes; H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes; and H.R. 2368, the Bikini Resettlement and Relocation Act of 1999. There will be testimony from the Administration, and other interested parties.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled ''Conquering Diabetes: Are We Taking Full Advantage of the Scientific Opportunities For Research?'' This Subcommittee hearing will examine the devastating impact that diabetes and its resulting complications have had on Americans of all ages in both human and economic terms. Additionally, we will review the recent recommendations of the Congressionally-established Diabetes Research Working Group and will look at the current Federal commitment to diabetes research to determine if sufficient funding has been provided to take advantage of the unprecedented opportunities to ultimately conquer this disease and its complications.

The hearing will take place on Thursday, October 14, 1999, at 9:30 a.m., in Room 628 of the Dirksen Senate Office Building. For further information, please contact Lee Blalack of the Subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, October 7, 1999. The purpose of this meeting will be to discuss the regulation of products of biotechnology and new challenges faced by farmers and food businesses.

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

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, October 7, 1999, in open and closed sessions, to receive testimony on the ability of the Stockpile Stewardship Program to adequately verify the safety and reliability of the U.S. nuclear deterrent under a comprehensive test ban treaty.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, October 7, 10:00 a.m., Hearing Room (SD–406), on water infrastructure legislation, including the following three bills: S. 968, Alternative Water Sources Act of 1999; S. 914, Combined Sewer Overflow Control and Partnership Act of 1999; and the Clean Water Infrastructure Financing Act of 1999, a bill to be introduced by Senator VOINOVICH.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 7, 1999 at 10:30 a.m. and 2:00 p.m. to hold two hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Thursday, October 7, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, October 7, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Thursday, October 7, 1999 beginning at 2:00 p.m. in Dirksen Room 226.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 7, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 7, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 7, for purposes of conducting a subcommittee hearing, which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1183, a bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; and S. 397, a bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on International Security, Proliferation and Federal Services be permitted to meet on Thursday, October 7, 1999, at 2:00 p.m. for a hearing on Guidelines for the Relocation, Closing, Consolidation or Construction of Post Offices.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Finance, Subcommittee on International Trade be permitted to meet on Thursday, October 7, 1999 at 10:00 a.m. to hear testimony on the United States Agricultural Negotiating Objectives for the Seattle WTO Ministerial Conference.

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

ADDITIONAL STATEMENTS

1999 REUNION OF MEMBERS OF FOX DIVISION, USS ''ROCHESTER''

● Mr. ABRAHAM. Mr. President, I rise today to recognize the fighting men of the Fox Division, United States Navy, USS *Rochester* (CA–124), who bravely served our country in the Korean Conflict from June, 1950 to March, 1953. Aboard the USS *Rochester*—the flagship of the Commander Seventh Fleet—the men of the Fox Division participated in nearly every major naval engagement along the Korean Peninsula. The Fox Division's three teams: the Main Plot, the Sky Plot, and the Mark 56 directors, shared the critical responsibility of operating, repairing, and maintaining the complex equipment which ensured the accuracy of the *Rochester*'s weapons systems. They accomplished these tasks with outstanding success.

The Fox Division recently celebrated their 1999 reunion in Frankenmuth, Michigan. Some of these reunited shipmates had not seen each other in over 45 years. Included among their ranks were:

Jerry Barca; John Brothers; Robert Cadden; Russell Daniels; Farrell Ferguson; Sheri Holman, representing her late husband Bob Holman; Bill Hontz; Marv Hufford; Larry Kobie; Tony Kontowicz; Leo Lane; Charles Newsham; Bobby Page; Carl Ray; Ronald Richards; Pete Russell; Roland Schneider; Donald Spencer; and Joe West.

Today I join my colleagues in thanking the men of the Fox Division for defending the cause of democracy, and for preserving our country's national security. I am proud to say that these veterans are an inspiration to all of us. By dedicating a portion of their lives to the service of their country, they have helped guarantee the freedom we Americans hold so dear. Our nation is grateful to each and every member of the Fox Division, USS *Rochester*, for their outstanding dedication and commitment to the United States of America.●

VIOLENCE IN MICHIGAN

● Mr. LEVIN. Mr. President, this week, students at Erickson Elementary School and Willow Run High School are mourning the deaths of their peers. On Sunday afternoon, gun fire cut short the lives of two young boys in Ypsilanti Township. Sixteen year old Ernest Earl Lemons was shot in plain daylight, after a fight broke out between young people. Nine year old Cullen Ethington, who was a half a block away, was also killed by a stray bullet from that fight.

Both young people are now being remembered by their classmates and teachers. The tree where Lemons fell,

after he was shot, is now decorated with teddy bears. Students at Erickson are planning to plant a tree or flowers in honor of the short life of fourth grader Cullen Ethington, who will be memorialized by his classmates as a peer mediator who helped students resolve their disputes without violence.

School children are too often the victims of senseless gun violence. Gun violence results in injury and death, destroys families, and causes lasting psychological and emotional harm. In Michigan, each school is now forced to handle the trauma of children losing other children to gunfire. As many other school districts now know, violence and the fear of violence is not only tragic for individuals and families involved, it also interferes tremendously with the educational process. Students at Erickson, for example, are now spending time at school with trauma teams learning how to cope with death while their peers at other schools are learning about the pilgrims and practicing for the school play.

Congress must act now to end the proliferation of gun violence. Like young Cullen, we must not only make a pledge to live our lives without violence, but must also send a message to others that violence is never the answer.

My thoughts and prayers go out to the both the Ethington and the Lemons families.●

WILDERNESS DESIGNATIONS

● Mr. CRAIG. Mr. President, given the recent creation of the Wilderness and Public Lands Caucus and the ongoing debate on public land management, I think that all views on this complicated and emotional issue are vital to the discussion. Therefore, I ask that a brief statement from the Wilderness Act Reform Coalition, a group from my home State of Idaho be printed in the RECORD for all Senators to read and consider.

The article follows:

THE WILDERNESS ACT REFORM COALITION

WHY WE ARE ORGANIZING

September 3, 1999 marks the 35th anniversary of the passage of the Wilderness Act. During those 35 years, it has never been substantively amended. Yet, the history of the application of the Wilderness Act to the public's lands and resources provides overwhelming evidence that it must be significantly reformed if the public interest is to be served.

September 3, 1999 also marks the launch of the Wilderness Act Reform Coalition (WARC), the first serious effort to reform this antiquated and poorly-conceived law. Much has changed since the Wilderness Act became law in 1964. Dozens of other laws have been passed since then to protect and responsibly-manage all of the public's lands and resources. Underpinning all of these laws—and guaranteeing their enforcement—is a public sensitivity and commitment to wise resource management which was not present two generations ago when the Wilderness Act was enacted.

Over this same time period our knowledge and understanding of how to accomplish this kind of wise and responsible resource management has increased exponentially. The demand side of the public's interest in their lands and resources has also increased exponentially. Recreation demand, for example, has increased far beyond what anyone could have anticipated 35 years ago and it has done so in directions which could not have been foreseen in 1964. Demand for water, energy and minerals, timber and other resources continues to go up as well.

All of this means that as the 21st Century dawns we find ourselves facing more complex natural resources realities and challenges than ever before in our history. Meeting these challenges while at the same time serving the broad public interest will require careful and thoughtful balancing of all resource values with other social goals. It will also require integrating them all into a comprehensive management approach which will provide the greatest good for the greatest number of Americans over the longest period of time.

These lands and resources, after all, belong to all of the American people. They deserve to enjoy the maximum benefits from them. Yet, the Wilderness Act, with its outdated, inflexible, and anti-management requirements, presently locks away over 100 million acres of the public's lands and resources from this kind of intelligent and integrated resource management. The inevitable result is the numerous negative impacts and damage to other resource values which are becoming increasingly apparent on the public's lands. The Wilderness Act remains frozen in another era. Due to the exponential changes which have occurred since it was passed, that era lies much further in the past than a mere 35 year linear time line would suggest.

OUR GOALS AND OBJECTIVES

The Wilderness Act Reform Coalition is being organized by members of citizen's groups and local government officials who have experienced firsthand the limitations and problems the Wilderness Act has caused. It has a simple mission: to reform the Wilderness Act. In carrying out that mission, the Coalition has identified two primary goals towards which it will initially work.

The first goal is to make those changes in the wilderness law which are essential to mitigate the most serious resource and related problems it is causing. These problems range from prohibiting the application of sound resource management practices where needed to hampering important scientific research and jeopardizing our national defense.

The second goal of the coalition is to use the failings of the Wilderness Act to help educate the public, the media and policy makers on the fundamentals of natural resource management. Most of the ''conventional wisdom'' about natural resource management to which most of them presently subscribe is simply wrong. It is essential that the public be better educated on the facts, the realities, the challenges and the options before there can be any responsible or useful policy debate on the most fundamental problems with the Wilderness Act or, for that matter, any of the other federal management laws and policies which also need to be reformed. That is why the Coalition has chosen a comparatively limited reform agenda for this opening round in what we recognize ultimately must be a broader and more comprehensive national policy debate.

OUR REFORM AGENDA

The Coalition currently advocates the following reforms of the Wilderness Act:

1. Developing a mechanism to permit active resource management in wilderness areas to achieve a wide range of public benefits and to respond to local needs. The inability or unwillingness of managers to intervene actively within wilderness areas to deal with local resource management problems or goals has resulted in economic harm to local communities and damage to other important natural resource and related values and objectives. The Coalition supports the creation of committees composed of locally-based federal and state resource managers, local governments, local economic interests and local citizens which will initiate a process to override the basic non-management directive of the Wilderness Act on a case-by-case basis.

2. Establishing a mechanism for appeal and override of local managers for scientific research. Wilderness advocates often tout the importance of wilderness designation to science. The reality, however, is that agency regulations make it difficult or impossible to conduct many scientific experiments in wilderness, particularly with modern and cost-effective scientific tools. Important scientific experiments have been opposed simply because they would take place within wilderness areas. A simple, quick and cheap appeal process must be created for scientists turned down by wilderness land managers.

3. Making it clear that such things as use of mechanized equipment and aircraft landings can occur in wilderness areas for search and rescue or law enforcement purposes. There have been incidents where these have been prevented by federal wilderness managers.

4. Requiring that federal managers use the most cost-effective management tools and technologies. These managers have largely imposed upon themselves a requirement that they use the ''least tool'' or the ''minimum tool'' to accomplish tasks such as noxious weed control, wildfire control or stabilization of historic sites. In practice, this means that hand tools are often used instead of power tools, horses are employed instead of helicopters and similar practices which waste tax dollars.

5. Clarifying that the prohibition on the use of mechanized transportation in wilderness areas refers only to intentional infractions. This would be, in effect, the ''Bobby Unser Amendment'' designed to prevent in the future the current situation in which he is being prosecuted by the federal government for possibly driving a snowmobile into a wilderness area in Colorado while lost in a life-threatening blizzard.

6. Pulling the boundaries of wilderness areas and wilderness study areas (WSA's) back from roads and prohibiting ''cherrystemming.'' In many cases, the boundaries of wilderness areas and WSA's come right to the very edge of a road. Lawsuits have been filed or threatened against counties for going literally only a few feet into a WSA when doing necessary road maintenance work. It is clearly impossible to have a wilderness recreational experience in close proximity of a road. When formal wilderness areas are designated, the current practice is to pull the boundaries back a short distance from roads, depending on how the roads are categorized. That distance should be standardized and extended, probably to at least a quarter of a mile. The practice of ''cherrystemming,'' or drawing wilderness boundaries right along both sides of a road to its end, sometimes for many miles, is a clear violation of the intent of the Wilderness Act that wilderness areas must first and foremost be roadless. It must be eliminated.

7. Permitting certain human-powered but non-motorized mechanized transport devices in wilderness areas. This would include mountain bikes and wheeled ''game carriers'' and similar devices. The explosion of mountain biking was not envisioned by the Congress when the Wilderness Act was passed.

Opening up those wilderness areas which are suitable to mountain biking would provide a high quality recreation experience to more of the Americans who own these areas. Use of these human-powered conveyances would also reduce pressure on these areas in a number of ways, such as by dispersing recreation use over a wider area. At the same time opening these areas can also reduce the current or potential conflicts between various recreation uses on land outside of designated wilderness. The impact on the land from these types of mechanized recreation uses would be minimal to non-existent. Their presence in wilderness areas would not cause problems on aesthetic grounds for any but the most extreme wilderness purists and they represent only a tiny fraction of the Americans who own these lands.

8. Requiring that the resource potential in all WSA's and any other land proposed for wilderness be updated at least every ten years. For example, mineral surveys and estimates of oil and gas potential completed on many of the WSA's on BLM-managed land which have been recommended for wilderness designation are now 10 to 15 years old and in some cases even older. These reviews were often not very thorough even by the standards and technology available then, much less what is available now. Before any additional land is locked up in wilderness, Congress and the American people should at least have the best and most up-to-date information on which to weigh the resource trade offs and make decisions.

9. Stating clearly that wilderness designation or the presence of WSA's cannot interfere with military preparedness. In a number of instances, conflicts related to military overflights of designated or potential wilderness areas, or to the positioning of essential military equipment on the ground in these areas, poses a threat or a potential threat to our defense preparedness. The Coalition will push for clarification that when considering the impacts of any mission certified by the military as essential to the national defense, wilderness areas or WSA's will be treated exactly the same as any other land administered by that agency.

10. Clarifying that wilderness designation or WSA designation will not in and of itself result in any management or regulatory changes outside the wilderness or WSA boundaries. This change is essential to prohibit federal agencies or the courts from taking actions to impose any type of ''buffer zones'' around these areas, including such things as special management of ''viewsheds'' or asserting wilderness-based water rights.●

RECOGNIZING THE AMERICAN ASSOCIATION ON MENTAL RETARDATION ILLINOIS CHAPTER'S 1999 DIRECT SERVICE PROFESSIONAL AWARD WINNERS

● Mr. DURBIN. Mr. President, I take this opportunity to honor those who have enriched the lives of men and women with disabilities. Each year the Illinois chapter of the American Association on Mental Retardation recognizes the work of Illinoisans who have dedicated and committed their lives to helping people with disabilities.

These award winners live in Illinois and play an important role in the lives of Illinoisans with disabilities. A 1999 Direct Service Award winner is someone who devotes more than 50 percent of their time working hands-on with their client. These award winners work directly with their clients with commitment, sensitivity, professionalism, and patience. These qualities set them apart and increase their value to their patients.

It is important we recognize these individuals who go beyond the call of duty to improve the lives of others. We should note that these individuals do not only enrich the lives of those for whom they care, but enrich our lives as well. They represent the true spirit of community service.

It is my honor and privilege to recognize the achievements of the following distinguished Illinois direct service professionals: Linda Barnes, Karen Catt, Candace Fulgham, Ross Griswold, Delores Hardin, Cathey Hardy, Raterta Kalish, Eldora Madison, Anita Martin, Vickie Mckenny, Ida Mitchell, Michael Peters, Noreen Przislicki, Douglas S. Revolinski, Angelo Reyes, Karie Rosenown, Laureen Saathoff, Ruby Sandefur, Emma Smith, and Kathie Tillman. It is a privilege to represent these award winners in the United States Senate.

Again, I applaud them for their lifetime effort and their dedication to better the lives of others who are less fortunate. These distinguished men and women are heroes in their field, and I am proud to recognize their work.●

DAVID ''MOOSE'' MILLER

● Mr. BURNS. Mr. President, I rise today to pay tribute to David ''Moose'' Miller, husband, father, friend, community leader, sports enthusiast, and owner of the nationally known watering hole, Moose's Saloon, who lost his life to cancer recently. Moose had battled cancer for the last year and convinced himself and others that he would beat it. Today, in Kalispell, Montana, family and friends are remembering Moose Miller and I would like to take a moment to make a special acknowledgement to such a great man.

Moose played football for the University of Montana, served his country in the U.S. Army, and with his wife, converted the Corral Bar to the famous Moose's Saloon. Swinging doors, sawdust on the floor, initials carved into the heavy tables, the best pizza around, and the rustic atmosphere attracted people from all walks of life and all ages. Whether you're from Kalispell, Montana, Peoira, Illinois, or Washington, D.C., you likely know someone who knows of Moose's Saloon and Moose Miller.

I had the privilege of knowing Moose. Moose not only owned and ran a successful business in the Flathead Valley, he gave back to the community in many ways. The Kalispell Chamber of Commerce honored him as its Great Chief in 1986, recognizing his years of community service. He and his ''elves'' made Christmas special for many people, especially the handicapped, each year for several years, he donated proceeds from the kitchen to support the March of Dimes, was an active supporter of the University of Montana and helped administer the Flathead Youth Foundation.

Moose is leaving behind a wife, Shirley; his children; Bruce, Wallis, Royce, Lexie, Lee and Aimee; his grandchildren, Zach, Anne, Lexie, Leah, Alicia, Hannah, and Zane; and his sister, Marcie.

I know that Moose will be missed by his family and friends, as well as the entire community. May God bless them all and may his memory live on.●

JOHN ''JACK'' J. DRISCOLL

● Mrs. BOXER. Mr. President, on the occasion of his retirement as executive director of the Los Angeles World Airports, LAWA, I would like to recognize the important contribution Jack Driscoll has made to the City of Los Angeles and to the economy of Southern California over the past seven years.

Jack Driscoll was appointed executive director in December of 1992. His record of accomplishment can best be shown in the outstanding quality of management and development at the city's four airports: Los Angeles International, LAX, Ontario International, Palmdale Regional, and Van Nuys.

Under Mr. Driscoll's financial management, LAWA has increased its operating income by an overwhelming 329 percent through the combination of reorganization, streamlining measures, and renegotiating contracts with airport tenants. Revenues from non-aviation sources, including updated concessions and new vendor contracts, have nearly equaled revenues from aviation sources. In fact, leading investment rating agencies have rewarded LAX with their highest ratings for a stand-alone airport.

Even in adversity, Mr. Driscoll worked to maintain quality in service and operations. He was at the reins of LAWA during a major dispute between the City of Los Angeles and the airlines over landing fees. During litigation at LAX, he revived the dormant, 12-year-old plans to build new terminals at Ontario International Airport. With Mr. Driscoll's direction, this $270-million project was completed four months ahead of schedule and $26 million under budget. These new terminals put ONT in position to bring regional solutions to meet Southern California's ever-growing air transport needs and made it the only airport in the region with new facilities to do so.

In addition, Mr. Driscoll initiated the LAX Master Plan, a long-term process to guide development of LAX to meet air passenger and cargo demands for the next 20 years. Since 1992, LAX has become the third busiest passenger airport in the world and the second busiest air cargo airport in the world.

To offset this growth, Mr. Driscoll committed LAWA to undertake major noise reduction and management programs, including nearly $500 million in programs for residential soundproofing

and compatible land-use; recycle water programs; and a variety of clean air programs, including alternative-fuel vehicles and traffic mitigation. All of these programs have received awards from environmental organizations and regulatory agencies for outstanding achievement.

I wish Jack Driscoll well and thank him for his contribution towards improving Southern California's aviation gateway.●

IN MEMORY OF JIM DEFRANCIS

● Mr. ABRAHAM. Mr. President, I rise today in memory of Jim Upton DeFrancis: a great politician, a great historian, and a great family man, who died on January 1 of this year.

Jim DeFrancis was one of the most influential people in the political field, always maintaining political savvy—but not sacrificing perspective, an incredible sense of humor, and a belief that politics was an avenue for serving others. Very early in my career, I had the good fortune of working for Jim in Senator Bob Griffin's office. I will never forget the many lessons I learned from him—both directly and simply by working near him. One couldn't help but learn from Jim DeFrancis.

In addition to his 10 years with Senator Griffin, Jim DeFrancis was an integral member of the presidential campaigns of Gerald Ford and George Romney. As a member of the staff of these politicians, Jim was able to avoid the spotlight while serving Michigan and national politics, in the honorable and professional manner for which now he is recognized as a very significant member of Michigan political history.

Jim's love of politics was rooted in his love of history. He especially enjoyed reading about Winston Churchill. An avid reader, Jim collected any book on Winston Churchill that he could find, as well as other artifacts related to the late Prime Minister. During difficult times, Jim would look at Churchill's life as a model, gaining inspiration and guidance.

And while Jim's contribution to politics is exceptional—in his very actions, he inspired us to work for others through politics—his true love was his family. More than anything else, Jim DeFrancis was a family man. Survived by his wife, three sons, his mother and sister, his family was the real focus of his life. Everyone who came in contact with him would quickly learn about his family—as he always found a way to bring them up in a conversation.

Jim DeFrancis' devotion to his family, his friends, and his career was matched by few and will be deeply missed by those who knew him. We will never forget Jim—crossing paths with Jim DeFrancis was sure to leave a lasting impact. And it is this lasting, far-reaching impact that Jim's life has had on those who knew him which calls to mind a quote that I think Jim would appreciate, not only because it is a quote by Winston Churchill, but because I believe Jim would be moved to know what an influence he had on us:

''This is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.''●

BUDDY CHARLES

● Mr. DURBIN. Mr. President, I rise today to take note of an upcoming milestone in the career of a man from Illinois whose musicianship, warmth and exuberance have brought joy to all who have heard him play and sing over the past 52 years.

On Saturday, October 9th, Mr. Buddy Charles will play the final night of his most recent engagement—a 9-year stand at the Drake Hotel in Chicago. Buddy Charles is no less than a living encyclopedia of what critics call the ''Golden Age'' of American popular music. During the period from about 1920 to 1950, the Gershwins, Arlens, Berlins and Carmichaels of the world produced a rich legacy of songs. Although recorded versions of these songs are numerous, they are kept alive in a special way by entertainers such as Buddy Charles.

Buddy is a lifelong Chicagoan, born there 72 years ago, raised on the North Side, and a graduate of Loyola University. The roster of clubs in which he has performed since 1946 reads like a history of night life and entertainment in Chicago: London House, Spaghetti Bowl, Dubonnet, Casino, Drum Lounge. . . .

Perhaps his most memorable stand—chronicled frequently by the Chicago news media—was his 18-year engagement, from 1972 to 1990, at the Acorn on Oak. There he could be found, as the Chicago Tribune wrote, ''shouting and singing when most sensible people are sleeping and dreaming, the most devilishly delightful creature of the city night.''

And it was there that Buddy became the favorite entertainer of two of Chicago's most famous personalities—Mike Royko and Harry Caray. When Mike's memorial service was held two years ago in Wrigley Field, there was Buddy at home plate, playing and singing Royko's favorite song.

Buddy's music and personality have provided refuge, relief and delight to four generations of music lovers. And through all those years, he has also been a loving husband to his wife of 45 years, Pat, a caring father to their now-grown children Teresa, Christopher, Tabitha and Amanda, and a daily churchgoer and teacher of catechism.

He has given himself to thousands of people through his music. Although it is a little sad that he won't be dispensing his brand of joy on a nightly basis any more, it is reassuring to know he is available to play when someone asks.

My sincerest good wishes to Buddy Charles and his family on this important occasion.●

FREDERIK MEIJER GARDENS DEDICATION OF LEONARDO DA VINCI SCULPTURE, IL CAVALLO

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate Frederik Meijer and the Frederik Meijer Gardens as they unveil and dedicate the Da Vinci sculpture Il Cavallo (the horse).

Frederik Meijer's incredible generosity and foresight enabled Il Cavallo to be seen at its permanent home in the Frederik Meijer Gardens. In an effort to fulfill his dream of creating a world class sculpture garden Frederik Meijer and the City of Milan, Italy (where an identical sculpture is located) allowed for the work of Da Vinci to be recommissioned and created. Il Cavallo was originally sketched and commissioned by Da Vinci in 1482 and he continued to work on it for fourteen years. However, the bronze intended to cast the sculpture was used to make cannons to defend the city of Milan, therefore Da Vinci never completed the work.

In 1977, after reading an article about the horse that Da Vinci never had the chance to create, amateur sculpture and pilot, Charles Dent created the first model of Il Cavallo. After his death in 1994 Nina Akamu sculpted the Il Cavallo that is on display today. The sculpture was cast using twenty thousand pounds of bronze, stands twenty-four feet tall and weighs fifteen tons.

Frederik Meijer is to be thanked and commended for carrying out his vision and giving a world class gift to the city of Grand Rapids and the people of Michigan. Nearly five hundred years ago Da Vinci had the vision for this great horse. Due to the acts of Frederik Meijer, a great humanitarian, this rare and magnificent work of art will stand tall in the Frederik Meijer Gardens for all to see for many years to come.●

EXPRESSING SYMPATHY FOR THOSE KILLED AND INJURED IN EARTHQUAKES IN TURKEY AND GREECE

Mr. SMITH of New Hampshire. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 198, submitted earlier by Senator SNOWE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 198) expressing sympathy for those killed and injured in the recent earthquakes in Turkey and Greece and commending Turkey and Greece for their recent efforts in opening a national dialog and taking steps to further bilateral relations.

The Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and

that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 198

Whereas in the wake of the tragic earthquakes which struck Turkey on August 17, 1999, leaving up to 16,000 dead, 24,000 injured, and 100,000 homeless, and Greece on September 7, 1999, killing 143, injuring 1,600, and leaving 16,000 homeless, an improvement of relations between Turkey and Greece has occurred;

Whereas within hours of the earthquake hitting Turkey, Greece sent rescue teams, doctors, firemen, and emergency supplies to Turkey;

Whereas immediately after the earthquake struck Greece, Turkey, already dealing with its own devastation, sent rescue personnel to Greece;

Whereas in July, senior foreign ministry officials of Greece and Turkey held talks, the first talks at this level since 1994, to discuss bilateral cooperation in the fields of tourism, the environment, trade, and the economy as well as cooperation in combating organized crime, illegal immigration, drug-trafficking, and terrorism;

Whereas in September 1999, a second round of talks between senior foreign ministry officials of Greece and Turkey were held as a follow-up to the July meeting, and a third round has been planned for October 1999;

Whereas this spirit of cooperation has led to a warming of relations and confidence building measures, including—

(1) a naval vessel of Greece calling at a port of Turkey for the first time in more than a century;

(2) Greek and Turkish news commentators agreeing to publish their columns in each other's newspapers;

(3) Greece indicating that it is prepared to accept the candidacy of Turkey for membership in the European Union as long as Turkey meets all criteria for membership in the Union; and

(4) Turkey and Greece praising the other for earthquake assistance; and

Whereas the desire to further cultivate relations between Turkey and Greece has created an atmosphere of hope: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sympathy for those killed and injured in the recent earthquakes in Greece and Turkey;

(2) commends, encourages, and supports recent efforts by Greece and Turkey to improve bilateral relations between those countries; and

(3) reiterates the importance of promoting positive bilateral relations between Greece and Turkey, which are of paramount interest to the United States.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse: Robert L. Marginnis, of Virginia (two-year term); June Martin Milam, of Mississippi (Representative of a Non-Profit Organization) (three-year term).

DESIGNATING OCTOBER 15, 1999, AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 179, designating October 15, 1999, as ''National Mammography Day.''

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 179) designating October 15, 1999, as ''National Mammography Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 179) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 179

Whereas according to the American Cancer Society, in 1999, 175,000 women will be diagnosed with breast cancer and 43,300 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is currently 97 percent: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 15, 1999, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. Mr. President, as in executive session, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nomination; and further, the Senate proceed to its immediate consideration:

Andrew Fish, to be Assistant Secretary of Agriculture.

I further ask unanimous consent that the Senate proceed, en bloc, to the following nominations on the calendar:

Nos. 236, 250, 251, and 252.

Finally, I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Andrew C. Fish, of Vermont, to be an Assistant Secretary of Agriculture.

DEPARTMENT OF THE TREASURY

John D. Hawke, Jr., of the District of Columbia, to be Comptroller of the Currency for a term of five years.

DEPARTMENT OF JUSTICE

Robert Raben, of Florida, to be an Assistant Attorney General.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John Hollingsworth Sinclair, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

ORDERS FOR FRIDAY, OCTOBER 8, 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, October 8. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session for consideration of the Comprehensive Nuclear Test Ban Treaty.

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

AMENDMENT FILING DEADLINE

Mr. SMITH of New Hampshire. Mr. President, as in executive session, I ask unanimous consent that the deadline for amendments to be filed at the desk on the Nuclear Test Ban Treaty be 9:45 a.m. on Tuesday, October 12.

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

UNANIMOUS CONSENT AGREEMENT—AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that debate resume on the Agriculture appropriations conference report at 4:30 p.m. on Tuesday, October 12, and the time be equally divided between the two leaders.

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

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, the Senate will begin consideration of the Nuclear Test Ban Treaty at 9:30 a.m. on Friday. By previous consent, debate time is limited to 14 hours equally divided between the two leaders. Debate on the treaty is expected to take place throughout the day tomorrow and will resume at 9:30 a.m. on Tuesday.

As a reminder, cloture was filed on the conference report to accompany the Agriculture appropriations bill today.

By a previous consent, the Senate will proceed to the cloture vote Tuesday, October 12, at 5:30 p.m. It is hoped that the vote regarding the Nuclear Test Ban Treaty can be stacked to follow that 5:30 vote. Therefore, the next rollcall vote will occur at 5:30 p.m. on Tuesday, October 12.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Friday, October 8, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 7, 1999:

DEPARTMENT OF THE TREASURY

JOHN D. HAWKE, JR., OF THE DISTRICT OF COLUMBIA, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF FIVE YEARS.

DEPARTMENT OF AGRICULTURE

ANDREW C. FISH, OF VERMONT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ROBERT RABEN, OF FLORIDA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ROBERT S. MUELLER, III, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS.

JOHN HOLLINGSWORTH SINCLAIR, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.